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House of Representatives

The House met at 9:30 a.m. and was called to order by the Speaker pro tempore (Mr. WEBSTER).

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
June 22, 2011.

I hereby appoint the Honorable DANIEL WEBSTER to act as Speaker pro tempore on this day.

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

MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 5, 2011, 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 11:20 a.m.

THREE OF THE TOP PERFORMING MIDDLE GRADES SCHOOLS IN THE COUNTRY

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

Mr. THOMPSON of Pennsylvania. Mr. Speaker, this week, three middle schools located in Pennsylvania's Fifth Congressional District—Mount Nittany Middle School in State College, Park Forest Middle School in State College, and Titusville Middle School in Titusville—have been named three of the top performing middle grades schools in the country by the National Forum to Accelerate Middle Grades Reform. I rise today to recognize and congratulate these three schools for this noteworthy achievement.

The National Forum to Accelerate Middle Grades Reform is an alliance of more than 70 educators, researchers, and officers of national associations and foundations dedicated to improving schools for young adolescents across the country. Every year, the forum, through their Schools to Watch program, identifies schools across the United States for their high performance.

The forum's members believe that three things are true of high-performing middle grades schools: They are academically excellent; developmentally responsive schools that are sensitive to the unique developmental challenges of early adolescents; and socially equitable, schools that are democratic and fair, providing every student with high-quality teachers, resources, and supports.

Later this week, these three schools will be recognized with 97 other high-performing schools from across the Nation during the forum's annual conference. I am proud to represent these incredible teachers, administrators, and students. These outstanding efforts deserve recognition, and I want to congratulate all of you for this awesome achievement.

PROTECT OUR WORKERS FROM EXPLOITATION AND RETALIATION ACT

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

Ms. CHU. I rise today to announce the introduction of legislation that will finally provide protection to immigrant workers from exploitation, the Protect Our Workers from Exploitation and Retaliation Act, the POWER Act.

Too often, unscrupulous employers threaten or retaliate against workers who complain about illegal working conditions. Today, employers can use a worker's immigration status and threaten them so that they will fear reporting them to the authorities. The abuse of these vulnerable workers undermines working conditions and wages for all U.S. workers.

The POWER Act protects these workers. Under current law, the U visa provides temporary status for immigrants who are victims of crimes, including domestic violence and rape. The POWER Act ensures that this visa protection is also provided to these workers who risk everything by reporting to authorities the employers who break the law by committing serious labor violations.

Today, such workers are silent out of fear, but silence can mean the difference between life and death. Take the case of Mr. Asuncion Valdivia, a farmworker who came from Mexico seeking a better life. One day, during the hot summer months, he picked grapes for 10 hours straight in 105 degree temperatures. Then he fell over, unconscious and ill. Instead of calling an ambulance, Giumarra Vineyards told his son to drive Mr. Valdivia home. On his way home, the father started foaming at the mouth and died of a heat stroke. A son had to witness his father die, a preventible death, at the age of 53.

After hearing about this tragedy, I had to act. For 15 years, the farmworker advocates had petitioned Cal OSHA for minimal health protections for the workers who perished and died working in heat, but they were always ignored. So I carried a bill in the California legislature that required that farmworkers and all outdoor workers have basic protections from the heat: water, shade, and rest periods. It passed and became the first law of its kind in the Nation.

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A decade after that law, I am in Congress. And while some farms obey the heat protections, others are flagrantly violating it. The POWER Act will stop these violations. It would have let someone like Asuncion go to the authorities without fear of retaliation. It would have let him continue to work while he cooperated with Cal OSHA to take Giumarra to court and would have ensured that Giumarra treated all their workers fairly from then on. And I hope that because of the POWER Act, a son will never have to watch a father die in this way again.

The POWER Act will bring abused workers out of the shadows. It will give employees the courage to stand up to the world's biggest and strongest companies. The POWER Act will fundamentally change the very structure of workers' rights in this country. It supports every honest, hardworking employees across the country, protecting them. It's time that exploited workers were able to come out of the shadows, leave cruel conditions, and find jobs where they are treated with the dignity and respect that every employee in America deserves. It's time for the POWER Act.

RUSSIA

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

Mr. DREIER. Mr. Speaker, in August of 2008, Russia and the Republic of Georgia engaged in what author Ronald Asmus called ''A Little War That Shook the World.'' And, Mr. Speaker, it did shake the world. For all of post-Soviet Russia's anti-democratic crackdowns, its aggressive and bellicose actions toward former Soviet states, it was still a shock to see Russian tanks roll across the border of a sovereign, democratic country. The military conflict lasted 5 days; and a shaken world moved on, soon forgetting the shock and outrage of what happened.

But for the people of the Republic of Georgia, this conflict goes on nearly 3 years later. They live with the tragic consequences that follow any armed conflict, including thousands of displaced persons and significant economic hardships. Beyond the human cost, they face a long-term strategic challenge of an occupying force in the regions of Abkhazia and South Ossetia where Russia continues to violate the terms of the ceasefire to which it agreed.

As occupiers, they violate the sovereignty and territorial integrity of an independent democratic state, one that has chosen a path toward integration with Euro-Atlantic institutions and, more important, one that has chosen integration with Euro-Atlantic values of democracy, human rights, and the rule of law.

Russia's recalcitrance has left the region in a bitter stalemate as it flouts international norms and its own commitments. Within the context of this stalemate, the temperature has seemed to cool, with bitter hardship and frustrations supplanting heated military conflict.

But that cooling temperature is perhaps a very dangerous illusion. While the fear of overt military action may be waning, more subversive—but just as potentially deadly—action is taking place. Since 2009, the Republic of Georgia has experienced 12 acts or attempted acts of terrorism within its borders, which the Georgians believe are linked to Russian forces.

One such bombing, on September 22, 2010, took place right near the U.S. Embassy in Tbilisi. Two thwarted attacks took place just this month. One improvised explosive device was intercepted on June 2, two days before several colleagues and I arrived in Tbilisi. Another was intercepted on June 6 while we were still there.

□ 0940

We had the opportunity to discuss with President Saakashvili at length the nature of these attacks and attempted attacks. He and his administration are increasingly concerned about what they perceive to be a systematic effort to target the Georgian people and undermine their progress toward a peaceful, stable, democratic and independent nation. The intended targets of recent bombing attempts seem to suggest an increased focus on civilian casualties, which is particularly troubling.

As investigations proceed to determine the exact origin and intent of these bombings, it is more important than ever that we stand with our Georgian friends; that we stand with their right to sovereignty and territorial integrity; that we stand with their efforts to build a stronger democracy. In fact, the purpose of my recent trip to Tbilisi was to continue the work of the House Democracy Partnership, which has a longstanding program with the Georgian legislature.

My co-chairman, DAVID PRICE, and I have led a number of delegations to Tbilisi and hosted many Georgian legislators in Washington in order to provide training and support as they build their legislative institutions.

It is important to work with new and reemerging democracies as they grow and develop, but it is all the more essential for us to support those who are under attack for the very reason that they have chosen their democratic path.

The Obama administration has attempted to reset relations with Russia for a number of pragmatic and strategic reasons. I believe they were right to do so. But it is important to differentiate those relationships which are important for inescapable geopolitical considerations, and those which are based on shared values and goals. As a major international player and a permanent member of the United Nations Security Council, we must engage constructively with Russia, but that does not mean we must turn a blind eye to its tactics or strategic aims towards the former Soviet sphere. To the contrary, we must engage with eyes wide open.

Georgia is not the only state to have emerged from the Soviet orbit with democratic intentions, only to face deliberate, significant pressures and obstacles from Moscow.

The nature of our engagement with Russia will get more scrutiny than ever as Moscow moves toward entry into the World Trade Organization. Bringing them into a rules-based trading system will help us deal with the challenges that we face, but we cannot lose our resolve to address these challenges, or lose sight of the fact that the fate of democracy in the post-Soviet world is one of them. Those who are working diligently against great odds to build democratic institutions must know that the American people stand with them.

TAX LOOPHOLES

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

Mr. BLUMENAUER. Mr. Speaker, in their agitation over the debt, our Republican friends have obstinately focused on program cuts alone, ignoring the harm to American families and the economic recovery. Their mindless slashing of the budget is costing jobs, while damaging communities. Yesterday's news about EPA cuts hurting local efforts at clean air and clean water is another example.

More than a quarter of the deficit growth since 2001 resulted from the economic downturn which reduced tax revenues and increased programmatic spending. You spend more on unemployment when more people are unemployed.

Our focus should be on job creation, which reduces unemployment costs and increases tax revenue. However, in their first 6 months in the majority, the Republicans have not passed any legislation to create jobs.

The government's budget is often compared to a household budget, but every family knows that expenses are just one side of the equation. How many Americans, in tough times, take on second or even third jobs to increase their income because some expenses just can't be cut?

As a Nation, we have the ability to increase our revenues, our income. An obvious place to look for additional income is closing tax loopholes and ending unnecessary subsidies, for example, for large oil companies would be one of the best places to start.

Tax incentives are intended to help businesses create vital American jobs or develop technologies to improve our way of life. We as Democrats support those tax incentives that increase domestic manufacturing and other American businesses which create jobs and

aid the economic recovery. These tax breaks promote our national economic priorities and put people back to work.

But when a company's profits are $10.65 billion in just 3 months, such as ExxonMobil's were earlier this year, who can reasonably argue that that company needs expensive incentives to stay in business and make money?

The 10 most egregious tax loopholes enjoyed by the large oil companies have helped the five largest companies make a combined profit of nearly $1 trillion over the last decade.

The billions we spend every year on subsidies for the largest oil and gas companies are not moving us any closer to energy independence or a clean energy economy. The subsidies are not necessary and they're not useful for our economy.

In 2010, nearly 60 percent of big oil companies' profits went to stock buybacks and dividends, not job creation. With oil produced at $11 a barrel, and sold for $100, tax breaks for oil companies are simply wasteful handouts, transferring money from working families to corporate stockholders. The difference over what was sold for an average barrel of oil, $72 average production price; average production cost, $11.

No American family should be giving up their dinner to donate money to the millionaire next door. Removing these tax incentives will save taxpayers $40 billion over the next 5 years with only minimal impact in the profit, not in their operations. Cutting subsidies will not raise oil prices, which are set in a global market that this year will be in the range of $2 trillion to $3 trillion.

Subsidies in the Tax Code, instead, should be directed toward emerging technologies like wind and solar. That's where the real jobs are. A University of Massachusetts study found that incentives for clean energy create two to four times more direct and indirect jobs compared to investments in oil and gas production.

Another obvious place to cut is the ethanol tax credit. We don't need to subsidize something that industry is mandated to buy.

We cannot ask children and seniors to bear the brunt of sacrifice while we are simply giving more money to large corporate interests that don't need it. We must make tough choices to ensure we leave a sound economy to the next generation, but we have to make those choices wisely so we leave a Nation that is competitive, prosperous, healthy, and educated.

CONGRATULATING NEW JERSEY'S TOP RANKING PUBLIC SCHOOLS

The SPEAKER pro tempore. The Chair recognizes the gentleman from New Jersey (Mr. LANCE) for 5 minutes.

Mr. LANCE. Mr. Speaker, I rise today to congratulate eight outstanding public high schools in New Jersey's Seventh Congressional District that were recently recognized by Newsweek Magazine as among the top 500 public high schools in America for 2011.

In all, New Jersey claimed 36 high schools of Newsweek's top 500. In the Seventh Congressional District in New Jersey, that I have the honor of representing, I congratulate the Academy For Allied Health Sciences in Scotch Plains; the Union County Magnet High School, also in Scotch Plains; Watchung Hills Regional High School in Warren; Governor Livingston High School in Berkeley Heights; Westfield High School in Westfield; the Academy for Information Technology, also in Scotch Plains; Cranford High School in Cranford; and Jonathan Dayton High School in Springfield.

Newsweek contacted more than 1,100 high schools across the country and reviewed their graduation and college matriculation rates, SAT and Advanced Placement test scores and other information, as well as the school's ability to turn out college-ready and life-ready students.

□ 0950

I congratulate all of the students, teachers, administrators, parents, and other property taxpayers who help make New Jersey's Seventh Congressional District the home to so many of the top-performing high schools in the Nation. When it comes to the best education in the country, New Jersey's public school system makes the grade.

WE NEED A FAIR, BALANCED BUDGET

The SPEAKER pro tempore. The Chair recognizes the gentleman from New York (Mr. TONKO) for 5 minutes.

Mr. TONKO. Mr. Speaker, we are some 3 years into the worst recession since the Great Depression. I have heard repeated claims that these are times that call for courageous leadership and bold decisions. Well, there certainly has been no lack of audacity during recent talks on the budget.

I'm joining my colleagues on the Budget Committee here today to ask, on behalf of my constituents in New York's 21st Congressional District, for less hubris and more humility from some of our Nation's leaders as we attempt to solve a problem that impacts the lives and livelihoods of our families, our friends, our neighbors, and our constituents.

I have but two requests: first, that any budget agreement must not hurt our economy further. In 2008, the financial crisis brought this Nation to its knees. It was a crisis of our own making; and though we must not dwell on blame, we must learn from this experience to avoid the mistakes of the past.

Is there no way to encourage business growth, small and large, without wasting $130 billion a year on tax giveaways and without gutting programs that educate our workforce? I refuse to believe that there is no smart solution to this problem. My constituents refuse to believe it. We have learned our lesson, and we know better.

Second, any budget agreement must take a balanced approach. It is the height of arrogance to sit down at a negotiating table to solve a fiscal crisis and declare an $800 billion question off limits. Federal Government subsidies for some of the most profitable corporations on Earth, oil tax breaks that trace their roots to policy decisions made nearly 100 years ago must be on the table. Tax breaks for the wealthiest 2 percent of America must be on the table. Tax earmarks for corporate jets, for snow globes, for golf bags, these must be on the table.

America is watching. America is waiting for us to wake up, eat our Wheaties, and flex the powerful muscle of human reason to get this country on a sustainable path. Sustainability means cutting spending where it is not needed and where it offers no common good. It means cutting tax kickbacks where they are not needed. It means protecting the present and the future of Medicare in a form that provides more than a coupon to our seniors and more than an unsympathetic ''so be it'' to proud men and women who lost their jobs through no fault of their own. It means knowing that the Big Five oil companies can stand on their own two feet. It means playing for the same team, putting everything on the table and winning this one not for our campaigns, but for our constituents.

If I might refer to this chart using data from OMB and the Ways and Means Committee, my Republican colleagues have shown the so-called ''courage'' to ask America's seniors to make yet another great sacrifice for their country—giving up their hard-earned, guaranteed Medicare benefits in favor of a voucher. This will lead to thousands of dollars in new out-of-pocket expenses each year.

Certainly the $165 billion in cuts is rivaled by the $131 billion yearly giveaways, that $165-billion-a-year question from the Republican budget that is on the table in these talks. I do not like it. I will not vote for it. I will fight it every time it comes to this floor for a vote, but it is on the table. It is being discussed and debated, fought for and against in a process that makes our democracy run as it was intended to. But again, we will fight any cuts and any end to Medicare.

But there's another line on this chart, and that's this $131-billion-per-year question of giving tax breaks to wealthy special interests. Look, the two of them are comparable, giving oil companies more subsidies versus taking away Medicare. This is the question of using taxpayer-subsidized support from the Federal Government to add a few extra billion to the Herculean profits of some of the world's wealthiest corporations.

The Big Five oil companies have pocketed almost $1 trillion in profits in the past 10 years. In the midst of our recession, they are doing just fine. They have told us, We don't need the tax breaks. So why would my colleague

from Virginia, the Republican majority leader, declare that tax reform—like cutting the $20 billion in subsidies that these companies will receive in the next 10 years—is off the table? Why are tax write-off earmarks for corporate jets off the table? Why are hundreds of billions of dollars in tax breaks for millionaires and billionaires off the table? Why are we talking about cutting programs for nursing homes and preschools, for local cops and firefighters, for retirement security and the future of renewable energy? Why are we talking about cutting these programs without asking the Big Five oil companies to stand on their own two feet?

I have watched programs that my constituents rely on end up utterly decimated on the floor of this House this year. And yet I come before you today not asking for less sacrifice, but for more. I'm asking for those at the top to bear their fair share of both the burden and the potential triumph of this historic moment.

Again, I must merely ask for a little humility as we attempt to solve a challenge that no one woman or one man among us should attempt to tackle—or scuttle—alone. Nothing is off the table, and nothing is more important than getting every single American who wants to do a hard day's work for a fair wage back on the job site. Any budget agreement must take this balanced approach and must not hurt our economy further.

BRING THE TROOPS HOME

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

Mr. JONES. Mr. Speaker, Monday I had the honor and the humbling experience of visiting Walter Reed Hospital. I met three young men that all three have lost both legs above the knees. And actually, one of them I engaged about Afghanistan, and he, with his wife there with him, believes that we have done just about all we can do, and certainly he has done more than that: he has given his legs for this country.

That leads me to wanting to read just a paragraph of an editorial by Eugene Robinson that was in the North Carolina papers, and the title of his column is ''Afghan Strategy: Lets Go.'' And I will read the last paragraph of his column:

''We wanted to depose the Taliban regime, and we did. We wanted to install a new government that answers to its constituents at the polls, and we did. We wanted to smash al Qaeda's infrastructure of training camps and safe havens, and we did. We wanted to kill or capture Osama bin Laden, and we did. Even so, say the hawks, we have to stay in Afghanistan because of the dangerous instability across the border in nuclear-armed Pakistan. But does anyone believe the war in Afghanistan has made Pakistan more stable?''

Mr. Robinson, you're right, it is not more stable because we are in Afghanistan. Perhaps it is useful to have a United States military presence in the region. This could be accomplished, however, with a lot fewer than 100,000 troops; and they would not be scattered across the Afghan countryside engaged in a dubious attempt at nation-building. The threat from Afghanistan is gone. Bring the troops home.

Mr. Speaker, I don't know what the President will say tonight, and I wish the President well. But Mr. Gates has been saying all weekend—and he did testify before the Armed Services Committee in February and said it would be the latter part of 2014, maybe 2015, before we start bringing a substantial number of our troops home.

Mr. Speaker, I say to the House of Representatives, both parties, let's come together and join in the McGovern-Jones bill, and let's start bringing our troops home and say to the President we don't need to be there until 2014–2015. As Eugene Robinson says, we're not going to change anything. History has proven you will never change Afghanistan. They don't want to change themselves. Quite frankly, the Taliban are Afghan people; it's a civil war.

And, Mr. Speaker, as I have done before, I have the poster that has a flag-draped coffin being carried by the Air Force at Dover Air Force Base. Mr. President, you're a very smart man. You can call the shots on this war in Afghanistan. Say to the American people tonight that we will be home before 2014–2015.

Mr. Speaker, I say in closing, may God bless our men and women in uniform. May God bless the families of our men and women in uniform. May God, in his loving arms, hold the families who have given a child dying for freedom in Afghanistan and Iraq. And I ask God to bless the House and the Senate, that we will do what is right in the eyes of God for his people here in America. And I ask God to give wisdom, strength, and courage to the President of the United States, that he will do what is right in the eyes of God for his people.

And I close three times: God please, God please, God please continue to bless America.

□ 1000

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are reminded to address their remarks to the Chair.

NOT SIZABLE, SWIFT OR SIGNIFICANT

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

Ms. WOOLSEY. Mr. Speaker, tonight the President of the United States has an opportunity to show the bold leadership that the American people are crying out for regarding Afghanistan. Tonight he will announce how many troops will be redeployed out of Afghanistan. This must not be, as early reports are indicating, a token withdrawal, bringing only as few as 5,000 troops home now and 5,000 troops home by the end of the year, because that number falls tragically and painfully short of what the national security and moral decency demands.

There are many interpretations, Mr. Speaker, of ''sizable, swift or significant'' as the requests have been for him in his drawdown, but none of those interpretations go so low as 5,000 now and 5,000 by the end of the year. ''Sizable, swift or significant'' is not what 5,000 troops would accomplish. Ten thousand troops doesn't even bring us to where we were before the surge.

That is not a new way forward in Afghanistan. We were promised a new way forward in Afghanistan, and it is going to take 18 months just to get even that much done. How many times are we going to move the goalposts? Anything less than a major shift in Afghanistan policy will be a huge disappointment to the Americans who are paying for it in blood and treasure.

Clear, strong majorities of our country believe it is time we finally end this awful foreign policy blunder. This is not a partisan stance. You just heard Congressman WALTER JONES from North Carolina. This is common sense. Several Republicans in this body oppose this war. Even some of the Republicans running for President have expressed concern about continuing the military occupation much longer.

It is simply not acceptable to ask for more patience and more time for this strategy to work. You mean 10 years isn't enough? How many families were missing a seat at the table on Father's Day this weekend because we kept giving this dreadful policy one more chance?

Afghanistan casualties are on the rise, Mr. Speaker, with 2011 on pace to be the deadliest year yet and 43 percent of fatalities having occurred since the surge began a year and a half ago. How many more people have to die, Mr. Speaker, both U.S. servicemembers and Afghan citizens, before we say enough? How many more lives have to be destroyed? How many more young Americans have to leave limbs behind in Afghanistan? How many more have to come home ravaged by post-traumatic stress? And how many more billions in taxpayer money do we have to waste for the privilege of having our people killed and our global credibility destroyed? For pennies on the dollar, we could fight terrorism the right way, with a civilian surge that emphasizes humanitarian and political aid and reconciliation.

Mr. Speaker, it continues to pain me that we have to scratch and claw for every single dollar of Federal investment in the American people. One

child nutrition program last week was held out there as an example of what we don't need—but we do. Also we are scratching to support health care, education, even support for veterans, but we still continue to waste $10 billion a month in Afghanistan. In the time I take to give this speech, roughly $1 million will fly out of the Treasury to pay for this war.

Mr. Speaker, I implore the President to listen to the American people. Tonight is a moment where he can make history. End the war. Bring our troops home.

URGING THE SENATE TO PASS THE FISCAL YEAR 2012 DHS APPROPRIATIONS BILL

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

Mr. CARTER. Mr. Speaker, I rise today to urge the Democrat leadership in the Senate to immediately take up the fiscal year 2012 Department of Homeland Security appropriations bill which was passed by this House on June 2. With the 10th anniversary of the tragic attacks of September 11 rapidly approaching, the proliferation of violence along the southern border and natural disasters, it is irresponsible for Senate Democrats to hold up this bill any longer.

The House-passed bill included $1 billion in supplemental funding for FEMA disaster relief programs that is available immediately upon passage. These funds are desperately needed to respond to natural disasters that have swept the country, including the wildfires which have devastated my home State of Texas.

The House-passed bill uses taxpayer dollars wisely, cutting $1.1 billion from fiscal year 2011 levels while at the same time ensuring all frontline defenders, including the Border Patrol, Coast Guard and Secret Service, are fully funded. In delaying action on this bill, the Democratic leadership in the Senate is putting the security of American citizens at risk and disaster relief on hold. Any further delay is unacceptable.

I urge my Senate colleagues to make the passage of the FY 2012 DHS appropriations bill a top priority.

THE FAILED DRUG WAR

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

Mr. POLIS. Mr. Speaker, 40 years ago this month, President Nixon launched the war on drugs. Four decades later, I've asked through New Media for Americans to share with me their thoughts on what I believe to be a major public policy failure. Just listen to this story of Neil from Baltimore that Law Enforcement Against Prohibition shared with me.

Late in the evening on October 30, 2000, Neil was awoken by the ringing of a telephone. As the commander of training for the Baltimore Police Department, late night calls were not unusual, but this call was different. He was told that one of his officers had been shot and taken to the hospital.

The officer was a corporal and a 15-year veteran and undercover narcotics agent for the Maryland State Police. He was assigned to a drug enforcement task force and on that night was making his final drug buy in Washington, D.C., from a mid-level drug dealer when the dealer decided he wanted both the drugs and the money for himself. He returned to the car the officer was driving, paused for a moment, and shot the police officer at point-blank range in the side of the head.

Arriving at the hospital among the scores of family and friends, Neil was guided into the room where the officer laid with his head bandaged and bloodied. Neil had to face the officer's wife and children and explain why their caretaker was no longer with him.

Neil finished his story by writing, ''When the people are gone and quiet comes, so does the question: Why? Initially thinking of the covert operation, you rehash the event. How could this happen? What went wrong? What was the protocol? But then I realized that the questions I was asking dealt only with the symptoms of a much larger problem, the war on drugs—the broken policy of drug prohibition.''

Every comprehensive objective government study over the last four decades has recommended that adults should not be criminalized for using marijuana, and medical science tells us that by any reasonable health standard marijuana is comparable to alcohol. It is less addictive, less toxic, and, unlike alcohol, marijuana does not make users aggressive and violent.

□ 1010

We also know that criminalization comes at a very high cost. Each year, more arrests are made for marijuana possession than for all violent crimes combined. Marijuana arrests in the U.S. average 850,000 a year. That's one every 37 seconds; and 89 percent of those are just for possession, not sale or manufacture. Marijuana prohibition is even having a negative impact on our national parks and forests. We have Mexican drug cartels growing millions of plants on Federal land.

We've been down this prohibition path with alcohol, and it failed. It increased crime and violence. Crime bosses got rich, murder rates skyrocketed, the prisons filled, and deaths from tainted booze soared. We're seeing the same results today from marijuana prohibition. Prohibition does not stop people from using marijuana. In fact, marijuana is the largest cash crop in the country. It just gives criminals and violent gangs an exclusive franchise on marijuana sales. It drains resources from law enforcement that would be better spent fighting violent crime. It makes it harder to keep marijuana away from children.

So what have we learned in four decades of the failed drug war? It's this: The biggest part of the harm involving marijuana is caused by the criminalization of marijuana. And it's time to bring it to an end.

Let me end with a story of Brian from DuPage, whose son was caught up in the senseless criminalization of marijuana. When Brian's son was in eighth grade, an incident at school led to the discovery of a small amount of marijuana. Charges were brought. He was sentenced to community service. But the real tragedy followed. As a result of the incident, Brian's son was expelled and barred from reentering any school in the district. He was forced into a school for delinquents where he was grouped with kids who had committed violent crimes. He was basically treated like a criminal. Needless to say, his education suffered immensely.

Here's what Brian, the father, had to say about his son's experience: ''Did doing this teach my son a lesson? It did not help him. It harmed him. It disrupted his academic achievement. The school district's solution to finding a small bag of marijuana was to expel four students. No education. No counseling. No help. Just kick them out and wash their hands of the whole thing.''

Using marijuana is harmful. Smoking is harmful. Drinking is harmful. In fact, I applaud the FDA's new highlighting of the dangers of smoking and encourage similar efforts to discourage marijuana, which are impossible under the current criminalization regime. The war on drugs hurts America, wastes billions of dollars of taxpayer money, fosters drug-related violence, and does nothing to help Americans who are confronting serious addiction or serious health issues.

After 40 years, it's time Congress put an end to the drug war's 40-year failure.

PRINCIPLES FOR ANY BUDGET AGREEMENT

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

Mr. HONDA. I rise today to urge the President and this Congress to listen to the American people when negotiating a budget agreement. As much as the politicians argue, they don't seem to hear the good sense of the American people. The many closed-door meetings in Washington to decide America's future are filled instead with esoteric and magical formulas purporting to close the deficit. One group wants budget caps. Another wants trigger clauses. A third wants simplistic rules.

None of these will work. These are gimmicks, not governing. Governing is about making choices, setting priorities, and following through. Governing is also about ensuring that the interests and values of the American people are at the negotiating table. If not, any new deal will benefit only the rich and powerful or simply postpone any real

decisions until after 2012. Either way, America will lose.

A budget deal needs to be publicly debated and needs to reflect the true values and the views of the American people. One group in Congress gets this. The Congressional Progressive Caucus has heard the message of the American people who want to cut the deficit without cutting into America's future and without destroying America's sense of fairness. Ask the public what they want and they will tell you.

Let us defend our health programs for the elderly and the poor, Medicare and Medicaid. Let us hold to our intergenerational promise of Social Security. Let us invest in education, research and development, and fix our crumbling infrastructure. Let us bring our men and women home from Iraq and Afghanistan and save at least $150 billion a year, not to mention the lives saved as well. Let us rebuild America.

Any budget agreement must not hurt the economy. America is making economic progress, but many families are still struggling. And we must do more to create jobs. Any budget agreement must raise revenue. Americans know it. It would be irresponsible, unwise, and unfair to reduce the deficit and debt while leaving tax breaks for big corporations and millionaires in place. A fair budget will not emerge from behind closed doors. We need an open budget process, one that keeps the interests and the bottom majority of the American people front and center.

The Congressional Progressive Caucus wants to bring the people's budget to the forefront of publicly held negotiations as well as a budget plan that would truly put the American Dream back within the reach for the majority of the Americans.

A LOOK BACK AT RECOVERY SUMMER

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

Mr. PAULSEN. One year ago last week, the White House proclaimed that the summer of 2010 would officially be known as ''The Summer of Recovery.'' Now, 52 weeks later, unemployment remains painfully high at 9.1 percent, the housing crisis has not improved, and nearly 14 million Americans are out of work.

As I travel my district in Minnesota, from Bloomington to Wayzata to Coon Rapids, I hear from Minnesotans and small business owners that are understandably concerned. My constituents were told that a trillion-dollar stimulus package would keep unemployment below 8 percent. They were clearly sold a bill of goods, as unemployment has now been above 8 percent for more than 2 years straight.

House Republicans do have a plan to jump-start our economy and actually create jobs. Our plan takes commonsense steps to reducing regulatory burdens that actually will help small businesses, that will help entrepreneurs. It actually takes commonsense steps to fix an out-of-date Tax Code so our employers are more competitive around the world. We also take steps to pass the three pending free trade agreements with Colombia, Panama, and South Korea that would create up to 250,000 new jobs through new sales to new customers. Also, we will maximize domestic energy production by reducing our dependence on foreign oil and also lowering gas prices.

Finally, Mr. Speaker, and most important, by paying down our unsustainable debt burden and starting to live within our means, we will make the steps necessary to enact commonsense pro-growth strategies that can create certainty in the business environment that will actually grow our economy and create jobs and put America back to work.

BALANCING THE BUDGET

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

Ms. MOORE. I can tell you that one of the most heartbreaking experiences that I have had as a Member of Congress is to watch this Congress attempt to balance the deficit and the budget on the backs of infants, on the backs of children who need their educational opportunity, and on the backs of seniors. We have seen gargantuan efforts to cut Medicare, the main program to prevent poverty for our seniors; Medicaid; the Women, Infants, and Children program; nutrition programs for children; efforts to decimate educational opportunities for young people, while we refuse to end tax breaks for Big Oil.

The Big Five companies made nearly a trillion dollars—$1 trillion—in profits in the last decade, and yet we continue to insist on providing tax breaks for these profitable companies. Every year, we provide subsidies to oil companies that they pocket.

In addition to that, Mr. Speaker, we are cutting food from babies. I saw numerous, numerous amendments to cut moneys for lactating moms, pregnant women, and newborn babies, while we refuse to end the tax breaks for millionaires. We cannot afford another $800 billion in tax cuts for the top 2 percent in our country. This is backwards. This is un-American.

I join my Democratic colleagues from the House Budget Committee to express—in no uncertain terms—the basic principles we are fighting for in this budget agreement. I also want to state my support for my colleagues from the House of Representatives who are working hard to negotiate an agreement that demonstrates both decency and fairness.

I have had the honor of serving on the Budget Committee for two-and-a-half years, and I have learned a thing or two through my service. I also brought my own budgetary expertise to the table—as a former legislator for the State of Wisconsin, as a former community leader, and as a former (and current!) head of household. I know—and all of us here know, though we are not all admitting it—the fundamental truth that any budget agreement must take a balanced, reasonable approach towards deficit reduction. We cannot simply slash spending while preserving every nickel and dime of tax breaks for giant corporations and multi-millionaires.

As we stand here today, the leaders from both parties, and their staff, are working round-the-clock to chart our path forward. The American people have expressed their concern about our national debt and deficit, and the Congress has responded. We are on the brink of making new and historic policy changes that will be very difficult to un-do. We have the unique opportunity to make the right choice to end a wide array of gratuitous tax loopholes that will save billions upon billions of dollars—and in the end, will help us to preserve the priorities that are so crucial for Wisconsin's Fourth District, and for people all across this country.

We have the opportunity to choose to trim down the debt by cutting tax subsidies for oil companies—instead of cutting nutrition programs for Women, Infants, and Children, WIC.

We have the opportunity to choose to reduce the deficit by cutting ethanol subsidies—instead of cutting Medicare.

This is nothing short of an historic moment in time. We cannot turn our backs on these opportunities.

My Democratic colleagues at the budget negotiation table have assured us many times that revenue-raisers must be part of the solution. Unfortunately, their Republican counterparts have not offered us similar reassurance.

We're already in desperate need of a just and decent tax code that actually requires our Nation's most successful, wealthy people to pay their fair share.

We recently learned that one of the largest U.S. corporations, General Electric, paid no federal taxes in 2010. GE claimed a $3.2 billion tax benefit on reported worldwide profits of $14.2 billion, including $5.1 billion from its operations in the United States.

And that's just one example. Other corporations are able to pick from a long menu of tax breaks that allow them to reap profits while shipping jobs overseas.

We just celebrated the 10-year anniversary of the Bush tax cuts—so we have timely, concrete data showing us what happens when you slash income tax rates. Then-President Bush promised that his tax cuts would ''starve the beast,'' reducing revenues and thus forcing members of Congress to reduce the size of the Federal Government. He claimed that low taxes would stimulate the economy, and increase the prosperity of our Nation. He vowed that tax breaks would create jobs and generate wealth for all.

Well, we now know the truth: Most of the benefits accrued to the rich. The tax cuts didn't spur job growth. During the 2001 to 2007 business cycle, America's economy enjoyed the slowest rate of jobs growth on record since World War II—a rate that was just one-fifth the pace of what we saw in the 1990s. High-wage earners' income increased, but inequality just got worse. Government didn't get smaller: in fact, we saw massive expansion, in the form of new programs like Medicare Part D, and two new wars.

In addition to the cautionary tale of the Bush years—what we've seen over the past 30

years is that lower marginal tax rates have not led to particularly impressive economic growth, labor markets or revenues. Growth was actually more impressive back when marginal tax rates were higher.

The verdict is in. We need to reform our tax code now, for the sake of fairness, and for the sake of our economy. We cannot continue to fight tooth and nail for special interests, for the sake of justifying unprecedented cuts to everything from education to health care to infrastructure to public safety. We cannot protect the wealthy few at the expense of tens of millions of low-income and working-class families.

There is no excuse for this. We can, and we must, do better.

We all know we'll have to make hard choices to come to an agreement. But my Democratic colleagues also know that we must do all we can to preserve our economic progress, create jobs, and preserve programs that serve struggling families. We must reduce the deficit—but we must do it while adhering to basic principles of fairness and morality.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 11:30 a.m. today.

Accordingly (at 10 o'clock and 19 minutes a.m.), the House stood in recess until 11:30 a.m.

□ 1130

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. POE of Texas) at 11:30 a.m.

PRAYER

Reverend Dr. Joe Pool, First United Methodist Church, Rockwall, Texas, offered the following prayer:

Loving God, creator of all things, author of all life, and giver of all grace, You have brought us to this time through the blessings of Your hand, and we remember that we do not work alone, serve without Your spirit, or act without Your guidance.

Open Your heart to us as we depend on You for wisdom beyond ourselves, discernment that fulfills the cry of need, and strength for the challenges we face.

May we be about Your work of justice and mercy, security and peace, comfort and provision. Forgive us our shortcomings. Create in us Your will and way. Write these upon our hearts so that we might serve You as we serve Your people.

We invoke the recognition of Your sustaining and guiding presence at today's session and beyond. Accomplish in us the work of Your hands. May we be worthy of all that is entrusted to us this day.

In Your most holy name we pray. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

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

Mr. COBLE 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.

RECOGNIZING GUEST CHAPLAIN DR. JOE POOL

The SPEAKER pro tempore. Without objection, the gentleman from Texas (Mr. HALL) is recognized for 1 minute.

There was no objection.

Mr. HALL. Mr. Speaker, I am honored today to again recognize our guest chaplain, Reverend Dr. Joe C. Pool, pastor of my home church, my home town, First United Methodist Church of Rockwall, Texas.

Reverend Pool's ministry spans more than 30 years in north Texas and includes serving as associate pastor in Dallas and as pastor in Irving and Gainesville prior to serving in my home town of Rockwall.

Reverend Pool earned a bachelor of arts degree from Southwestern University in Georgetown, Texas, and earned both a master of theology degree and a doctor of ministry degree from Perkins School of Theology at Southern Methodist University. He has been a longtime member of the executive board and the Mentor Pastor Program at Perkins.

Over the past quarter of a century, Reverend Pool has led mission trips to the Appalachian region, Mexico, and the Navajo Nation. He has been involved in hurricane recovery and rebuilding efforts throughout Texas and Louisiana through Hurricanes Andrew, Katrina, and Rita. Active in community service, he was selected as an Outstanding Young Man of America three times and also was selected for inclusion in Who's Who in America.

Reverend Pool is blessed by his wife, Becky, and their three children—Candace, Corey, and Amanda. And Rockwall is in turn blessed by this minister and his family. Reverend Pool is known as a wonderful preacher, a great teacher, a close friend of mine and friend of many, and may God continue to bless his life and his ministry for many years to come.

I'd be remiss if I didn't also tell you—or perhaps warn you—that he and PETE SESSIONS were roommates at the university.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

AGE NOT AN ISSUE FOR BASEBALL'S JACK MCKEON

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

Mr. COBLE. Mr. Speaker, Jack McKeon resides in Elon, North Carolina. And in 2003, he became the oldest manager to win a World Series championship, having defeated the New York Yankees. Jack was recently recalled by the Florida Marlins and now finds himself in the Marlin wheelhouse again, this time as the second oldest manager to manage a Major League team.

Jack responded when people questioned his age. He said, ''Experience should not be penalized.'' And Trader Jack further said, ''I'll probably be managing when I'm 95.''

From one octogenarian to another, on behalf of the citizens of the Sixth District of North Carolina, we extend hearty good wishes to Jack McKeon for the remainder of this season and until he is 95 years of age.

PRESIDENTIAL SCHOLARS

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

Mr. CICILLINE. Mr. Speaker, I rise today to recognize and honor Emily Gordon and Dylan Burke, young advocates in the fight to cure type 1 diabetes.

Emily and Dylan are making a significant impact on the research for diabetes, and their work will benefit future generations. That's because they are both delegates representing Rhode Island in the Juvenile Diabetes Research Foundation's Children's Congress gathered here in Washington this week, and they are with us on the floor today.

Emily, of Lincoln, Rhode Island, and Dylan, of Newport, Rhode Island, are working to raise public awareness of the critical need for diabetes research to eliminate this disease. Diagnosed at 17 months old, Emily has known diabetes for most of her life and doesn't view herself as different from other children. And Dylan has seen firsthand some of the complications of type 1 diabetes since his father also has the disease.

The work that Emily and Dylan are performing during the Children's Congress is critical to the nearly 26 million Americans who have diabetes. I commend and congratulate them for overcoming great obstacles to work towards a cure that will improve and save lives in generations to come.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will remind Members not to address guests on the floor of the House.

STIMULUS FAILURE

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

Mr. PITTS. Mr. Speaker, some may wonder why the nearly $1 trillion in government stimulus spending failed to hold down unemployment or reinvigorate our economy. Phillip Greenspun, owner and operator of a helicopter company in Boston, understands why government doesn't efficiently spend the public's money. In a June 16 blog post, he relates his maddening experiences with Federal bureaucracy.

As the manager of his company, he must administer a random drug test to employees. As the only employee, he must surprise himself with a drug test. As the manager, he must take a course on giving drug tests. As the only employee, he must take a course on his rights regarding drug tests. Mr. Greenspun notes that all of these requirements and steps don't just cost him money, but cost the Federal Government since FAA employees must ensure all of these requirements are met. It's just a small illustration of how the government manages to make the simple complex and hurt both businesses and taxpayers. It's just another reason why we need a smaller, less expensive Federal Government so that our private sector can grow again.

BIPARTISAN EFFORT TO REPEAL CLEAN WATER ACT

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

Mr. COHEN. Mr. Speaker, up to today, I was concerned that my friends on the Republican side were only trying to defeat great Democratic programs of the 20th century. Medicare, which will be celebrating its 46th birthday next month, is one of the great laws that have been passed in this House, and yet it's in danger. Medicare as we know it is in danger.

Social Security passed in the thirties, one of the great social advances of the 20th century under President Franklin Roosevelt, but also endangered—all Democratic activities and Democratic Congresses. But today I saw there was a bipartisan effort to destroy the work of the 20th century. In the Transportation Committee, a bill coming to this floor is going to try to end the Clean Water Act. So it's bipartisan.

Richard Nixon passed the Clean Water Act. I'm a history buff, and I think Richard Nixon should be known not just for Watergate, but for clean water. I hope they don't repeal Richard Nixon's signature achievement, the Clean Water Act.

□ 1140

TIME TO MOVE FORWARD ON FREE TRADE AGREEMENTS

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

Mr. BUCHANAN. Mr. Speaker, international competitiveness is critical to revitalizing America's economy. That is why it is so imperative that we move forward three free trade agreements with Colombia, Panama, and South Korea. Passage of these FTAs will not only improve our relationship with these countries but will also create new trade and jobs for America.

Make no mistake—creating jobs and growing the economy are the most important issue today facing America. The U.S. International Trade Commission reported that passage of these free trade agreements could create as many as 250,000 American jobs. In Florida, we have 14 deepwater seaports that generate over $65 billion in economic value to the State. These trade agreements will only enhance that figure.

It is time that we get serious and start competing in the global marketplace. That time is right now.

RESPECTING SENIORS

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

Mr. CARNAHAN. Mr. Speaker, our seniors need Medicare. As we prepare to celebrate its 46th anniversary next month, history shows Medicare has been one of the most successful health care programs in our Nation. Seniors rely on it. But my Republican colleagues, sadly, want to end Medicare as we know it.

Missouri's own Harry Truman conceived of Medicare and was the recipient of the first Medicare card in 1965 as it was signed into law by LBJ. At the time, 40 percent of American seniors over 65 lived at or below the poverty level. Now, more than 40 million seniors in America are enrolled in Medicare, including 1 million Missourians, and the poverty rate for seniors has dropped to only 10 percent.

The Republican plan is to reopen the doughnut hole, double seniors' medical expenses, and give insurance companies the power to ration care. We cannot let this happen. Everyone agrees we must make serious cuts to lower our debt, but we have to take a balanced approach that doesn't threaten the fragile recovery or scapegoat American seniors.

I ask my colleagues to set our differences aside and have a serious conversation about our debt that respects what seniors need and deserve.

FINDING A CURE FOR DUCHENNE MUSCULAR DYSTROPHY

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

Mr. RUNYAN. Mr. Speaker, I rise today to raise awareness about Duchenne muscular dystrophy. Duchenne is a progressive muscle disorder for which there is no cure and affects boys disproportionately. According to Parent Project Muscular Dystrophy, the disease affects approximately one in 3,500 live male births. Conditions of the disease include deterioration of the muscle tissue, abnormal bone development, paralysis, and eventually death.

Earlier this year, my office was contacted by several families from my district whose young sons are living with Duchenne disease. Duchenne takes lives too quickly, but, due in large part to the research developments, there are three signs of hope.

Over the last 5 years, Congress has appropriated $175 million to NIH for Duchenne efforts. In 2010, the NIH awarded three grants specifically to New Jersey institutions totaling $874,000. Two of the grants were awarded to the University of Medicine and Dentistry of New Jersey to explore treatments for congenital diseases, and the third went to TRIM-edicine for research of protein therapies for muscular dystrophy.

I hope these and other innovations bring us closer to finding the answers that we need to help and even cure Duchenne muscular dystrophy.

REDIRECTING RESOURCES FROM AFGHANISTAN TO AMERICA

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

Mr. CLARKE of Michigan. Mr. Speaker, it is time for us, this Congress, to begin withdrawing both our troops and our tax dollars from Afghanistan. For now, it is important to still train the Afghan National Army, but we don't have to spend $100 billion a year and keep over 100,000 troops in Afghanistan to help keep stability in that country.

We need to cut back our borrowing and our spending in Afghanistan in order to cut our debt and our deficit right here. But equally important, let's take that money that was slated for Afghanistan, and it is our tax dollars in the first place, and let's redirect it to the United States to protect Americans here at home with stronger homeland security. And all of the money we have spent in Afghanistan repairing bridges and roads and building schools and businesses, let's redirect this economic aid to the United States, because we need jobs here. Redirect our tax dollars from Afghanistan to help Americans and put them back to work.

HONORING THE LIFE OF ARMY PRIVATE FIRST CLASS MICHAEL C. OLIVIERI OF HOMER GLEN, ILLINOIS

(Mrs. BIGGERT asked and was given permission to address the House for 1

minute and to revise and extend her remarks.)

Mrs. BIGGERT. Mr. Speaker, it is with a heavy heart that I rise today to honor the life of an American soldier from Homer Glen, Illinois, who made the ultimate sacrifice in the service of his country.

Private First Class Michael C. Olivieri was a dedicated soldier serving his first tour of duty in Baghdad where he was helping to train and support the Iraqi police. On June 6, his base came under attack, resulting in the death of five soldiers, including Michael.

Last week would have marked Michael's first wedding anniversary, which he had hoped to celebrate during a scheduled visit home. During that same visit, he was to attend his sister's wedding.

Mr. Speaker, Michael was a caring husband, a loving son and grandson, a beloved sibling, and a dear friend to countless members of the Homer Glen community. A 2002 graduate of Lockport Township High School, Michael attended Southern Illinois University and went on to enlist in the U.S. Army, where his talents and leadership were on full display.

Often playing the guitar for his buddies in the field, Michael was well known for lifting the spirits of his fellow soldiers, and he will be missed dearly by those who knew and loved him.

Today I would like to offer my heartfelt condolences to his wife, Sharon; his parents, Michael and Jody; his sisters, Abby and Ashley, his brother, Joe; and his grandparents, Joseph and Adelaide Olivieri and Dorothy Riegel.

Private Michael C. Olivieri was a great man, a distinguished soldier, and a true American hero.

INVESTING IN THE FUTURE

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

Mr. DEFAZIO. Last December, with one vote, Congress voted to add $400 billion to this year's deficit by extending all the Bush tax cuts and adding a new Social Security tax holiday. The premise was this would put America back to work. Well, guess what? It hasn't worked—borrowed money, a consumption-driven economy is anemic at best. Now the Republicans and President Obama want to double down. They want to expand and continue the Social Security tax holiday at a cost of 220 billion borrowed dollars.

How about instead of more tax cuts, instead of reducing investment in infrastructure, how about $220 billion of real investment in our crumbling national infrastructure? We could put 7.5 million people to work, not just in construction, in engineering, in small businesses and manufacturing, and add $1.5 trillion to our economy.

The choice is clear: more failed policies of the past or investment in the future.

ACTION NEEDED ON THE DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2012

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

Mr. ADERHOLT. Mr. Speaker, I rise today to ask one simple question to the other Chamber across the Capitol: Where is their appropriation bill for the Department of Homeland Security for FY 2012?

On June 3, some 19 days ago, the House passed its version of the FY12 appropriation bill for the Department of Homeland Security, a bill that not only invokes fiscal discipline and needed oversight, but one that ensures that our frontline security and personnel and homeland security programs are adequately funded for the coming fiscal year. In addition, the House-passed bill includes $1 billion in supplemental funding for FEMA's disaster relief efforts that is available immediately upon enactment. Unfortunately, as of today, we have seen absolutely no action from the other body. There is no plan, no leadership, and no commitment to fiscal discipline, security, or disaster relief.

The Democrat leadership in the other body was not elected to wait. That is not what the American people elected them to do. Waiting only puts our security and disaster relief on hold.

SAYING NO TO REPUBLICAN THREATS ON THE BUDGET

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

Mr. YARMUTH. Mr. Speaker, we are now less than 6 weeks away from a magical date, August 2. That is the day when the Secretary of Treasury said we will essentially have to foreclose on the United States of America. We will begin paying China before we pay our troops. That is right. That is the day we run out of tricks to avoid raising the debt ceiling in this country.

Just Sunday, my senior Senator, the minority leader of the Senate, said on CBS News that he was actually threatening basically to derail whatever deal comes on raising the debt ceiling if we don't do a deal on entitlements. It is an interesting threat, and I would like to point out what Ezra Klein wrote in The Washington Post. He said:

''But what, specifically, is the threat here? That Republicans will endanger the economy and run a campaign demanding deep Medicare cuts necessitated by an unrelenting hostility to tax increases on the richest Americans in an election year? That's not a credible threat. At some point, Democrats need to begin saying no to this stuff, and now's as good a time as any.''

I say no.

□ 1150

HOMELAND SECURITY APPROPRIATIONS BILL

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

Mr. DENT. I too rise today to urge the Senate to take up this year's Homeland Security appropriations bill. The Senate has a bad habit of waiting to do just about anything. It's bad enough that the Senate has refused to even take up a budget. It's been hundreds of days before they considered to do one. But now they're derelict in their duties by failing to deal with the Homeland Security appropriations bill. We need to fund ICE, we need to fund CBP, we need to fund the Coast Guard, and many other critical functions of this Department. Of course, FEMA has great needs right now with the floods in Missouri, and elsewhere, and all the tragedies we've seen with the tornadoes across the country. It's important now that we get this funding, which was appropriated out of the House, through the Senate.

Mr. Speaker, with the 10th anniversary of 9/11 and those horrific attacks just weeks away and disasters occurring all over the country, I certainly urge today that the Senate move forward. There can be no further delay. The motto of the Senate simply can't be: do nothing, do nothing, do nothing; start slow and then wind down from there.

That's what we seem to be getting. But not on this bill. Move the House appropriations bill on Homeland Security immediately.

ONGOING VIOLENCE IN SYRIA

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

Mr. PETERS. Mr. Speaker, I rise today to express my growing concern regarding the events unfolding in Syria. President Assad has repeatedly refused to usher in democratic reforms for his people and instead has chosen to continue his indiscriminate killings of innocent men, women, and children. His ruthless campaign of brutality has now shifted to northern Syria, where Syrian security forces led by President Assad's brother have instilled fear in the residents. Many of those innocently protesting for reform and freedom have been gunned down and many more have fled their homes, leaving all belongings and possessions behind.

With a complete ban on the entry of foreign journalists into the country, it is nearly impossible to determine just how dire the circumstances are. However, with the thousands of Syrians fleeing the violence into nearby Turkey, it is clear that conditions both in Syria and on the Turkish-Syrian border are deteriorating.

I therefore urge President Assad to allow humanitarian aid groups access

into Syria. By refusing entry, President Assad has forced his own people to not only live under deplorable conditions but he has forced them to live in a constant state of fear. Aid groups must be allowed in to provide the vital care. If the Syrian regime has any compassion, it will do so.

HAPPY 100TH BIRTHDAY TO EDNA YODER

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

Mr. YODER. Today, I rise for a very special tribute to a strong, wonderful, and sweet woman who has played a remarkable role in my life and all those who know her. Edna Yoder, my grandmother, will be celebrating her centennial birthday next week on June 28. Edna reflects the heart and soul of our American rural heritage, and she embodies the prairie spirit that is the bedrock of our Nation's values.

Born in 1911 and raised on a Kansas farm, she and my grandfather, like so many other Americans, carved a way of life out of the Kansas prairie through hard work, determination, and strong heartland values. Each time I step on the floor of the United States House, I strive to honor these principles that my grandmother and her generation have taught us.

Mr. Speaker, join me in wishing my grandmother Edna Yoder a happy 100th birthday.

DEFINITION OF MEDICARE

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

Mr. POLIS. There's been a lot of discussion in the House about how best to characterize the Republican plan to eliminate Medicare. I want to start with the definition. The Oxford English Dictionary definition of Medicare: a Federal system of health insurance for people over 65 years of age and for certain younger people with disabilities. So, again, a Federal system of health insurance.

If you replace a Federal system of health insurance with a Federal system of assistance or a voucher or helping to pay part of the cost, you don't have anything that meets the definition of what we know as Medicare. Maybe they want to call it ''Medi-Assist.'' Maybe they want to call it ''Medi-Voucher.'' Maybe it covers part of the cost of care for some people. Maybe it costs a lot less than it really costs to get health care insurance for others. In fact, according to nonpartisan estimates, the average senior will have to pay $6,000 more for health care by the time the Republican budget is fully implemented. But whatever it is, it ain't Medicare.

Medicare is very simple. The American people truly understand what Medicare is. We all have family that rely on Medicare. Lord knows, we need to improve Medicare to help make sure it's sustainable for the next generation. Ending Medicare is not an improvement.

FOLLOW HOUSE RULES

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

Mr. SENSENBRENNER. Mr. Speaker, shortly, the House will begin its consideration of the so-called ''patent reform'' bill.

At last night's meeting of the Rules Committee, when the debate on the rule within the committee wrapped up, the chairman chastised the Judiciary Committee for voting out a bill in violation of House rules, and specifically the House CutGo rules. However, the Rules Committee also voted a waiver that allows the CutGo rules to be ignored. That waiver is described by its supporters as a technical correction. This technical correction involves $700 million, hardly something that is technical.

It seems to me that the best thing that should have been done was that the Rules Committee ordered the bill re-referred to the Judiciary Committee so the Judiciary Committee could do it right in conformity with the House rules, like the gentleman from Michigan (Mr. CONYERS) did when he was the chair and which I did when I was the chair. We ought to know this when we're debating it.

TIME TO ''CUT AND GROW'' IN ORDER TO CREATE JOBS

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

Mr. WILSON of South Carolina. Mr. Speaker, the unemployment rate for the month of May was 9.1 percent. This marks the 28th consecutive month that unemployment has been at 8 percent or above. The President said unemployment would never reach 8 percent with his economic policies, which have sadly failed. Tragically, almost 14 million Americans are unemployed and looking for a job. The average job seeker in America has been unemployed for almost 40 weeks—almost 10 months.

This administration and its job-killing policies continue to spend and borrow money at a reckless rate without understanding a basic and fundamental principle: when the Federal Government borrows money wildly, it takes it away from the private sector's ability to create jobs. The House Republicans have solutions to promote jobs with the ''cut and grow'' congressional plan. First, you cut spending and then small businesses add jobs. This is the best way for families to get back on the path to prosperity.

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

PROVIDING FOR CONSIDERATION OF H.R. 2021, JOBS AND ENERGY PERMITTING ACT OF 2011, AND PROVIDING FOR CONSIDERATION OF H.R. 1249, AMERICA INVENTS ACT

Mr. NUGENT. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 316 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 316

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2021) to amend the Clean Air Act regarding air pollution from Outer Continental Shelf activities. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on Energy and Commerce. After general debate the bill shall be considered for amendment under the five-minute rule. The bill shall be considered as read. All points of order against provisions in the bill are waived. No amendment to the bill shall be in order except those printed in part A of the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. At any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 1249) to amend title 35, United States Code, to provide for patent reform. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. An initial period of general debate shall be confined to the question of the constitutionality of the bill and shall not exceed 20 minutes equally divided and controlled by Representative Smith of Texas and Representative Kaptur of Ohio or their respective designees. A subsequent period of general debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on the Judiciary. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original

bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived. No amendment to the committee amendment in the nature of a substitute shall be in order except those printed in part B of the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 3. Upon receipt of a message from the Senate transmitting H.R. 1249 with a Senate amendment or amendments thereto, it shall be in order to consider in the House without intervention of any point of order a single motion offered by the chair of the Committee on the Judiciary or his designee that the House disagree to the Senate amendment or amendments and request or agree to a conference with the Senate thereon. The motion shall be debatable for one hour equally divided and controlled by the chair and ranking minority member of the Committee on the Judiciary. The previous question shall be considered as ordered on the motion to its adoption without intervening motion or demand for division of the question.

□ 1200

POINT OF ORDER

Mr. GARAMENDI. Mr. Speaker, I raise a point of order against House Resolution 316 because the resolution violates section 426(a) of the Congressional Budget Act. The resolution contains a waiver of all points of order against consideration of the bill, which includes a waiver of section 425 of the Congressional Budget Act, which causes a violation of section 426(a).

The SPEAKER pro tempore. The gentleman from California makes a point of order that the resolution violates section 426(a) of the Congressional Budget Act of 1974.

The gentleman has met the threshold burden under the rule and the gentleman from California and a Member opposed each will control 10 minutes of debate on the question of consideration. Following debate, the Chair will put the question of consideration as the statutory means of disposing of the point of order.

The Chair recognizes the gentleman from California.

Mr. GARAMENDI. Mr. Speaker, I raise this point of order not necessarily out of concern for the unmet, unfunded mandates, although there are many in H.R. 2021, the Jobs and Energy Permitting Act of 2011; I raise the point of order because it is one of the very few vehicles we have, given the House rule, by which we can actually talk about what is in this bill, and there are plenty of problems in this bill. I also note that the resolution includes H.R. 1249, which talks about patents, because that also violates the House's CutGo rule.

Let me speak to H.R. 2021, the Jobs and Energy Permitting Act of 2011, which is actually better noted as the ''bad lung, emphysema and cancer act of 2011.''

This bill gives offshore oil companies a pass to pollute by exempting the offshore drilling companies from applying the pollution controls to vessels, which account for up to 98 percent of the air pollution from offshore drilling. I suppose, if you're in the Gulf of Mexico and the wind is blowing towards the shore, you would care about this; but in California, the wind almost always blows onto the shore, and the offshore drilling and the additional pollution that would be allowed because of this is a serious problem for California.

It poses a health risk. Smoke, fumes, dust, ash, black carbon—all of these things—blow onto the shore in southern California where we already have quite enough air pollution without this additional amount.

Local communities do have a right—and should—even though this bill would tend to limit it, to go to the EPA. It cuts the review time in half, thereby denying local communities the full opportunity to express their concerns about the additional pollution.

It eliminates third-party expert decision-making by the Environmental Appeals Board—finally, 20 years of the Environmental Appeals Board, created under the George W. Bush EPA, and it eliminates that.

There are many, many problems here, and I would like to raise them all by including the patents in this.

I would like to now yield 3 minutes to my colleague from California (Ms. ZOE LOFGREN).

Ms. ZOE LOFGREN of California. Mr. Speaker, the base bill is estimated to have a discretionary cost of $446 million over the next 5 years, $1.1 billion over the next 10 years. The manager's amendment violates the new CutGo rules by undoing the anti-fee diversion language, which eliminates a procedure that would have decreased the budget deficit by $717 million over 5 years. This violates the CutGo rules that the majority put in place.

I would note also that the rule and the manager's amendment have many other problems. I am very disappointed that having worked on the patent reform measure since 1997 that we are yanking defeat from the jaws of victory here today. The rule does not permit the consideration of Mr. CONYERS' amendment, which was focused on this fee matter that corrects the violation of the rule. It also does not permit the consideration of the grace period preservation and prior art clarification that is essential to small inventors. If we are going to go to the first-to-file system, we need to make sure that we protect prior user rights and that we protect the grace period that has been with our system for so long or else we are going to disempower small innovators. That is simply wrong.

This is a bill that had in the past gained nearly unanimous support when Mr. SENSENBRENNER was chair and when Mr. CONYERS was chair. I am distressed to report today that I cannot support this measure after working on it since 1997. Not only does it violate the rules, but it costs the Treasury, and it will disempower small innovative inventors. So this is wrong, and the amendments that could have been put in order to correct them were not permitted. I think this is really quite a shame, and I would urge that the measure not be brought up and, as Mr. SENSENBRENNER has suggested, that it be sent back to the Judiciary Committee for further work.

□ 1210

Mr. GARAMENDI. May I inquire as to how much time I have remaining.

The SPEAKER pro tempore. The gentleman from California has 5 minutes remaining.

Mr. GARAMENDI. I now yield 2 minutes to the gentleman from Wisconsin (Mr. SENSENBRENNER).

Mr. SENSENBRENNER. Mr. Speaker, I rise in support of the move by the gentleman from California (Mr. GARAMENDI) to delay consideration of this rule, and I want to talk about the patent bill specifically.

The Rules Committee granted a waiver of CutGo rules to this bill so that it would not be subject to a point of order. I believe in the CutGo rules, and I'm told by the supporters of this bill that this waiver is just technical because the committee violated the rules in turning discretionary spending into mandatory spending.

As we have just heard, this technical waiver involves $717 million. It is hardly technical; and in fact, at the end of the Rules Committee's consideration of this resolution last night, the chairman of the Rules Committee admonished the chairman of the Judiciary Committee, the gentleman from Texas (Mr. SMITH), that he should not be reporting out legislation that violates House rules.

Now, rather than giving the Judiciary Committee a get-out-of-jail-free card with a $717 million technical waiver, we should send this bill back to the Judiciary Committee so that they can fix up their own mess rather than having the House or the Rules Committee do it.

Now, making a motion to send the bill back to the Judiciary Committee

is not in order because I looked into that. The only way we can get this legislation fixed up, without a $717 million technical waiver of CutGo rules, is to support the motion that the gentleman from California (Mr. GARAMENDI) is making, and I go across the aisle by agreeing that he is on the right track on this, and I hope that he is supported.

Mr. GARAMENDI. I thank the gentleman.

I reserve the balance of my time.

Mr. NUGENT. Mr. Speaker, I rise in opposition to the point of order and in favor of consideration of the resolution.

The SPEAKER pro tempore. The gentleman from Florida is recognized for 10 minutes.

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

Mr. GARAMENDI. Well, I think he tossed it back to me, Mr. Speaker; so let me go ahead and finish this up.

Mr. SENSENBRENNER accurately talked about the way in which this particular resolution and the underlying bill on the patent bill violates the House rule that was written not more than 5½ months ago. Why would we want to violate the rules that we put in place to prevent excessive Federal spending? Doesn't make sense to me. So I agree with Mr. SENSENBRENNER: send this thing back. It's a violation of the rule, and I would ask for a ruling on that from the Chair.

The other point that I'd like to make is a similar point with regard to the offshore oil drilling bill which really does present a very serious problem for California. All of the offshore drilling in California—and it's very extensive. It's the second largest year for offshore drilling in the United States—is immediately off the southern California coast where we have very serious air pollution problems, some of the worst in the Nation.

All of those offshore drilling platforms pollute, air pollution of many different kinds causing potential harm to the citizens of southern California. Those onshore winds bring those pollutants onto the shore and cause additional air pollution problems which then require, under this bill, that the local communities take additional action to reduce the pollutants that are generated onshore, creating a very serious economic problem.

In addition, the bill requires that any legal issue raised has to be taken up in the district court here in Washington, D.C. By my calculation, that's nearly 3,000 miles away from where the problem exists, that is, southern California, placing an incredible burden upon them and an unfunded mandate that they have to then come out of their own budgets to come to Washington, D.C., to take up any legal issue that is raised, an unfunded mandate clearly in violation of the Rules of the House.

And, therefore, a point of order is in order, and I would hope that the Speaker would so rule.

There are many, many problems beyond that with regard to air pollution and the like. I will let those go.

I reserve the balance of my time.

Mr. NUGENT. Mr. Speaker, the question before the House is, Should the House now consider H. Res. 316? While the resolution waives all points of order against consideration of the bill, the committee is not aware of any points of order. The waiver is prophylactic in nature.

The Congressional Budget Office believes that H.R. 1249 would impose both intergovernmental and private sector mandates as defined by the Unfunded Mandates Reform Act on certain patent applications and other entities and would also be preempted from the authority of State courts to hear certain patent cases.

However, based upon information from the Patent and Trademark Office, the Congressional Budget Office estimates that the costs of complying with those mandates to State, local, and tribal governments would fall far below the annual threshold established by the Unfunded Mandates Reform Act. Because the costs of complying with the mandates fall below the annual threshold, the waiver is prophylactic in nature.

In order to allow the House to continue its scheduled business of the day, I urge Members to vote ''yes'' on the question of consideration of the resolution.

I reserve the balance of my time.

The SPEAKER pro tempore. The gentleman from California has 30 seconds remaining.

Mr. GARAMENDI. I will ask for a vote, but I now yield the balance of my time to the gentleman from Wisconsin (Mr. SENSENBRENNER).

Mr. SENSENBRENNER. Mr. Speaker, a $717 million CutGo waiver is not prophylactic in nature. It's whether we are going to abide by our CutGo rules or whether we won't; and the way we enforce the CutGo rules is by delaying consideration of this legislation, sending the patent bill back to committee, and letting the committee spend some time complying with the rules of the House of Representatives. This is a terrible precedent to set. Don't set it now.

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

Mr. NUGENT. Mr. Speaker, what's amazing about this is that we're going to stop the debate on the House floor about very important legislation that needs to move forward, both of those pieces of legislation. And so we need to have open debate on the House floor with opposing viewpoints, with the ability to have amendments added on the floor, which we have allowed in this rule.

With that, Mr. Speaker, I yield the balance of my time to the gentleman from California (Mr. DREIER), the chairman of the Rules Committee.

Mr. DREIER. I thank my friend for yielding.

Mr. Speaker, let me say that we obviously are dealing with an irregular development that took place in the Judiciary Committee, that being the notion of believing somehow that they could appropriate dollars.

We know full well that the Judiciary Committee cannot engage in the appropriations process itself, and so all that this provision that we are pursuing does is allows us to take from mandatory back to discretionary spending without any cost whatsoever. The power will fall with this institution, with the first branch of government, which is exactly where it should be.

And everyone, Mr. Speaker, talks about the concerns that we have over mandatory spending. Both Democrats and Republicans alike have made it clear that if we don't deal with the issue of mandatory spending we're not going to successfully address the economic and budget challenges that we face.

So all this provision does is it allows us to deal with what was an irregular development that took place in the Judiciary Committee, and it is for that reason that I support my friend from Florida's effort.

Mr. SENSENBRENNER: Will the gentleman yield?

Mr. DREIER. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Can the gentleman from California please explain to the House how we're going to cut spending by violating our CutGo rules with a $717 million waiver when the gentleman from California has already chastised the Judiciary Committee for violating the rules?

□ 1220

Mr. DREIER. Let me just say that this has absolutely no effect whatsoever on the actual spending level. By the way, the Congressional Budget Office is not able to take in the mix the details of this extraordinary development that took place in the Judiciary Committee. And so there is not going to be any cost.

This is a provision which clearly will allow us, as my friend from Florida has said, to proceed with a very important debate and to rectify a mistake that was made there.

I thank my friend for yielding.

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

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

The question is, Will the House now consider the resolution?

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

Mr. GARAMENDI. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 215, nays 189, answered ''present'' 1, not voting 26, as follows:

[Roll No. 463]

YEAS—215

Adams
Aderholt
Akin
Amash
Austria
Bachmann
Barletta
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Biggert
Bilbray
Bilirakis
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boustany
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Carter
Cassidy
Chabot
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Cravaack
Crawford
Crenshaw
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Dold
Donnelly (IN)
Dreier
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Frelinghuysen
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gibson
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Green, Gene
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Hensarling
Herger
Herrera Beutler
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (OH)
Johnson, Sam
Jones
Jordan
Kelly
Kingston
Kinzinger (IL)
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
Lewis (CA)
LoBiondo
Long
Lucas
Luetkemeyer
Lungren, Daniel E.
Mack
Marchant
Marino
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McKinley
McMorris Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Murphy (PA)
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Paul
Paulsen
Pearce
Pence
Peters
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Reed
Rehberg
Reichert
Renacci
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rooney
Ros-Lehtinen
Roskam
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schmidt
Schweikert
Scott (SC)
Scott, Austin
Sessions
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Southerland
Stearns
Stutzman
Sullivan
Thompson (PA)
Thornberry
Tipton
Turner
Upton
Walberg
Walden
Webster
West
Westmoreland
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (IN)

NAYS—189

Ackerman
Altmire
Andrews
Baca
Baldwin
Barrow
Bass (CA)
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Critz
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Doyle
Edwards
Ellison
Eshoo
Farr
Fattah
Filner
Frank (MA)
Franks (AZ)
Fudge
Garamendi
Gonzalez
Green, Al
Grijalva
Gutierrez
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hochul
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kildee
Kind
King (IA)
Kissell
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Manzullo
Markey
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Olver
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Pelosi
Peterson
Petri
Pingree (ME)
Polis
Price (NC)
Quigley
Rahall
Reyes
Richardson
Richmond
Rohrabacher
Ross (AR)
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott (VA)
Sensenbrenner
Serrano
Sewell
Sherman
Shuler
Sires
Slaughter
Speier
Stark
Sutton
Terry
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Welch
Wilson (FL)
Woolsey
Wu
Yarmuth

ANSWERED ''PRESENT''—1

Johnson (IL)

NOT VOTING—26

Alexander
Bachus
Brady (TX)
Burton (IN)
Duffy
Engel
Giffords
Gingrey (GA)
Gohmert
King (NY)
Lummis
Mulvaney
Myrick
Perlmutter
Rangel
Rokita
Schock
Scott, David
Shimkus
Stivers
Tiberi
Towns
Walsh (IL)
Whitfield
Young (AK)
Young (FL)

□ 1249

Messrs. TERRY, WELCH, and CONYERS changed their vote from ''yea'' to ''nay.''

Messrs. LANDRY, RYAN of Wisconsin, MICA, HALL, and CULBERSON changed their vote from ''nay'' to ''yea.''

So the question of consideration was decided in the affirmative.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mrs. MYRICK. Mr. Speaker, I was unable to participate in the following vote. If I had been present, I would have voted as follows: Roll-call vote 463, On Question of Consideration of the Resolution—H. Res. 316, Providing for consideration of the bill (H.R. 2021) to amend the Clean Air Act regarding air pollution from Outer Continental Shelf activities, and providing for consideration of the bill (H.R. 1249) to amend title 35, United States Code, to provide for patent reform—I would have voted "aye."

The SPEAKER pro tempore (Mr. WOMACK). The gentleman from Florida is recognized for 1 hour.

Mr. NUGENT. Mr. Speaker, for the purposes of debate only, I yield the customary 30 minutes to the gentleman from Colorado (Mr. POLIS), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

GENERAL LEAVE

Mr. NUGENT. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks.

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

There was no objection.

Mr. NUGENT. House Resolution 316 provides a structured rule for consideration of both H.R. 1249 and H.R. 2021. The rule provides for ample debate on both of these bills and gives Members of both the minority and the majority the opportunity to participate in the debate.

Mr. Speaker, I rise today in support of H. Res. 316. As I said before, this rule provides for consideration of two different bills: H.R. 1249, the America Invents Act, and H.R. 2021, the Jobs and Energy Permitting Act of 2011. Although these bills share one rule, the House will have opportunity to consider these pieces of legislation separately, and the rule ensures that we'll have full, transparent debate on both of these bills.

Article I, section 8 of the Constitution delegates Congress the exclusive authority over U.S. patent law. However, Congress has not enacted a comprehensive patent reform for nearly 60 years, since the Patent Act of 1952.

The America Invents Act makes significant substantive, procedural, and technical changes to current U.S. patent law that is designed to put American inventors on a level playing field with their global competitors.

I've heard from my colleagues on both sides of the aisle about concerns they have with the America Invents Act. In fact, I have some of those same concerns myself. As colleagues on the other side of the aisle, and some on this side of the aisle, are going to point out, this rule waives CutGo.

Quite frankly, Mr. Speaker, I hate that we have to waive CutGo to bring this legislation to the House floor. However, I need to stress to Members on both sides of the aisle that even though this rule may waive CutGo, it does not increase the budget or its deficit.

The Judiciary Committee wrote a bill that violated the House rule by appropriating when it moved patent fees from discretionary spending to mandatory spending. The manager's amendment fixes the Judiciary Committee's violation of those House rules. The manager's amendment does this at the insistence of the Rules Committee and the leadership.

This is the right thing to do. The Constitution makes it clear that the power of the purse must stay in Congress, and I believe abdicating agency funding to PTO would have clearly violated the Constitution.

However, by moving money back to discretionary spending, Chairman SMITH's manager's amendment does, through a technicality, violate CutGo. Again, let me remind my colleagues that while the manager's amendment does require a technical waiver of CutGo, this does not increase the deficit. Let me say it again. This does not increase the deficit.

In fact, Budget Committee Chairman RYAN supports this solution because, one, the manager's amendment ensures that the funding for PTO stays on the discretionary side where it is subject to appropriation, budget enforcement, and oversight. Two, this is the only technical waiver of the CutGo rule because the provisions of the manager's amendment were not included in the reported bill.

As I said before, I don't like it that we need to waive CutGo. However, it is the right thing to do so we can ensure, institutionally, that the power of the purse continues to lie with Congress, where our Founding Fathers intended it to be.

Additionally, I'm proud to say this is the first time ever, the first time ever this rule actually specifically designates 20 minutes for debate devoted exclusively to the constitutionality concerning H.R. 1249.

We opened the 112th Congress by reading the U.S. Constitution. As a member of the Constitution Caucus, I believe we can't let the conversation end there. Therefore, I'm proud of this rule, which continues to reflect Congress' commitment to our Nation's foundation, the Constitution.

But this rule isn't just for H.R. 1249; it's also for H.R. 2021, the Jobs and Energy Permitting Act.

Mr. Speaker, I strongly support this legislation. The U.S. Geological Survey estimates that Alaska's Beaufort and Chukchi Seas contain 27.9 billion—that's with a ''b''—barrels of oil and 122 trillion cubic feet of natural gas. These resources, if developed, could produce up to 1 million barrels of oil per day for domestic energy consumption.

However, while companies may have drilling leases to these lands, they continue to be mired in redtape and bureaucratic delays related to the Clean Air Act. This bill helps cut through these delays.

H.R. 2021 eliminates the permitting back-and-forth that occurs between the Environmental Protection Agency and its Environmental Appeals Board. Rather than having exploration air permits repeatedly approved and then rescinded by the EPA and its review board, under H.R. 2021, the EPA will be required to take final action, either granting or denying the permit, within 6 months.

Mr. Speaker, the American people are tired of the EPA keeping us from taking advantage of our own natural resources. We're the only country in the world that does that.

And, Mr. Speaker, the Obama administration has put their green agenda and EPA bureaucracy over American jobs and the ability for our energy security. H.R. 2021 helps bring an end to those irresponsible policies.

I encourage my colleagues to vote ''yes'' on the rule.

I reserve the balance of my time.

Mr. POLIS. Mr. Speaker, I thank my friend from Florida for yielding me the customary 30 minutes, and I yield myself such time as I may consume.

Mr. Speaker, patents are one of the most critical components that drive American innovation, drive our economy, drive invention and innovation. Regrettably, for a variety of reasons, the bill that this rule makes in order fails to ensure that the Patent Office has the resources it needs to process patent applications in a timely manner.

Now, I am grateful that this rule allows discussion of a number of important amendments, including my amendment, but there are a number of underlying flaws in the manager's amendment to this bill.

Inventors, innovators, and job creation should not be on hold due to delays in patent approval. I'm an inventor of several patents, and I can tell you that the quickest one that I received took over 5 years until it was granted. By the time it was granted, I had actually sold the company and was no longer involved in the sector.

The Internet and the information economy move at a speed and a different timeframe than our current patent review process operates under. Yet, this legislation, in its current form, with the manager's amendment, might actually serve to ensure that those delays continue because of a squabble between factions on the majority side.

Rather than resolve these differences to the benefit of American inventors, instead, the baby has been split, a decision that would cause King Solomon great reticence. The bad news for any American innovator pursuing a patent, as well as for the employees that new businesses might support, is that we fail to resolve some of the most pressing issues within the patent and trademark administration through this law.

The issue is that H.R. 1249 changes what I would consider one of the most important aspects of patent reform. And while there are very legitimate and important policy discussions on the aspect of patent reform, an equally, if not more important issue is adequate funding for the U.S. Patent and Trademark Office to ensure the speedy approval of applications so that they're relevant and reviewed and granted in a timeframe consistent with the needs of the private sector.

The PTO needs to be able to charge fees sufficient to recover the cost of its services and use those fees to pay for providing those services.

□ 1300

Now the PTO has a backlog of more than 700,000 patent applications, and it takes on average—well, my wonderful documentation from my staff says 2 to 3 years for a patent to get to be approved or rejected. I have never had one reviewed in anything close to that time. Maybe they just see my name on it and they put it under a pile of notes and they take 5 or 6 years. But if we don't increase the resources of the PTO, there is no way the PTO could expand the number of highly qualified examiners to actually reduce patent review time and put it on a timeframe consistent with the needs of the private sector, protecting innovation.

It's crucial that the fees generated are made available to the PTO so they can run in an efficient manner and protect American innovation here and abroad. The fees should not be held hostage to political squabbling here in this body every year on appropriations bills, every year on the budget debate. The price to American innovation is one that is too steep to pay to make that beholden to our very important political discussions that we have every year, but one that inventors need predictability and companies need predictability when deciding how much to invest in R&D and deciding how to pursue patents with their invention.

I understand that some on the other side might be satisfied with the current manager's amendment language, but the worry is that the Patent and Trademark Office cannot actually use the patent fees to search, examine, and grant patents where warranted. So I would ask: What's the point?

Patent reform is not traditionally—nor is it today, nor should it be—a Democratic or Republican issue. It's a nonpartisan issue. High-quality patents, as mentioned in the United States Constitution, are crucial to our economy getting back on track and moving forward.

President Obama issued a challenge in the State of the Union address to outinnovate, outbuild, and outeducate the world. And having a patent and trademark system that we can be proud of is an important part of American competitiveness and a mark that we fail to reach with this bill and the manager's amendment.

Contrary to the belief of some, America still does invent, build, and sell our goods and services throughout the world. In fact, one of America's main competitive advantages is in the information economy, the intellectual economy, the creative economy, the very types of economic innovations that we rely on patent trademark and copyright to protect. And yet, if we fail to improve the quality of our patent application system, including rapid and high-quality review, we risk losing our leadership in innovation.

I think this Congress needs to rise beyond the petty squabbling over committee jurisdiction, over trying to bind future Congresses, over budget and appropriations debates. We really need to rise beyond that and come up with a patent bill that we can all be proud of that leaves American innovation in good stead.

Now, Mr. Speaker, this rule also calls for the consideration of H.R. 2021, that is called the Jobs and Energy Permitting Act. The proponents of this bill continue to push a false narrative sprinkled with outrage based not on facts but on sound bites. They somehow want to convince the American people that President Obama is single-handedly shutting down oil drilling when, in fact, he has granted more permits than his predecessor. We've heard this broken record from my colleagues over and over again. And as simplistic and dramatic as the story is, the fact is that it's simply not true.

The American people know that prices at the pump—and that has caused difficulty for a lot of American families—have nothing to do with drilling here or now. Not only is there a lag effect in the 5- to 10-year timeframe, but, in fact, the domestic part of that equation in terms of reflecting gas prices is di minimus. The U.S. simply doesn't have enough oil to feed our addiction to oil, and gas prices are controlled by international markets and international supply and demand.

Despite the close relationship between the oil industry and the Bush administration, the Obama administration is allowing more drilling than the Bush administration did—much to the chagrin of some Members of the Democratic Caucus. The Obama administration approved more leases in 2010 than the Bush administration did in 7 out of 8 years of its Presidency.

In addition to more drilling, we are producing more oil, yet gasoline prices continue to go up—again, gasoline prices, international markets, supply and demand, separate from the long-term issues of drilling in this country.

The United States produces 9.7 million barrels of oil per day, and that's the most oil that we've produced in 20 years. We are just behind Saudi Arabia and Russia as the world's top producer. We have been raising production steadily since 2005—and that's a trend that I think we will be able to continue—and yet over this same period, oil hit a record high of $147 a barrel in 2008 during our period of production rise.

We need a real solution, not simply a solution that is focused on a 2012 election, on policy decrying President Obama's policies. We need a real solution to help end our Nation's reliance on fossil fuels and reduce our demand as well as supplement the energy supply with renewable energy sources.

Again and again, Republicans are proving that their energy platform isn't ''all of the above'' that common sense would dictate but, rather, ''oil above all,'' ''drill, baby, drill.''

Mr. Speaker, this rule and the underlying bills are bad policy. I think we need an open discussion of these issues rather than trying to split the baby in half, pleasing no one; and on the energy issue, rather than giving a sound bite approach, to really require a comprehensive national energy strategy, including ''all of the above.''

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

Mr. NUGENT. I appreciate the comments of my good friend from Colorado. We want to make sure that innovators like him don't have to wait 5 years to get something to market.

Mr. Speaker, I yield 2 minutes to the gentleman from Colorado (Mr. GARDNER).

Mr. GARDNER. I thank the gentleman for the recognition.

I rise in support of this rule to bring more American energy online.

This is a bipartisan bill, H.R. 2021, and it deserves debate on the floor today. Everybody in this Chamber ought to vote for this rule if they care about our gas prices, about our national security, about our energy security, and about job creation.

This bill has the potential to create tens of thousands of jobs annually, over $100 billion in payroll over the next 50 years, and 1 million barrels of oil a day. That's nearly enough oil to replace our imports from Saudi Arabia.

This bill would reduce our dependence on Middle East oil significantly, and that ought to be our goal. Foreign nations—some of which have serious animosity towards the United States—are in control of the vast majority of oil that we use day in and day out. Is dependency on these foreign countries not one of the biggest threats that our country faces today? It's a scary reality that this bill directly addresses.

The energy security bill will streamline the process of offshore permitting. Current impediments have delayed development of the Beaufort and Chukchi Seas for over 5 years. These are areas that have already been approved for drilling. The revenues for the leases have already been collected by the Federal Government, and yet over 5 years drilling is yet to occur.

The bill will make a number of minor changes. First, it will clarify that a drilling vessel is stationary when drilling begins and, therefore, should only be regulated as a stationary source at that point. It clarifies that service ships are not stationary sources by the simple virtue of the fact that they do not stop to drill. They are mobile sources regulated, as such, under title II of the Clean Air Act.

Third, the bill clarifies that emission impacts are measured onshore, where the public resides.

Lastly, the bill eliminates the needless delays, the constant ping-pong between the EPA and the Environmental Appeals Board when it comes to exploration clean air permits. And it requires final agency action to take place in 6 months, to give them an up-or-down approval—denial of proof within 6 months.

Alaska holds tremendous potential, and this bipartisan bill achieves great things by allowing a responsible and efficient process to take place.

Mr. POLIS. Mr. Speaker, I yield 3 minutes to the ranking member of the Judiciary Committee, the gentleman from Michigan (Mr. CONYERS).

Mr. CONYERS. I thank JARED POLIS, who is a brilliant former member of the Judiciary Committee, and we miss him very much.

Ladies and gentlemen, the reason these two bills are put together is very easy to fathom, that is that we have started off by, for the first time in the 112th Congress, violating the CutGo rule, formerly known as the pay-as-you-go rule, and we're trying to mask it by talking about how wonderful the second bill, the Jobs and Energy Permitting Act, H.R. 2021, is. But it's not going to work, friends, because we know why we're trying to play down the patent bill that the rule is originally committed to.

□ 1310

It is because there are growing numbers of Members that are not only going to vote ''no'' on the rule, but they are going to vote ''no'' on the bill since for the first time since January that this CutGo rule was instituted, which prohibits consideration of a bill that has the net effect of increasing spending within a 5-year window, it is waived. In other words, you can't pass a bill that will increase spending without providing an offset.

There is no offset. That is understood. But here is what the Congressional Budget Office said, that this bill will increase direct spending by $1.1 billion over the 2012–2021 period. It will increase it by $140 million by establishing a new procedure post-grant review. It will increase it by $750 million, because they establish a procedure that would allow patent holders to request the PTO to review an existing patent. It will increase it by $251 million by allowing inter partes reexamination, that is, to make it tougher and longer for a small inventor to be able to get his patent secured.

So please vote ''no'' on this rule for the reason that it violates the pay-as-you-go, now known as the cut-and-go rule.

Mr. NUGENT. Mr. Speaker, it is amazing when you hear the arguments in regards to CutGo that our friends are raising today; but in the 111th Congress, PAYGO was the flavor of the week, and that was violated eight times. And of those eight times, it actually increased, increased spending, and added to our deficit, each and every one of those.

This waiver of CutGo does neither. It merely is a technical ability for us to hear those two underlying pieces of legislation so we can have open debate on the House floor and have the amendment process be intact.

I reserve the balance of my time.

Mr. POLIS. Mr. Speaker, I yield 45 seconds to the gentleman from Michigan (Mr. CONYERS).

Mr. CONYERS. I thank the gentleman.

I say to the gentleman, Mr. NUGENT, the Congressional Budget Office sent us and you a letter saying it would increase direct spending by a total of $1.1

billion. That is not even a small increase. And, by the way, the fact that somebody else waived the pay-as-you-go rule doesn't give you the right to waive cut-as-you-go. This is outrageous that this would be allowed in the first 6 months of the year, and it has never been waived before in the 112th Congress. And he says it is not going to cost us very much, or nothing.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are reminded that their remarks should be directed to the Chair and not to others in the second person.

Mr. NUGENT. Mr. Speaker, just as a response, the letter that we have from the Congressional Budget Office of May 26 talks about ''CBO estimates enacting the bill would reduce net direct spending by $725 million.'' So I am not sure if we have the same letter. But this is the letter that I referred to, Mr. Speaker, and I suggest those on the other side of the aisle may look at the same letter.

I reserve the balance of my time.

Mr. POLIS. To be clear, the gentleman from Florida refers to a letter that was regarding the initial bill. The manager's amendment actually changes the equation the gentleman indicated and renders that side letter inaccurate relating to the manager's amendment, which, if adopted under this rule, will then be part of the bill.

I yield 2 minutes to the gentleman from New York (Mr. TONKO), a member of the Budget Committee.

Mr. TONKO. I thank my colleague, the gentleman from Colorado.

Mr. Speaker, I rise in opposition to this rule on this historic day in the 112th Congress.

Six months. That's it. Six months. It took less than 6 months for the Republican majority to come to the floor of this House and break their most treasured promise to the American people, a promise made in writing to the rules of the House of Representatives. Today, by waiving the House CutGo rule, my colleagues across the aisle are giving up on their foundational principle of deficit reduction—no new spending without offsets.

Don't take my word for it. The Congressional Budget Office clearly states that the manager's amendment, as we just heard, to the base bill, H.R. 1249, breaks the rules of the House. So the majority has written a new one-time rule that breaks their most fundamental promise to America, that this Congress will not enact a dime of new spending without cutting spending from another area of our Federal budget.

This bill is going to increase discretionary spending by nearly half a billion dollars with no offset to cover that new spending. From my seat on the Budget Committee, I have watched how fiercely they have clung to this promise; and though I disagree with many of their choices and cuts, this is truly a new low. It is a historic breakdown that only took 6 months to arrive.

Though America is watching and waiting for a solution, a jobs bill, for instance, to our Nation's fiscal and economic crisis, Republicans began the year by saying that half the budget question was off the table. For instance, questions like $800 billion were spent on tax breaks for the wealthy, or like tens of billions in subsidies and deliberate loopholes for some of the wealthiest corporations on Earth.

CutGo doesn't lay down any rules about tax expenditures. We could entirely stop collecting taxes and let the budget and the economy collapse tomorrow, and that would abide by CutGo.

Again, this rule only deals with spending without finding the roughly half a billion dollars' worth of offsets to pay for the bill. Not surprisingly, this rule has lasted us only 6 months. I would ask my Republican colleagues, what will the next 6 months bring and the next 6 months after that?

Mr. NUGENT. Mr. Speaker, the manager's amendment fixes a rules violation. It requires a technical waiver of CutGo to move the patent fees back to the discretionary side. Those fees were going to be put into mandatory spending. Now it is back to discretionary.

Of course the discretionary spending went up, but think about this: the fees that are utilized to pay for this come from those that actually apply for patents. The money is going to be utilized to make sure that folks like Mr. POLIS don't have to wait 5 years. These are dollars collected for specific reasons. The reason is to allow us to become innovators again, to allow us to compete with China.

We need to do things in America to make us stronger; and while people might rail against the CutGo waiver, let's talk about the real issues that face America, and that is energy, in regards to finding more energy, bringing it to market, whether it is oil or natural gas. Those are the issues that are up. And it is about invention. It is about allowing the Patent and Trademark Office to actually get back to work and do the right things and have some ability to look forward in regards to what they can do in regards to moving forward the process.

I reserve the balance of my time.

Mr. POLIS. Mr. Speaker, I would like to yield 1½ minutes to the ranking member of the Rules Committee, the gentlewoman from New York (Ms. SLAUGHTER).

Ms. SLAUGHTER. I do appreciate my friend from Colorado for yielding me time.

Mr. Speaker, with this rule today, the Republicans waive their so-called CutGo rule to protect a Republican manager's amendment to the patent reform bill. Nonpartisan experts at the Congressional Budget Office said, ''We estimate that amendment,'' No. 15, Smith, the manager's amendment, ''would significantly increase direct spending, would not affect revenues.''

I think, if I understand correctly, it adds about $140 million in spending.

□ 1320

By reclassifying the fees and spending by the PTO as discretionary, amendment 15 would eliminate $712 million in savings that are scored in the original bill.

Republicans have repeatedly characterized this waiver as ''technical.'' They may think the waiver is technical, but for $712 million to be tossed around does not sound technical to me or to most Americans, I'd wager. We think it's real money.

It was our Speaker, Mr. BOEHNER, who complained that the previous Democratic majority frequently waived pay-as-you-go to meet its needs. When the Republicans eliminated the PAYGO rule and replaced it with their CutGo rule, BOEHNER complained that, ''We routinely waive the Budget Act's requirements to serve our purposes.'' Today, it is the internal squabbling of the House Republican Conference whose purposes are being served by a waiver of CutGo.

They go on to say the manager's amendment is important enough to waive CutGo because it preserves congressional oversight of the Patent Office.

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

Mr. POLIS. I yield the gentlewoman 45 additional seconds.

Ms. SLAUGHTER. This is simply not accurate. The CutGo violation in the manager's amendment—the provision that increases direct spending by $712 million—would simply remove from the bill a provision that was going to ensure the Patent Office was fully funded.

If I didn't already have enough complaints against this manager's amendment, I want to call attention to the House that after 13 years of work we finally got genetic nondiscrimination passed in this Congress so that people could feel free to have genetic tests. This manager's amendment for the first time talks about the patenting of human genes. That must never, ever happen.

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

Mr. POLIS. Mr. Speaker, I yield 2 minutes to the gentlewoman from Ohio (Ms. KAPTUR).

Ms. KAPTUR. I thank the gentleman from Colorado (Mr. POLIS) for yielding, and rise against this rule and the underlying bill.

The bill is unconstitutional. It will stifle American job creation; cripple American innovation; it throws out 220 years of patent protections for individual inventors; and it violates the CutGo rules, increasing our deficit by over $1 billion. This bill should never have been brought to the floor. Not only is it chock full of special interest legislation for large banks and a handful of corporate interests, what we are voting on today makes a mockery of the openness that the Republican leadership promised in legislative procedures. The bill has gone through a lot

of iterations, without sunlight, since it was first reported out of committee. The Congressional Budget Office's score on this latest version of the bill that just came out last night shows that it violates the CutGo rules. That's right. It increases the deficit every year between now and 2021.

Just last week, we couldn't find enough money to provide hungry American children with food. But for some reason, the Republican leadership believes it's appropriate to add hundreds of millions of dollars in costs to the taxpayers and more regulations at the Patent Office. That's the non-partisan CBO's number, by the way. Meanwhile, the bill takes away patent and intellectual property rights of individual inventors.

This is not the bill passed by the Senate. This is not the bill that passed out of the Judiciary Committee. As the details of what we are actually being asked to vote on leaks out, more people, including now those who actually work in the Patent Office, oppose the bill. Importantly, the bill removes the requirement that only first inventors may receive a patent and it creates the monopoly nightmare that the Founders of our Constitution intended to prevent.

The first-to-file patent system will lead the Federal Government to create commercial monopolies and more regulations—exactly what Jefferson, Madison, and other Founders opposed. As opposed to securing to first inventors their property rights, the bill will merely secure unreserved rights to the first to file a patent. The first one to run over to the Patent Office might get the patent. That is not what is enshrined in our Constitution. The authentic, first inventor must not be stripped of their rights.

The very first right in our Constitution, even before the Bill of Rights, is the right to your intellectual property.

Vote ''no'' on the rule and the bill.

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

Mr. POLIS. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. ROHRABACHER), a champion of individual inventors.

Mr. ROHRABACHER. I rise in opposition to the rule.

The CBO says the manager's amendment to this bill, H.R. 1249, would significantly increase direct spending. According to the CBO, over a 10-year period, H.R. 1249 would incur significant new deficit spending. For example, switching to first-to-file would increase costs by $18 million; the new post-grant review in this bill would cost $140 million; amending the inter partes reexamination would increase direct spending by $250 million. This is all annually. The new supplemental review would increase direct spending by $758 billion. That's a $1.1 billion increase in spending. Yet we as Republicans promised that if there would be this increase in spending, we would cut spending in a proportionate share. We made that the rule of how we're going to do business. This rule supersedes that promise. We should not be going back on our promise to the American people to act responsibly.

This bill will lay the foundation not only for weaker patent protection for American inventors but it will also knock the legs out from us finally being responsible in our spending patterns. This bill is not about making the Patent Office more efficient. That's what we keep hearing. It is about harmonizing American patent laws with those of Europe. And in Europe and Asia they do not have strong patent protection for their people. What that means is weaker patent protection for Americans. That is what they're trying to achieve. And who's going to be strengthened by this? Multinational corporations who don't care about the United States.

The Hoover Institution just did a major study showing that the patent bill demonstrably is a plus for large corporations who have created no jobs and hurts all the little guys and the small guys and the startups who have created all the jobs. This is an anti-jobs bill. It should be defeated.

Mr. NUGENT. Mr. Speaker, I listened to the arguments. The key to this is allowing this bill to go forward. The key to this is allowing amendments to come to the floor and have open debate. Even Mr. ROHRABACHER has some amendments that are going to be coming to this floor to have debate in regards to the merits; debate in regards to what is the will of the House. That's the reason we have the time set aside on each of these bills, so those that are opposed to it can be heard and those that have amendments that want to modify what the underlying legislation is can be heard. And issues about constitutionality. That's why this rule sets aside specific time to talk about the constitutionality of the America Invents Act. That's the beauty of this building that we're in and the organization and the institution that we represent, is the ability to have open debate, both sides of the aisle. It doesn't matter. It's about open debate and about changing and allowing us to hear differing opinions and different views.

So I respect those on the other side of the aisle. I respect those Members within the Republican side of the aisle. I respect the difference of opinion. That's what families are all about, so we can have an open discussion and exchange. That's what this rule does. It allows us to hear on both of these bills an open and frank discussion about the merits of each, the merits of any amendments as to how we want to change or modify.

I reserve the balance of my time.

Mr. POLIS. Mr. Speaker, I yield 2 minutes to the gentleman from Kentucky (Mr. YARMUTH).

Mr. YARMUTH. I thank my colleague from Colorado.

Mr. Speaker, I rise to oppose the rule. When the Republicans last fall traveled around the country asking the American people to return this House to their control, they promised two things. One, they were going to create jobs. Secondly, they were going to promote fiscal responsibility and try to reduce the deficit and reduce the debt. Well, on the first score, it's been 6 months and we haven't seen the first item of job-creating legislation. On the second item, we should have known better. We should have known better than to trust them to actually try and rein in the deficit.

Today, with the rule under consideration, the Republican majority is proposing to waive the very rules they wrote to supposedly cut spending.

□ 1330

The GOP proposed the CutGo rule last year, saying it was part of their plan to rein in spending; and now, just a few short months later, they're violating their own rules. We heard the gentleman from Florida actually concede that they're violating their own rules. That is award-winning hypocrisy, but it's not surprising because, as has been mentioned, the Speaker of the House said last year, We routinely waive the Budget Act's requirements to serve our purposes.

Maybe we could excuse that if they were, say, proposing legislation to create jobs, but we know that isn't happening. In fact, the underlying bill does exactly the opposite.

It stifles innovation and entrepreneurship. The surplus fees that are collected by the Patent and Trademark Office could be used to protect patents and to process new ones so that there are new inventions, new innovations coming to market, creating jobs; but the Republican majority wants to take those funds and put them into the general kitty where they can spend it on other things like—who knows?—more tax breaks for the rich or maybe Big Oil companies.

Only time will tell that.

But now, for today, it is best advised to reject this rule and to not allow the Republicans to get away with violating their own CutGo rules and then to pass this legislation that would stifle innovation in America.

Mr. NUGENT. Mr. Speaker, I yield 3 minutes to the gentleman from Georgia (Mr. WOODALL).

Mr. WOODALL. I rise today as a proud member of the Rules Committee. I appreciate my colleague on the Rules Committee for yielding to me.

It's not lightly that I come down to the floor today, because I've only been on the job here 5 months. Mr. Speaker, you know that I'm one of the new guys here in Congress, and I came down to the House floor because I thought this is where deliberation went on. I thought this is where folks had candid conversations about how to improve a bill. I see my colleague Mr. POLIS there at the table. We've made a lot of amendments available, not just on the patent bill, but on the EPA bill as well.

So when I come to the floor and hear folks talking about CutGo, I wonder what happened to the serious conversations that we were going to have here on the floor. I wonder where the seriousness about improving the bills that are coming to the floor went because, as you know, Mr. Speaker, this CutGo issue is one that was created solely because the way the bill was reported out of committee and the way the manager's amendment impacted it created a technical CutGo violation.

A technical CutGo violation. Ask the freshman Member of Congress, and I'll tell you that there is a technical CutGo violation in the manager's amendment.

Does it spend $1? Does it spend $1 that the Federal Government wasn't going to spend anyway? No. Does it cost the American taxpayer $1? The answer is ''no.''

Mr. CONYERS. Will the gentleman yield?

Mr. WOODALL. I am happy to yield to the gentleman from Michigan (Mr. CONYERS), the ranking member.

Mr. CONYERS. This would spend $1.1 billion. That's not technical, my friend. It would spend $1.1 billion.

Mr. WOODALL. I reclaim my time.

That's what troubles me as a freshman because I know, Mr. Speaker, that the distinguished Member knows that had the committee reported this bill out the way the manager's amendment crafts this bill there would be no CutGo violation whatsoever. Hear that. Had the committee reported this bill out the way we're bringing this bill to the floor, there would have been no CutGo violation whatsoever. Yet we are raising this issue on the floor of the House as if there is some big backroom deal going on.

That's frustrating to me as a freshman Member, Mr. Speaker, because there is no backroom deal. This is the most open House of Representatives that I've seen in my lifetime. This is the most open Rules Committee that I've seen in my lifetime. This is the most open process in the people's House that I have seen in my lifetime. Yet, for reasons that I cannot suppose, folks make this case as if there are nefarious things going on in the background.

I say to my colleagues and I say to you, Mr. Speaker, that the American people have a distrust of Washington, D.C., and I will tell you that that distrust is well earned. That distrust is well earned, and that's why there are 96 new people here this time around. Folks, let's not suggest that there is something going on when there's not. Let's be honest when there are problems, and let's be honest when we're doing it right; and Mr. Speaker, we're doing it right today.

Mr. POLIS. I've been advised by some of our advisers on our side that, in fact, this would have been a CutGo violation even if this had been an amendment in committee.

This is a serious discussion. When we're talking about CutGo, it's a serious issue. I think this Congress on both sides of the aisle have come here to balance the budget, to restore fiscal discipline to our country; and setting the precedent of a CutGo violation so early in the term really calls into question what a ''rule of the House'' even means if it is to be so casually disregarded.

I yield 45 seconds to the ranking member of the Judiciary Committee, the gentleman from Michigan (Mr. CONYERS).

Mr. CONYERS. I thank the gentleman for yielding.

I just wanted my dear friend—and I recognize he has only been here 5 months—to realize that this is not a technical CutGo violation. This is a $1.1 billion violation. That's real money that we're going to have to get from somewhere else, and we're waiving CutGo for the first time in the 112th Congress.

I am appealing to Republicans and Democrats, Mr. Speaker, to join with us against this outrageous and costly and blatant violation of the House rules that they wrote.

Mr. NUGENT. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. DREIER).

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

Mr. DREIER. Mr. Speaker, I rise in strong support of this rule.

I realize that we are dealing with a somewhat unprecedented situation here; but I've got to say that, as I listen to the characterization being put forward by my colleagues on the other side of the aisle as to this so-called CutGo waiver, they appear to be way off base.

I have no idea, Mr. Speaker, what this $1.1 billion figure is. I've been asking my staff members since I heard the distinguished former chair of the committee, the ranking member, throw this figure out, and they said, We have no idea where this $1.1 billion figure has come from.

If he wants to explain that to me, I am happy to yield to my friend, the gentleman from Michigan (Mr. CONYERS).

Mr. CONYERS. Yes. The letter to the distinguished chair of the Rules Committee came from the Congressional Budget Office, and I would be pleased to quote it to you. The $1.1 billion is an accumulation of several other costs that they reported.

Mr. DREIER. I reclaim my time.

Let me say, I asked my staff where this $1.1 billion figure came from. My staff members are right here on the floor, and they said they don't know where the basis of this $1.1 billion figure comes from. Mr. Speaker, what happened in the Judiciary Committee was unfortunate. It was an unfortunate development that took place because the Judiciary Committee proceeded to do something that they should not do, which is they began appropriating.

All we are doing with this provision that we have in place is simply saying that the power should, in fact, lie with the House Appropriations Committee and that it should not be mandatory spending that does not provide the first branch of government, the legislative branch, with the adequate oversight.

Now, as I walked into the Chamber, my friend from Kentucky was saying that this bill is not focused on job creation and economic growth when, in fact, we know that encouraging creativity and innovation is about our creating good jobs right here in the United States of America. Mr. Speaker, the American people get it. They realize that if we were to take our time and energy and focus on job creation and economic growth we would be able to improve the standard of living and quality of life for the American people. Unfortunately, we've not been vigorously pursuing those.

I think that one of the most important things that we can do is to open up new markets around the world for U.S. goods and services and for our kind of innovation that is developing. We at this moment are waiting for three trade agreements that have been languishing over the past 4 years. Unfortunately, this House in the last 4 years has failed to consider them. They would create good union and nonunion jobs for the American worker.

□ 1340

Good jobs for union and nonunion members would be created if we were to pursue that kind of policy.

Now, those agreements are pending. We've gotten a positive indication that the administration is going to be sending those to us. We need to move on those as quickly as possible. As we look at those market-opening opportunities, having the kind of innovative ideas that will be able to take place, creating new products is going to be wonderful because we'll have new markets for those products around the world.

And so that's why, again, Mr. Speaker, here we are under a process that allowed an amendment by my friend from Michigan, the distinguished ranking member of the Committee on the Judiciary, to be made in order; my friend from Colorado from Boulder, Colorado (Mr. POLIS), I'm very happy that we were able to make his amendment in order. Ms. JACKSON LEE was here just a few minutes ago. She withdrew an amendment that she offered before the Rules Committee, and a similar amendment was offered by my colleague from California (Ms. ESHOO). We chose to make that amendment in order, which is virtually identical to the one that my friend from Houston offered.

And so as my friend from Lawrenceville, Georgia, my Rules Committee colleague, said, Mr. Speaker, here we are. We've made 15 amendments in order for considering allowing virtually every idea to be considered.

My friend from California (Mr. ROHRABACHER) has his amendment made in order. And so the idea of somehow criticizing the Rules Committee and the action that we've taken is just way off base.

There were 15 amendments that are made in order under this bill; 10 amendments have been made in order for the Energy and Commerce legislation that's come before us.

Mr. CONYERS. Will the gentleman yield?

Mr. DREIER. I yield to the gentleman from Michigan.

Mr. CONYERS. I thank you, my friend.

We are not criticizing the Rules Committee. The CutGo violation, which you have not even seen the CBO letter that described the $1.1 billion——

Mr. DREIER. If I can reclaim my time, Mr. Speaker, let me just say that I asked my staff about this, and they were unaware of exactly where this $1.1 billion figure came from. And so in light of that, it seems to me that we are in a position where we need to proceed with this very important work, and we're trying our doggonedest to make it happen.

We're going to allow proposals from Messrs. ROHRABACHER, CONYERS, and POLIS and others to be considered, and that's why it's important that we pass this rule. If we don't pass this rule, we won't have the opportunity for the Rohrabacher, Conyers, and Polis ideas to be considered here on the House floor.

And so let me thank my friend for yielding. I know he has other speakers. And with that, I'm going to urge support of the rule.

Mr. POLIS. I think some of the frustration here, Mr. Speaker, is that the work product of the committee is being disregarded in favor of a rule that provides for a manager's amendment that fundamentally alters the character of the bill in a way that many Members of both parties have quite a few problems with.

Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas, a member of the Judiciary Committee, Ms. JACKSON LEE.

Ms. JACKSON LEE of Texas. I thank the Speaker and thank the gentleman, and I appreciate the generosity of the Rules chairman on the number of occasions that I have sought to both represent my constituents at the Rules Committee and to represent issues that are of concern to America.

Let me just say that I believe in efficiency of time, but I am struck by a rule that has two major legislative initiatives that require the deliberation and the thoughtfulness of Members of Congress. I believe the rule is not necessarily a place to express one's opposition or support, but I do believe it's important procedurally to discuss a number of issues.

The legislation that deals with the EPA, H.R. 2021, in and of itself would warrant an opportunity for full discussion, and I offered a number of amendments that I thought were quite productive, and those amendments would have provided some reasonable thought about the EAB. It would have provided a review period, and one in particular that the gentleman mentioned was the opportunity to file your cases in local courts.

I'm glad that we'll have the general discussion on the floor. Far be it from me to suggest that is not a good thing, but I do want to say that I had a very strong amendment that was not included in the Rule; the Amendment was originally withdrawn but resubmitted so we did have an opportunity to correct a letter that we had sent, but I'm glad for the debate in the form of another amendment just like mine regarding local federal courts being allowed to hear these matters.

Mr. CONYERS. Will the gentlewoman yield?

Ms. JACKSON LEE of Texas. I yield to the gentleman from Michigan.

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

Mr. POLIS. I yield the gentlewoman an additional 30 seconds.

Mr. CONYERS. The reason that both these bills were combined is that they're trying to mask all the defects in the patent bill, and that's why they put this great new jobs, supposedly, creating bill together.

Ms. JACKSON LEE of Texas. Well, reclaiming my time, whatever the reason was, we both agree we needed to have more time for the rules debate.

And I will now move to the patent bill. And as I said, I will not discuss the pros and cons of this legislation, but I will say to you—and I see the gentleman rising over here maybe trying to correct something that was said. There's no reason to correct anything other than the fact that we had a number of amendments that we offered and we would hope that we would have had an open rule.

The SPEAKER pro tempore. The time of the gentlewoman has again expired.

Mr. POLIS. I yield the gentlewoman an additional 15 seconds.

Ms. JACKSON LEE of Texas. Thank you very much.

On the patent bill in particular, two amendments that would have been vital were to announce that this was not an undue taking of property, to indicate to those who are concerned about this issue, because I think the bill does have the ability to create jobs, and lastly is the point of being able to give small businesses an 18-month period for disclosure when many small businesses have to secure funding from other places and the secret of their invention is exposed.

This Amendment would have added protection to small businesses and improved the debate, nevertheless I look forward to the debate, but I hope we will not have this kind of rule in the future.

Mr. Speaker, before I discuss Amendments I offered, I would like to note my support for the first to file system in H.R. 1249. I believe it to be a positive step toward improving the efficiency and effectiveness of our IP system. However, I am not deaf to some of the criticisms that it has received from various interests, and I believe it is imperative that this bill be a real jobs creator for small and large inventors and businesses.

The amendments I am offering today are not controversial. They simply tighten up the language of the existing provisions of the bill, and add checks to ensure that the bill, if it becomes law, is fulfilling its intended purposes.

AMENDMENTS CONCERNING SMALL BUSINESSES, MINORITY-AND WOMAN-OWNED BUSINESSES, AND, HBCU'S

AMENDMENT #26 AND #22—INCLUSION OF MINORITY-AND WOMAN-OWNED BUSINESSES

H.R. 1249, the "American Invents Act," addresses one of the concerns with the current patent system—the high fees associated with filing patent applications and the burden they impose on small businesses and not-for-profit entities wishing to secure patent protection.

It addresses this concern by giving a 50 percent discount on all USPTO fees to "small entities" and "micro entities."

My first amendment (Amendment #26) amends the definition of "small entities" for the purposes of receiving the fee discount to include language that ensures that minority-owned and woman-owned businesses are included.

My second amendment (Amendment #22), much like my first amendment, includes minority-owned and woman-owned businesses in the definition of "micro entity" for purposes of receiving the fee discounts afforded to these types of entities.

While I am sure it was the intent behind this section to extend protection for all small businesses, my amendments simply reassure inclusion of minority-owned and woman-owned businesses.

The U.S. Department of Commerce defines small businesses as a business which employs less than 500 employees. According to the Department of Commerce, in 2006 there were 6 million small employers—representing around 99.7 percent of the nation's employers and 50.2 percent of its private-sector employment. The proposed patent reform will ensure that small businesses are not treated at a disadvantage. It has great potential to create job growth, and in turn spur economic development for our country.

There were 386,422 small employers in Texas in 2006, accounting for 98.7 percent of the state's employers and 46.8 percent of its private-sector employment. Since small businesses make up such a large portion of our employer network, it is important to understand how they will be impacted as a result of patent reform.

Women and minority owned businesses generate billions of dollars and employ millions of people.

There are 5.8 million minority owned businesses in the United States, representing a significant aspect of our economy. In 2007, minority owned businesses employed nearly 6 million Americans and generated $1 trillion dollars in economic output.

Women owned businesses have increased 20 percent since 2002, and currently total close to 8 million. These organizations make up more than half of all businesses in health care and social assistance.

My home city of Houston, Texas is home to more than 60,000 women owned businesses, and more than 60,000 African American owned businesses.

AMENDMENT #29—HBCU'S AND HISPANIC SERVING INSTITUTIONS

One of the positive attributes of this bill is that it extends fee discounts to colleges and universities that engage in research and seek patent protection of their work.

H.R. 1249 does this by giving fee discounts to ''public institutions of higher education.''

For purposes of this section, my amendment includes in the definition of ''small entities'' Historically Black Colleges and Universities, HBCU's.

Generally speaking, HBCU's should be considered ''public institutions of higher education,'' however, in a few instances where schools receive alternative means of funding, there is a risk that minority serving institutions could be overlooked.

My amendment simply ensures that the intended goal of the language in this bill is actually achieved—that ALL colleges and universities, including Historically Black Colleges and Universities and Hispanic Serving Institutions, receive fee discounts to keep the patent system accessible.

Our Nation's colleges and universities are responsible for a vast amount of valuable research.

HBCUs are a source of accomplishment and great pride for the African American community as well as the entire Nation. The Higher Education Act of 1965, as amended, defines an HBCU as: ''. . . any historically black college or university that was established prior to 1964, whose principal mission was, and is, the education of black Americans, and that is accredited by a nationally recognized accrediting agency or association determined by the Secretary [of Education] to be a reliable authority as to the quality of training offered or is, according to such an agency or association, making reasonable progress toward accreditation.'' HBCUs offer all students, regardless of race, an opportunity to develop their skills and talents.

Secretary of Education Arne Duncan said, ''HBCUs play an essential role in helping our Nation boost college completion rates and achieve the President's goal for America to again have the highest percentage of college graduates in the world by 2020.''

At present, HBCUs award just over 36,000 undergraduate degrees a year. More than 80 percent of those degrees, about 31,500 degrees, are baccalaureate degrees.

HBCUs currently award about 15 percent of all undergraduate degrees nationwide for African-American students.

The completion gap in high-demand fields in science, technology, engineering and math is particularly troubling. Nationwide, nearly 70 percent of white students in STEM fields complete their degrees, compared with just 42 percent of African-American students.

AMENDMENT #27—SENSE OF CONGRESS PROTECTING RIGHTS OF SMALL BUSINESSES AND INVENTORS

We must always be mindful of the importance of ensuring that small companies have the same opportunities to innovate and have their inventions patented and that the laws will continue to protect their valuable intellectual property.

Therefore, I am offering an amendment that expresses the sense of Congress that the patent system should promote industries to continue to develop new technologies that spur growth and create jobs across the country, which includes protecting the rights of small businesses and inventors from predatory behavior that could result in the cutting off of innovation.

The role of venture capital is very important in the patent debate, as is preserving the collaboration that now occurs between small firms and universities. We must ensure that whatever improvements we make to the patent laws are not done at the expense of innovators and to innovation. The legislation before us, while not perfect, does a surprisingly good job at striking the right balance.

Several studies, including those by the National Academy of Sciences and the Federal Trade Commission, recommended reform of the patent system to address what they thought were deficiencies in how patents are currently issued.

The U.S. Department of Commerce defines small businesses as businesses which employ less than 500 employees.

According to the Department of Commerce, in 2006 there were 6 million small employers representing around 99.7 percent of the Nation's employers and 50.2 percent of its private-sector employment.

In 2002 the percentage of women who owned their business was 28 percent while black owned was around 5 percent. Between 2007 and 2008 the percent change for black females who were self employed went down 2.5 percent while the number for men went down 1.5 percent.

Small business is thriving in my home state of Texas as well. There were 386,422 small employers in Texas in 2006, accounting for 98.7 percent of the state's employers and 46.8 percent of its private-sector employment.

In 2009, there were about 468,000 small women-owned small businesses compared to over 1 million owned by men.

88,000 small business owners are black, 77,000 are Asian, 319,000 are Hispanic, 16,000 are Native Americans.

Since small businesses make up such a large portion of our employer network, it is important to understand how they will be impacted as a result of patent reform.

AMENDMENT #23—EXTENSION OF THE DISCLOSURE PERIOD FOR SMALL BUSINESSES

My amendment addresses the section of this bill which deals with the disclosure period, also known as the grace period. In its current state, H.R. 1249 includes a one-year grace period for inventors who make disclosures about their inventions before they apply for an actual patent.

My amendment extends that grace period for small business from one year to eighteen months.

When small businesses are attempting to develop an invention, oftentimes it is necessary for them to make disclosures to outside entities because, due to a lack of resources, they need to outsource the effort needed to bring an invention to market.

For small businesses outsourcing their development, the one-year grace period may not be an adequate amount of time.

Whenever an inventor makes the first public disclosure of an invention, then—as to whatever the inventor disclosed publicly—the disclosing inventor is guaranteed the right to patent the invention if a patent is sought during the 1-year ''grace period'' after the first public disclosure, even if during this ''grace period'' someone else (e.g., another inventor) either publishes its own independent work on the invention or seeks its own patent on the invention based on its independent work.

Prior art is created when a disclosure is made available to the public. However, the ''grace period'' operates so that an inventor's own disclosure (or the disclosure by someone else that represents nothing more than the inventor's own work itself) is excluded as prior art to the extent of any of these inventor-originated disclosures made one year or less before the inventor seeks a patent. In short, inventors have one year from when they make their work public to seek patents.

AMENDMENTS ADDRESSING SECTION 18 (TRANSITIONAL REVIEW PROCESS FOR BUSINESS METHOD PATENTS)

AMENDMENT #25—SUNSET OF BUSINESS METHOD PATENTS REVIEW PROGRAM

Though I am generally supportive of this bill, Section 18, which creates a transitional review program for business method patents, has come under criticism.

There has been a lot of inconsistency in the status of the law surrounding business method patents over the years.

Historically, business methods and systems to implement those methods were not patentable, but in the 1998 State Street v. Signature Financial Group ruling, that all changed.

After that ruling, there was an explosion of applications for business method patents, and many were issued. However, many of these patents are of poor quality.

Many business methods are facially obvious, whereas patentable inventions are supposed to be novel and non-obvious.

They also lack prior art. It is very difficult to determine which business methods are simply common practice in different industries, but simply have been properly documented.

The difficulties associated with issuing business method patents coupled with the lack of resources within the USPTO lead to issuance of many weak business method patents, some of which probably should not have been awards. Thus, a slew of litigation followed.

This section, though controversial because it targets a specific type of patent, is intended to iron out the inconsistency in issuance of these types of patents and the many different rulings that flowed from mountains of litigation.

While I believe it is important to achieve to consistency, I also think the necessity of this process is finite. Currently, the provision sunsets in 10 years, however, that period is too long in my opinion.

Given the concerns associated with this section and the limited relevance of this provision, I have proposed an amendment that would make this provision sunset in 5 years.

AMENDMENT #24—REQUIRING DEPARTMENTAL DETERMINATION THAT THERE IS NO ''UNLAWFUL TAKING OF PROPERTY''

As I mentioned previously, Section 18 of this bill has been subject to criticisms, most notably the fact that the transitional review program is creates may cause some patents to be taken away, which may lead to a potential violation of the ''takings clause'' in the U.S. Constitution.

Patents, though intangible, are considered property and they are valuable—some extremely valuable and a source of great wealth to their owners. A process that could strip a patent owner of their property without just

compensation comes dangerously close to an unlawful taking, in my opinion.

This is of great concern to me, and therefore I am offering an amendment to address the constitutionality issue of this provision.

My amendment requires the Director of the U.S. Patent and Trademark Office, within a year of enactment of this bill, to make a determination of whether the provisions of this section could create a condition that could be considered an unlawful taking of property under the ''takings clause'' found in the Fifth Amendment of the Constitution. The Director would need to report to Congress the underlying reasoning for his determination.

While there may be a valid intent and purpose behind the provisions in section 18 of this bill, no purpose is so great that it warrants a violation of the Constitution.

My amendment will help ensure that the Constitution is upheld and adhered to, a goal that we all, regardless of party affiliation, should wholly support.

AMENDMENT #28—SENSE OF CONGRESS—NO VIOLATION OF THE TAKINGS CLAUSE

The Constitution is the law of land, a body of law that we as lawmakers respect, and that the American people value as the cornerstone of democracy.

Because some of the opponents of this bill have raised Constitutional concerns with specific provisions in the bill, I am offering an amendment that reaffirms our commitment to the Constitution.

My amendment is simple. It states that it is the sense of Congress that none of the provisions of this bill should constitute an unconstitutional taking of property under the fifth Amendment to the Constitution.

Mr. NUGENT. Mr. Speaker, just as a clarification, the Rules Committee has the obligation to make sure that they move this through the House so it can come up, so these bills can come up. It's not about combining two bills; it's about a rule that allows two bills to be heard separately. That's all this does.

With that, Mr. Speaker, I yield 3 minutes to gentleman from California (Mr. ISSA).

Mr. ISSA. Mr. Speaker, I do not commonly talk on rules. Usually I come for the substance of the underlying bill, and I will be speaking later on the underlying bill, on the Judiciary's patent reform bill, but I would like to speak not only to the fairness of the rule and the appropriateness and the reason for passage but also perhaps clarify something related to the underlying bill in the case of Judiciary.

First of all, I'm delighted, delighted to see that we are reducing the amount of time for passage of a rule when they are like.

My colleagues on the other side of the aisle certainly know that at the beginning of every Congress, once every 2 years, we pass a massive rules package that every suspension and every other bill is essentially brought under. A rules package is nothing but a slight addition to the overall set of rules of the House, and if we do not produce one, then we operate under the rules of the House. So I'm delighted to see that we are using floor time more efficiently.

As to the question of the costs related to the upcoming bill on patent reform, I find something really amazing that I think all the Members should be aware of, Mr. Speaker, and that is this is a piece of legislation that has already passed by 95–5 out of the Senate. This is a piece of legislation that the ranking member and I have worked on for my entire 11 years here. This is a piece of legislation that every one of us has had input into and found ways to come together so that we had a 10:1 ratio when we passed it out of committee.

And when it comes to the costs, the American people, Mr. Speaker, have to understand this is simply talking about the exclusive fees that both Republicans and Democrats on the committee have demanded be used only for the patent office work and not be diverted. So, even if at some point we have to admonish the appropriators to stay within a number, we're only talking about how much of the money that the men and women who apply for patents, the men and women who invent, contribute for the purpose of having that passed.

So although people will pass dollars around, let's understand these are not tax dollars. These are dollars contributed with an application for a patent or for the extension, continuation of a patent. These are fees that inventors pay in order to have their inventions considered and retained, and nothing should be more sacred to Republicans and Democrats than making sure that those funds collected by these people are used there.

Mr. CONYERS. Will the gentleman yield?

Mr. ISSA. I yield to the gentleman from Michigan.

□ 1350

Mr. CONYERS. I thank the distinguished member of the Judiciary Committee and the chair of Oversight and Government Reform.

The Congressional Budget Office sent the letter, Mr. ISSA, about the manager's amendment, which had nothing to do with the bill.

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

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

Mr. ISSA. Reclaiming that 30 seconds, I fully understand my colleague's statement about the CBO scoring question, but understand, Mr. Speaker, that subject to appropriations, no money will be spent except money contributed in fees by those folks.

So whatever we must do in enactment of this law over time, we will do, but let's understand, we're not talking about the normal budget situation, where clearly any dollars that CBO is referring to are the dollars contributed by the men and women who invent things.

So I think we really have to look at that and say, We know they're entitled to 100 cents on the dollar. That's all we're doing regardless of scoring.

Mr. POLIS. I want to point out that the vote my friend from California referenced on the committee by a 10–1 margin is a completely different bill and finance mechanism than is contemplated under the manager's amendment to this bill. This manager's amendment has not been seen or voted on by any of the committees of jurisdiction and is a major break from precedents on this issue.

I would now yield 2 minutes to the gentleman from California (Mr. SCHIFF), a member of the Appropriations Committee.

Mr. SCHIFF. I thank the gentleman for yielding.

Mr. Speaker, I rise to raise my concerns about H.R. 1249 and the rule and in particular the manager's amendment.

America's uniquely innovative culture is the source of our economic strength, and I have long supported fundamental reforms to our patent system that would reduce the patent backlog, increase the quality of patents, and ensure that the patent system is not abused in ways that threaten innovation.

One of the best things in the bill up until now has been a provision to attack the backlog by devoting all of the fees gathered in the patent process to the Patent Office. We are asking the stakeholders of invention to pay higher fees to reduce the backlog. How can we ask them to do that if we are going to divert the fees they pay to paying general government expenses?

The provision in the underlying bill would have ended that practice, would have ended fee diversion, a diversion that has cost the invention community and our economy over a billion dollars in diverted funds. Unfortunately, the manager's amendment would severely undercut and really do away with that principle. I know as an appropriator I'm not supposed to be saying this. As a former member of the Judiciary Committee, however, I am, and that is, we should not be diverting these fees. We should not be diverting fees that need to be used to take down that backlog, to make sure that inventors can quickly patent their products and take them to market. This is part of our competitive economic advantage.

And so I was very enthusiastic about that part of the bill. Concerned about others, concerned about moving to first-to-file, which I will talk about later, but now I am doubly concerned because I think the most constructive part of the bill has been seriously diminished.

Mr. ROGERS of Kentucky. Will the gentleman yield?

Mr. SCHIFF. I yield to the gentleman from Kentucky.

Mr. ROGERS of Kentucky. I welcome my colleague's comments. However, I think the gentleman has a misunderstanding about the content of that provision. The provision in the manager's bill states that no moneys can be diverted from the fee collections. All of

the fees have to stay with the Patent Office. It has to be reprogrammed.

Mr. SCHIFF. If I can reclaim my time.

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

Mr. SCHIFF. May I have an additional 15 seconds?

Mr. POLIS. I would express my hope to the gentleman from Florida that this discussion might continue on his time. We are down to our last minute and a half on this side.

Mr. NUGENT. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. GOODLATTE).

Mr. GOODLATTE. I thank the gentleman for yielding, and I rise in support of the rule but also in support of the manager's amendment.

I think the gentleman from Kentucky, the chairman of one of the two committees that you have referred to here, is absolutely right, that these funds are sequestered and cannot be used for any other purpose. The Appropriations Committee may not appropriate all of the funds at one time, but they can only hold those funds in trust for the Patent Office. And then the Patent Office as they identify needs that need to be worked on will come to the appropriators, will come to you and your committee, and get approval for them. That maintains congressional oversight of the Patent Office. This is supported by the Commissioner of the Patent Office.

Mr. SCHIFF. Will the gentleman yield?

Mr. GOODLATTE. I yield to the gentleman from California.

Mr. SCHIFF. Thank you, and I will be very brief.

If the funds that are sequestered—first of all, it requires another act of Congress to appropriate those sequestered funds back to the Patent Office. If it was never the intention to divert those, then why change the bill?

Mr. ROGERS of Kentucky. Will the gentleman yield?

Mr. GOODLATTE. I would be happy to yield to the gentleman from Kentucky.

Mr. ROGERS of Kentucky. The gentleman may not be aware, but we have long had a practice on the Appropriations Committee of reprogramming funds within an agency's budget. All of the agencies have problems during the year where they need to change moneys from one particular account to another. That's fine. But they have to come to the Appropriations Committee for a reprogramming request. It's routine, it's considered normal, and it does not require an act of Congress. It's simply the signature of the chairman and the ranking Democrat of the Appropriations Committee, and the moneys are transferred.

When the Patent Office collects fees that exceed its appropriated level, that amount of money is placed in a sort of escrow account, just for their purposes, just for their use. If they see the need for more funds, they simply send up another reprogramming request, and the moneys can be transferred from the escrow account to the Patent Office. It's a standard procedure.

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

Mr. POLIS. I yield 30 seconds to the gentleman from California (Mr. SCHIFF).

Mr. SCHIFF. I thank the gentleman.

The only concluding point I want to make is the funds that are held in the escrow account, if the Congress subsequently decides because of budgetary problems they have a better use for those funds, they want to be used for something else, to pay down something else, there's nothing that precludes the Congress from reallocating those funds. The patent community, the inventor community, still has to come hat in hand to the Appropriations Committee and say, Please give us the money you put in escrow.

There's no need to set up this account if we simply take this step in the underlying bill which would end diversion once and for all.

Mr. NUGENT. I yield 30 seconds to the gentleman from Kentucky (Mr. ROGERS).

Mr. ROGERS of Kentucky. The gentleman is not correct. This provision in the manager's amendment precludes the expenditure of this escrow account for any purpose other than Patent Office. It's in the manager's amendment, and the gentleman will have a chance to vote on it.

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

Mr. Speaker, appropriations are at the discretion of Congress every year. For that reason and others, I urge my colleagues to oppose this rule and the underlying bills. Patent reform is critical, it's important, and it's the right way to go, but this bill and the manager's amendment and the rule are the wrong approach.

If we defeat the previous question, I will offer an amendment to the rule to remove the $712 million plus CutGo waiver for amendments to H.R. 1249.

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

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

There was no objection.

Mr. POLIS. Mr. Speaker, I urge my colleagues to vote "no" and defeat the previous question, because while it has shortcomings, at least the CutGo rule provides some checks on increasing spending. By waiving CutGo today, this Congress might risk demonstrating how little we care about fiscal discipline.

In order to get patent reform right, I urge a "no" vote on the rule and the bill.

I yield back the balance of my time.

Mr. NUGENT. Mr. Speaker, I support this rule and encourage my colleagues to support it as well.

I don't like the idea that we have to waive CutGo any more than anyone else in this Chamber; however, if we want to maintain Congress's constitutional ability to appropriate funds, it is necessary.

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

AN AMENDMENT TO H. RES. 316 OFFERED BY MR. POLIS OF COLORADO

Page 4, line 16, before the period insert the following: "except those arising under clause 10 of rule XXI".

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

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

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

Mr. Clarence Cannon's Precedents of the House of Representatives (VI, 308–311), describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

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

In Deschler's Procedure in the U.S. House of Representatives, the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee

on Rules] opens the resolution to amendment and further debate.'' (Chapter 21, section 21.2) Section 21.3 continues: ''Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon.''

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

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

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

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

RECORDED VOTE

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

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on the motion for the previous question will be followed by 5-minute votes on adoption of House Resolution 316, if ordered; and the motion to suspend the rules and pass H.R. 672.

The vote was taken by electronic device, and there were—ayes 230, noes 184, not voting 17, as follows:

[Roll No. 464]

AYES—230

Adams
Aderholt
Akin
Alexander
Altmire
Amash
Austria
Bachmann
Bachus
Barletta
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Biggert
Bilbray
Bilirakis
Black
Blackburn
Bonner
Bono Mack
Boustany
Brady (TX)
Brooks
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Carter
Cassidy
Chabot
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Cravaack
Crawford
Crenshaw
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Dold
Donnelly (IN)
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Hensarling
Herger
Herrera Beutler
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jones
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
Lewis (CA)
LoBiondo
Long
Luetkemeyer
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marino
McCarthy (CA)
McCaul
McClintock
McCotter
McKeon
McKinley
McMorris Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Olson
Palazzo
Paul
Pearce
Pence
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Reed
Rehberg
Reichert
Renacci
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stearns
Stutzman
Sullivan
Terry
Thompson (PA)
Tiberi
Tipton
Turner
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (FL)
Young (IN)

NOES—184

Ackerman
Andrews
Baca
Baldwin
Barrow
Bass (CA)
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Brady (PA)
Brown (FL)
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Critz
Crowley
Cuellar
Cummings
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Frank (MA)
Fudge
Garamendi
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinojosa
Hochul
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson, E. B.
Kaptur
Keating
Kildee
Kind
Kissell
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Markey
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Olver
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Pelosi
Perlmutter
Peters
Peterson
Pingree (ME)
Polis
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Richmond
Ross (AR)
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Shuler
Sires
Slaughter
Smith (WA)
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Welch
Wilson (FL)
Woolsey
Wu
Yarmuth

NOT VOTING—17

Bishop (UT)
Braley (IA)
Broun (GA)
Davis (CA)
Giffords
Gohmert
Hinchey
Hirono
Johnson (GA)
Lucas
Lummis
McHenry
Nunnelee
Paulsen
Stivers
Thornberry
Young (AK)

□ 1423

Mrs. MALONEY, and Messrs. VAN HOLLEN, BERMAN, and CARNEY changed their vote from ''aye'' to ''no.''

Mr. HALL changed his vote from ''no'' to ''aye.''

So the previous question was ordered.

The result of the vote was announced as above recorded.

Stated against:

Mrs. DAVIS of California. Madam Speaker, on rollcall No. 464, had I been present, I would have voted "no."

(By unanimous consent, Mr. HOYER was allowed to speak out of order.)

COMMEMORATING THE 20,000TH VOTE OF THE HONORABLE NORM DICKS

Mr. HOYER. Madam Speaker, ladies and gentlemen of the House, I rise to call the attention of my colleagues to a milestone that one of our Members has now reached, a very significant milestone. One of my best friends in the House, who I served with on the Appropriations Committee for many years, and who greeted me when I first came to the Congress, my friend, Congressman NORM DICKS, has just recently cast his 20,000th vote in the House of Representatives. And I personally think almost every one of them was correct.

Madam Speaker, it is a testament to his distinguished record of service in this Chamber, which began on January 3, 1977, at the start of the 85th Congress. Since that date, our colleague, NORM DICKS has continued to represent the people of the Sixth Congressional District of Washington, the cities of Bremerton and Tacoma, as well as the Olympic Peninsula, as he has worked his way up to the top of the leadership of the House Appropriations Committee. As some of you know, I refer to him as the Chairman in waiting.

The expertise he has developed on defense and natural resource issues throughout those years on the committee is well known.

Madam Speaker, as I indicated, NORM DICKS now serves as our ranking Democratic Member on the Appropriations Committee, and serves with the distinguished chairman, HAL ROGERS from Kentucky.

I believe I can speak for all of us, all of our Members today, in congratulating NORM on reaching this important milestone. And I think I can also say for both sides of the aisle, NORM DICKS is one of those Members who reaches across the aisle and tries to make policy in a positive way.

NORM DICKS, I think, is an example for all of us. He's become one of the few Members of the House who has had the determination and endurance to remain engaged in the people's business for so long here in the House of Representatives.

NORM, we congratulate you, not only on your 20,000th vote, but on the quality of service you have given to this

House, to this country, and to your district and Washington State. Congratulations.

The SPEAKER pro tempore (Mrs. EMERSON). Without objection, 5-minute voting will continue.

There was no objection.

The SPEAKER pro tempore. The question is on the resolution.

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

RECORDED VOTE

Mr. NUGENT. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 239, noes 186, not voting 6, as follows:

[Roll No. 465]

AYES—239

Adams
Aderholt
Akin
Alexander
Altmire
Amash
Austria
Bachmann
Bachus
Barletta
Barton (TX)
Bass (NH)
Benishek
Berg
Biggert
Bilbray
Bilirakis
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Carney
Carter
Cassidy
Chabot
Chaffetz
Chandler
Coble
Coffman (CO)
Cole
Conaway
Costa
Cravaack
Crawford
Crenshaw
Culberson
Davis (KY)
DeFazio
Denham
Dent
DesJarlais
Diaz-Balart
Dold
Donnelly (IN)
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Green, Gene
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Hensarling
Herger
Herrera Beutler
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kissell
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
Lewis (CA)
LoBiondo
Long
Lucas
Luetkemeyer
Lungren, Daniel E.
Mack
Marchant
Marino
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McKinley
McMorris Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Owens
Palazzo
Paulsen
Pearce
Pence
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Reed
Rehberg
Reichert
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schmidt
Schock
Schrader
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stearns
Stutzman
Sullivan
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (FL)
Young (IN)

NOES—186

Ackerman
Andrews
Baca
Baldwin
Barrow
Bartlett
Bass (CA)
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carson (IN)
Castor (FL)
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costello
Courtney
Critz
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Frank (MA)
Fudge
Garamendi
Gibson
Gonzalez
Green, Al
Grijalva
Gutierrez
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hochul
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Jones
Kaptur
Keating
Kildee
Kind
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Manzullo
Markey
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Olver
Pallone
Pascrell
Pastor (AZ)
Paul
Payne
Pelosi
Perlmutter
Peters
Peterson
Pingree (ME)
Polis
Price (NC)
Quigley
Rahall
Rangel
Renacci
Reyes
Richardson
Richmond
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schilling
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Sires
Slaughter
Smith (WA)
Speier
Stark
Sutton
Terry
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Welch
Wilson (FL)
Woolsey
Wu
Yarmuth

NOT VOTING—6

Giffords
Gingrey (GA)
Gohmert
Lummis
Stivers
Young (AK)

□ 1437

Mr. ROHRABACHER changed his vote from ''no'' to ''aye.''

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ELECTION SUPPORT CONSOLIDATION AND EFFICIENCY ACT

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 672) to terminate the Election Assistance Commission, 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 Mississippi (Mr. HARPER) 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 235, nays 187, not voting 9, as follows:

[Roll No. 466]

YEAS—235

Adams
Aderholt
Akin
Alexander
Amash
Austria
Bachmann
Bachus
Barletta
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Biggert
Bilbray
Bilirakis
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Carter
Cassidy
Chabot
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Cravaack
Crawford
Crenshaw
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Dold
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Hensarling
Herger
Herrera Beutler
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jones
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
Lewis (CA)
LoBiondo
Long
Lucas
Luetkemeyer
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marino
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McKinley
McMorris Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Paul
Paulsen
Pearce
Pence
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Reed
Rehberg
Reichert
Renacci
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stearns
Stutzman
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman

Wolf
Womack
Woodall
Yoder
Young (FL)
Young (IN)

NAYS—187

Ackerman
Altmire
Andrews
Baca
Baldwin
Barrow
Bass (CA)
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Critz
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Edwards
Ellison
Engel
Eshoo
Fattah
Filner
Frank (MA)
Fudge
Garamendi
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hochul
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kildee
Kind
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Markey
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moran
Nadler
Napolitano
Neal
Olver
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Pelosi
Perlmutter
Peters
Peterson
Pingree (ME)
Polis
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Richmond
Ross (AR)
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Shuler
Sires
Slaughter
Smith (WA)
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Welch
Wilson (FL)
Woolsey
Wu
Yarmuth

NOT VOTING—9

Farr
Giffords
Kissell
Lummis
Moore
Murphy (CT)
Stivers
Sullivan
Young (AK)

□ 1444

So (two-thirds not being in the affirmative) the motion was rejected.

The result of the vote was announced as above recorded.

GENERAL LEAVE

Mr. WHITFIELD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and insert extraneous material on H.R. 2021.

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

There was no objection.

JOBS AND ENERGY PERMITTING ACT OF 2011

The SPEAKER pro tempore. Pursuant to House Resolution 316 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 2021.

□ 1445

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2021) to amend the Clean Air Act regarding air pollution from Outer Continental Shelf activity, with Mrs. EMERSON in the chair.

The Clerk read the title of the bill.

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

The gentleman from Kentucky (Mr. WHITFIELD) and the gentleman from California (Mr. WAXMAN) each will control 30 minutes.

The Chair recognizes the gentleman from Kentucky.

Mr. WHITFIELD. Madam Chair, as we prepare to take up an important piece of legislation today, H.R. 2021, I would like to yield such time as he may consume to the chairman of the Energy and Commerce Committee, the gentleman from Michigan (Mr. UPTON).

Mr. UPTON. I want to thank the gentleman from Colorado, CORY GARDNER, the sponsor of this legislation; and the gentleman from Kentucky, ED WHITFIELD, the chairman of the Energy and Power Subcommittee, for moving this legislation along.

Madam Chair, the purpose of this bill is real simple. It is to streamline the permit process to allow us more domestic production of oil and gas. In this country, we consume about 19 million barrels a day of oil and we produce about 7 million, and the exploration on the Outer Continental Shelf has been delayed for years because of a broken bureaucracy. The regional EPA, they are going to approve exploration air permits, only to have them challenged again by EPA's Environmental Appeals Board. It has been a never-ending circuit of approvals, appeals and re-applications, and it has stalled exploration for nearly 5 years.

So what does that mean? It means that these resources, which perhaps contain as much as 28 billion—yes, that's billion—barrels of oil and 122 trillion cubic feet of natural gas, have been stalled.

We know that if production is allowed here, safe production, we could produce perhaps as much as 1 million barrels a day from these sites, and it would add about 54,000 American jobs. Yet 5 years after the original lease sales, not a single test well has been drilled, not a single barrel of domestic oil has been brought to market to reduce our reliance on Middle East oil, and not a single job has been created to develop the resources because the bureaucracy is standing in the way of exploration.

This legislation changes that, and I would urge my colleagues to support this sensible, bipartisan legislation to streamline the permitting process and finally allow us to explore and develop the vast resources of our Nation. This bill was approved by the Energy and Commerce Committee with a strong bipartisan vote, and I look forward to the same result today.

Mr. WAXMAN. Madam Chair, I yield myself 5 minutes.

I rise in opposition to this legislation. The legislation is not about creating jobs. It is not about lowering gasoline prices. It is a giveaway to the oil industry that will increase pollution along our coasts.

This legislation's supporters have promoted it as a narrow bill designed to address specific problems that Shell has faced in obtaining a clean air permit for exploratory drilling off the coast of Alaska.

□ 1450

This legislation will have wide-ranging impacts beyond the Arctic Ocean. The States of California and Delaware have grave concerns about the impact of this bill on their ability to protect public health and welfare from air pollution. In fact, this bill could affect every State on the Atlantic and Pacific Coasts.

I agree that the provisions of the Clean Air Act that apply to the Outer Continental Shelf will have some ambiguities that could use clarification, but this legislation takes the wrong approach. Each of the so-called clarifications in this bill would have the effect of allowing more pollution and providing less public health protection for the nearby communities and limiting participation of affected stakeholders in the permitting process.

The Republicans say that it shouldn't take 5 years to get a permit, and I agree with them. But the truth is it has not taken 5 years for Shell to get a permit. Shell has pulled permit applications and modified its proposed operations on numerous occasions. Each time, EPA has had to adjust its assessment of the potential impacts on air quality and public health. This is what EPA is supposed to do. No one should want EPA to take a one-size-fits-all approach to permitting these major sources of pollution.

There are many flaws in the legislation. It allows huge increases in air pollution from oil and gas drilling activities by moving the point of measurement from the drill ship to the shore. It threatens the ability of California and other States to regulate the emissions of support vessels. And it sets an arbitrary deadline of 6 months for final agency action on every offshore exploratory drilling permit, no matter the size or complexity of the proposed operations. The EPA Assistant Administrator for Air and Radiation testified before the Energy and Commerce Committee that 6 months is too short to allow for adequate technical analysis, public participation,

and administrative review. Witnesses for the States of California and Delaware agree this wouldn't work for their State programs. Yet these concerns have been ignored.

The legislation eliminates the Environmental Appeals Board from the permitting process, even though it is a cheaper, faster, and more expert substitute for judicial review. And it requires all challenges to air permits to be raised before the Federal Court of Appeals in Washington, D.C., thousands of miles away from the affected communities.

Claims that this legislation will reduce gas prices or the budget deficit are nonsense. They have no substantiation. There are sensible improvements we could make, but we aren't making them. Instead, this bill waives environmental requirements and short-circuits permitting reviews at the expense of public health.

The administration opposes H.R. 2021 because it would curtail the authority of EPA to help ensure that domestic oil production on the Outer Continental Shelf proceeds safely, responsibly, and with opportunities for efficient stakeholder input. I agree with them.

I urge my colleagues to oppose H.R. 2021.

I reserve the balance of my time.

Mr. WHITFIELD. At this time, Madam Chair, I yield 5 minutes to the author of this bill, the gentleman from Colorado (Mr. GARDNER).

Mr. GARDNER. I thank the chairman of the subcommittee that brought this bill before the body today, and I thank the chairman, Mr. UPTON, for his work on this piece of legislation. Energy security, job creation, working to reduce the pain at the pump, that is what H.R. 2021 is about, the Jobs and Energy Permitting Act of 2011. I thank the chairman for bringing it to the floor today.

This is an important bill for our country and a step in the right direction when it comes to weaning ourselves off of foreign, Middle Eastern oil. It allows us to utilize the resources that we have in our own backyard—American energy for American jobs—responsibly and environmentally friendly.

Gas prices are fluctuating near historic levels that can send our economy into yet another recession. Millions of Americans are out of work. The unemployment rate has ticked back above 9 percent. Unrest in the Middle East has highlighted our vulnerabilities that stem from dependence on oil half a world away and from many countries that seek to do us harm. In the face of seemingly intractable problems, it is our duty as elected representatives of the people of this country to pursue solutions that benefit our neighbors and our Nation as a whole. One such solution is unlocking America's vast energy potential. The Jobs and Energy Permitting Act is a bipartisan approach—a bipartisan bill—to bring a massive domestic resource online and create tens of thousands of jobs.

I am delighted to have my friend and colleague from Texas (Mr. GENE GREEN) as the coauthor of this legislation.

In this bill, we move in a nimble and elegant manner to tie the loose ends in EPA's permitting process and the Clean Air Act, itself, to expedite decisions on EPA's issued air permits for offshore oil exploration. The needless red tape inherent in EPA's current permitting process has blocked access to a truly enormous reserve, a reserve in our own backyard, Alaska's Beaufort and Chukchi Seas.

Taken together, we have been told that upwards of 1 million barrels of oil a day can be brought online as a result of the responsible development of these resources, entirely offsetting our imports from Saudi Arabia. Doing so will create and sustain over 50,000 jobs as massive projects get underway to bring this resource to American consumers. Such a vast amount of oil will not only reduce prices at the pump in the future, as testimony was given before the Energy and Commerce Committee, but keep us more secure by eliminating imports from hostile regimes abroad.

For these reasons, the President agrees that we should be moving forward with permitting exploration off Alaska's coast. This bipartisan bill is the most efficient way to get the job done.

Through two exhaustive hearings on this bill, we heard testimony from numerous stakeholders and citizens of Alaska. We believe we have created a solution that balances both environmental protection with public priorities, a balance that does not exist with current EPA procedures.

During our subcommittee and full committee markups we debated numerous amendments, giving members the opportunity to propose substantive changes to the underlying bill. I'm glad that we had a very serious and thought-provoking discussion on this bill during those meetings, and I look forward to the debate today.

The Jobs and Energy Permitting Act is a serious bill with serious implications for our economy and our energy security. I am delighted to be here today working with my Democratic colleague to move forward with an effective solution to regulatory problems experienced in Alaska and Alaska's offshore areas.

Mr. WAXMAN. Madam Chair, I am pleased to yield 5 minutes to our Democratic leader in the energy area, the ranking member of the Energy Subcommittee, the gentleman from Illinois (Mr. RUSH).

Mr. RUSH. I want to thank the ranking member from the full committee, my friend from California (Mr. WAXMAN), for yielding this time.

Madam Chair, I'm not opposed to drilling in Alaska and I'm not opposed to streamlining the permitting process in a sensible and thoughtful manner, but I do object to cutting out input and participation from the very communities that would be most affected by this process or preempting States' authority in order to expedite the permitting process for one single company.

Unfortunately, many of the less affluent communities who are ultimately being adversely affected by this permitting process do not have the resources of the oil industry to lobby Congress on their own behalf, and so it's up to us, those Members who represent those same people, to come to this floor to represent them.

While this bill will benefit Shell, the repercussions and consequences, both intended and unintended, will have a much greater impact on many stakeholders.

If the majority had been willing to work with our side on this bill, as we offered on many occasions we wanted to—we begged, we pleaded, we almost crawled to try to get bipartisan participation on this bill—if they had been willing to work together, we could have crafted a bipartisan piece of legislation that could move through the House and the Senate and ultimately become law.

□ 1500

However, this bill does not take into account some of the very real concerns that the minority has outlined to the majority on several occasions.

In fact, yesterday, the White House issued a statement opposing this bill because ''H.R. 2021 would curtail the authority of the Environmental Protection Agency under the Clean Air Act to help ensure that domestic oil production on the Outer Continental Shelf proceeds safely, responsibly, and with opportunities for efficient stakeholder input. H.R. 2021 would limit existing EPA authority to protect human health and the environment. H.R. 2021 would increase Federal court litigation and deprive citizens of an important avenue for challenging government action that affects local public health.''

Madam Chair, this bill is certainly not about creating jobs, and it's certainly not about lowering gasoline prices. It is a giveaway—a blatant giveaway, an unadulterated giveaway—to the oil industry that will increase pollution along our coasts. In fact, as the administration has pointed out, 70 percent of the offshore leases that oil companies currently possess are not even at this very moment in production. Again, 70 percent of the offshore leases that oil companies own are not now in production, and 29 million acres of onshore permits, as we speak, aren't being developed. So it is unnecessary for Congress to intervene by sacrificing public participation and air quality protections for the sake of expediency on behalf of Shell, as this bill does.

Madam Chair, I hope—I sincerely hope—that we can find bipartisan support for the amendments that will be offered today, including my own, which will simply allow the EPA administrator to provide additional 30-day extensions if the same administrator determines that such time is necessary to

provide adequate time for public participation and sufficient involvement by affected States.

Mr. WHITFIELD. Madam Chair, I might just add here that the University of Alaska did a study on this legislation in oil and gas development in Alaska's arctic seas, and they concluded that the full development there would create 54,000 jobs.

At this time, I yield 3 minutes to the chairman emeritus of the Energy and Commerce Committee, the gentleman from Texas (Mr. BARTON).

(Mr. BARTON of Texas asked and was given permission to revise and extend his remarks.)

Mr. BARTON of Texas. Madam Chairwoman, Shell Oil Company has spent 5 years of time and $3 billion trying to drill one well in the Arctic Ocean—5 years and $3 billion. In that time period, worldwide and in other areas of the Outer Continental Shelf of the world, they have drilled and received permits for over 200 wells—200 and the rest of the world ''zero''—in the Arctic Ocean.

All this bill does is set up a fair procedure so that any company that wishes to drill a well—and the Environmental Protection Agency, the EPA, should probably be renamed under the Obama administration the ''energy prohibition administration''—can go through the permitting process and get a decision within an adequate time period.

Our friends in Russia are drilling wells in the territorial waters in the Arctic Ocean up there. Our friends in Norway are drilling wells in the Arctic Ocean in their territorial waters. We in the United States, because of bureaucratic foot-dragging at the EPA, are refusing to even let one well be drilled.

This bill changes that. It sets timetables. It sets standards. It determines where you measure the emissions. There will be some emissions when you drill a few wells in the Arctic Ocean, but they're not going to be extensive. This bill says that you determine the emissions at the shoreline, which in the case of this particular well is about 80 miles away, and you measure it there. Madam Chairwoman, there will be more emissions created from the EPA agency heads and staff assistants in their driving up to Capitol Hill to testify than there probably will be from the service supply ships that go out to service the handful of wells that will be drilled.

This is a commonsense bill. It doesn't change the underlying statutory language at all in terms of standards. It does set timetables. It does define where you measure the pollution, and it does require that you actually make a decision. It is a good bill, H.R. 2021. In blackjack, if you get a 20, that's almost a sure winner. If you get a 21, it's a sure winner. This bill is a sure winner, H.R. 2021. Please vote for it.

Mr. WAXMAN. Madam Chair, I am pleased to yield 4 minutes to a very important member of our committee, the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. I thank the ranking member very much for yielding.

The underlying legislation represents another attempt by the Republicans to gut the Clean Air Act. Shell Oil spent years changing its mind about how it wanted to drill, what ship it wanted to use and even which of the arctic seas it planned to drill in. They, themselves, dragged out this process interminably.

This legislation prevents EPA from requiring emissions reductions from all drilling support vessels, from icebreakers to the drilling ship, itself, as part of the air permitting process. What that means is that—listen to this number—up to 98 percent of the total air emissions associated with Arctic Outer Continental Shelf drilling could not be regulated by EPA under the permitting process. So hear that again. Their bill says that EPA cannot regulate 98 percent of the emissions.

That's not reasonable. That's not a compromise. That's not balance.

EPA has informed Congressman WAXMAN that, as part of its permit negotiations, Shell has actually agreed to add technology to one of its icebreakers to reduce the icebreaker's NO_X emissions by 96 percent—to reduce them by 96 percent—and particulate emissions reduced by 82 percent. Shell has already agreed to use a cleaner burning fuel than what would otherwise be required by law. Shell agreed to take these measures so that it could receive its permit from EPA, and the net effect of all the measures Shell has agreed to take will reduce the NO_X emissions for the entire drilling project by 72 percent. But under this bill, EPA would no longer have the ability to require or to request measures such as these because the bill says that EPA can't require reductions in emissions from mobile sources using its stationary source air permitting authority.

Several weeks ago, Bob Meyers, who led EPA's Air Office during the Bush administration, pointed out at the Energy and Power Subcommittee hearing, that, in fact, EPA can regulate icebreakers and other support vessels under title II of the Clean Air Act. He said that this is why these mobile sources' emissions could be exempted from being regulated as part of the stationary source air permitting process. That all sounds so reasonable, but what these guys are saying is maybe you shouldn't be regulated as both a mobile source and a stationary source under the Clean Air Act.

□ 1510

But there's just one problem. Shell's air permit says that all of its icebreakers and other support vessels are foreign-flagged so they can't be regulated under title II of the Clean Air Act in the first place. And even if they were American vessels, they're all too old to have been subject to the most stringent Clean Air Act or international emissions requirements.

So what they're saying is for all intents and purposes, they're neither mobile nor are they stationary so they're not regulated at all. It's like being a carnivorous vegetarian, or you know, Chevy Chase nightlife. There is no such thing. You know, you have got to have it be one or the other; you've got to pick one or the other here. And you can't wind up nothing being required from them.

The CHAIR. The time of the gentleman has expired.

Mr. WAXMAN. I yield the gentleman 1 additional minute.

Mr. MARKEY. I thank the gentleman.

So while Republicans say that this bill just keeps the ice-breakers and the ice-breaker part of the Clean Air Act, the reality is that it effectively puts EPA's ability to reduce emissions from these sources on ice.

My amendment to remedy the problem by ensuring that these vessels met the most stringent mobile source standards so that we would realize some emissions reductions from them was rejected by the majority in the committee. So instead of what the majority claims they want to do, which was to ensure that these vessels were not regulated as both mobile source and stationary source under the Clean Air Act, what this bill does is ensure that the emissions from these vessels aren't regulated at all. That's their goal, that 98 percent of emissions will go unregulated, and I don't think there's anyone listening to this debate that thinks that that's a good thing for the public health of our country.

I urge opposition to this bill.

Mr. WHITFIELD. I might remind our friend from Massachusetts that EPA actually approved the drilling permit, the exploratory drilling permit for Shell, in this case, on three separate occasions; but the delay has been the appeals by the opposing party to the Environmental Appeals Board, which is not even in the clean air statute. So this bill is simply designed to speed up the process and give people an adequate time to oppose the exploratory permitting.

At this time, I yield 3 minutes to the gentleman from Nebraska (Mr. TERRY), who's a member of the Energy and Commerce Committee.

Mr. TERRY. Madam Chairman, Mr. GARDNER's bill addresses this country's need on energy and power. Mr. GARDNER's bill prevents the government from going out of its way to stop the private sector from creating jobs. This job alone in the Chukchi Sea will create 54,000 jobs sustained over 50 years. The economic report from Northern Economics and the University of Alaska I will submit for the RECORD.

And with 1 million barrels per day going to our country's need of about 19 million barrels per day makes us more energy secure. So what we hear from the EPA and the minority is they will do everything they can to stop fossil fuels even though this is a fossil fuel

economy. Yes, we need all of the above, but to stop all fossil fuels creates national insecurity, making us more dependent on foreign oil, sending more of our financial resources and jobs overseas; and that's what we need to stop, and that's what this bill takes a large step towards doing.

Now, the EPA has made it impossible for new exploration off the coast of Alaska by continually changing the rules. The EPA has even testified before our committee that there is no anticipated human health risk at issue, and we've still been waiting 6 years and counting for this permit to be issued.

Let's make it clear: Bureaucratic delays are blocking energy development. While the EPA's regional office has granted air permits to allow this deep sea drilling, the process has repeatedly been stalled when the administrator's Environmental Appeals Board rejects the permits already granted. Yes, it gets to Washington; they stop it. And this process repeats itself. We'll have a bill maybe in a couple of weeks where the EPA's done the same thing, where they change the rules to stop a project.

The Federal Government's inability to issue viable permits to drill offshore Alaska is keeping resources and domestic jobs from the American people. The Gardner bill, H.R. 2021, aims to eliminate the uncertainty and confusion that has delayed oil exploration in deep sea Alaskan Outer Continental Shelf, and I hope my colleagues will support this bill.

ECONOMIC REPORT OVERVIEW

Potential National-Level Benefits of Oil and Gas Development in the Beaufort Sea and Chukchi Sea

A new study on potential national-level benefits of Alaska Arctic OCS development, by Northern Economics and the University of Alaska Anchorage's Institute of Social and Economic Research, builds on a previous study of potential state-level benefits using the same methodology and assumptions. Both reports are available for download from www.northerneconomics.com.

CREATES SIGNIFICANT ECONOMIC EFFECTS

Development of new oil and gas fields in the Beaufort and Chukchi Seas resulting in production of nearly 10 billion barrels of oil and 15 trillion cubic feet of natural gas over the next 50 years could create significant economic effects nationwide.

54,700 NEW JOBS

An estimated annual average of 54,700 new jobs that would be created by OCS-related development are sustained for 50 years. The total ramps up to 68,600 during production and 91,500 at peak employment. These direct and indirect jobs would be created both in Alaska and the rest of the United States.

$145 BILLION PAYROLL

An estimated $63 billion in payroll would be paid to employees in Alaska as a result of OCS oil and gas development and another $82 billion in payroll would be paid to employees in the rest of the United States. The sustained job creation increases income and further stimulates domestic economic activity.

$193 BILLION GOVERNMENT REVENUE

Federal, state, and local governments would all realize substantial revenue from OCS oil and gas development, with the base case totaling $193 billion:

$167 billion to the federal government
$15 billion to the State of Alaska
$4 billion to local Alaska governments
$7 billion to other state governments

SENSITIVITY CASES ARE ALL HIGHER

The study's base case assumed long-term average prices through the year 2030 of $65 per barrel (bbl) for oil and $6.40 per million Btu (mmBtu) for natural gas. The estimated total government revenue increases if energy prices remain higher in the future.

Total Government Revenue

[Dollars in billions]

Base Case ($65/bbl, $6.40/mmBtu)	$193
Case 1 ($80/bbl, $7.80/mmBtu)	214
Case 2 ($100/bbl, $9.80/mmBtu)	263
Case 3 ($120/bbl, $11.80/mmBtu)	312

IMPLICATIONS OF THE STUDY

Critical Infrastructure Protection

The Trans-Alaska Pipeline System (TAPS) delivers approximately 14% of domestic oil production to refineries on the West Coast and has been identified as critical infrastructure for national security. Built at a cost of $8 billion in 1977, TAPS throughput has fallen from 2.1 million barrels per day in 1988 to less than 650,000 barrels per day as North Slope oil fields age. Without additional oil development, the TAPS is anticipated to encounter operating difficulty below about 500,000 barrels per day and shut down when it reaches 200,000 barrels per day. Alaska OCS development can help extend the operating life of this critical infrastructure.

Moreover, Arctic OCS development maximizes the value of Alaska's and the Nation's oil and gas resources. Much of the expected incremental revenue from OCS development for the State of Alaska (55%) comes from enhancement of existing onshore North Slope production, in both volume and value. This results from reduced transportation costs (from infrastructure operating at capacity), and from expanded infrastructure enabling development of small satellite fields. OCS development will also enhance the probability of an Alaska gas pipeline due to increased certainty in the available gas resource base.

U.S. Energy Production and National Security

Domestic energy production is important for the security and prosperity of the United States. The money spent on domestic energy cycles through in the U.S. economy, thereby increasing domestic economic activity and jobs; while money spent on imported energy leaves the U.S. economy.

The majority (77%) of world oil reserves are owned or controlled by national governments; only 23% are accessible for private sector investment. The United States currently imports over 60% of the crude oil we use. Arctic offshore development could cut this by about 9% for a period of 35 years. Increasing domestic energy production would improve the nation's trade balance.

Potential Benefits Delayed

When the first study of state-level economic impacts was written in 2009, first oil was anticipated in 2019 and first gas in 2029 for the Beaufort Sea (2022, 2036 for the Chukchi Sea). This timeline assumed no major regulatory impediments or delays.'' However, exploration has been slowed, thus delaying the potential benefits of OCS oil and gas development.

SOURCES

Northern Economics, Inc. (NEI) and Institute of Social and Economic Research (ISER) Potential National-Level Benefits of Alaska OCS Development.

NEI and ISER. Economic Analysis of Future Offshore Oil and Gas Development: Beaufort Sea, Chukchi Sea, and North Aleutian Basin.

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Shell Exploration and Production. Calculated from TAPS throughput data and EIA Annual Energy Outlook data for domestic oil production.

US Energy Information Administration Annual Energy Outlook 2010.

Minerals Management Service. 2006 Oil and Gas Assessment: Beaufort Sea Planning Area (Alaska) and Chukchi Sea Planning Province Summaries.

Mr. WAXMAN. Madam Chair, I yield 2 minutes to the gentleman from Texas (Mr. GENE GREEN).

Mr. GENE GREEN of Texas. Thank you, Madam Chair, and I rise today to support H.R. 2021, the Jobs and Energy Permitting Act; and I want to thank our Energy and Commerce ranking member for providing time.

Representing a heavily industrialized area that's naturally sensitive to air quality issues, I appreciate how the EPA's enactment of Clean Air Act provisions has positively attributed to our goal of cleaner air. For that reason, I have remained hopeful that EPA's administrative air permitting barriers to exploring Alaska's Outer Continental Shelf would be addressed, but they haven't. As such, we continue to see air permits for offshore exploration wells perpetually go back and forth between the producer, the EPA, the Environmental Appeals Board, with no movement towards a final decision.

That's why I am an original cosponsor of the Jobs and Energy Permitting Act, which would rectify several of those process questions so that we can safely and responsibly produce our natural resources in the Arctic Ocean. The EPA needs to have a permit approval system in place that is predictable, workable, and understandable.

When I hear that in the last 5 years Shell has drilled over 400 exploration wells worldwide while waiting for one single permit for Alaska, something's definitely wrong with the process.

While the opponents of this legislation are saying that this bill guts the Clean Air Act, that's just not true, because all this bill does is match EPA's Outer Continental Shelf permitting process with the air permitting process employed by the Department of the Interior in the Gulf of Mexico, a Clean Air Act air permitting process that has been successfully used for decades.

By doing so, we can rest assured that we have a strong, offshore air permitting process, but that these projects are not left in limbo like we have seen with the Environmental Appeals Board in recent years.

I also want to remind my colleagues that this bill just addresses permits for exploration wells where activity typically only lasts for a few days, not production wells where activities last for months.

I have long been a supporter of safe and responsible drilling on the Outer Continental Shelf as these resources are a vital source of energy for the

United States. With skyrocketing fuel costs, it is imperative for the U.S. to diversify our energy sources by exploring this area, and this bill is the first step in that process.

I strongly encourage my colleagues to support the bill.

Mr. WHITFIELD. Madam Chair, I might just also remind everyone that this 5-year, 6-year period for this permit was for only an exploratory permit, not even a production permit.

I yield 2 minutes to the gentleman from New Mexico (Mr. PEARCE).

Mr. PEARCE. Madam Chairman, I rise in strong support of H.R. 2021 and appreciate Mr. GARDNER bringing this to our attention.

You know, this is not a bill about Shell Oil Company. This is about a system that is broken. Shell Oil Company has been trying for almost 5 years to get a permit and still doesn't get the answer. In the meantime, they've drilled over 400 exploratory wells around the world, but they can't drill in the United States.

I've recently spent time at gas stations talking to people, their frustration over our gas prices is why are they so high here, why are the prices going up. This bill answers why they're going up. We have a government that has a war on American jobs and a war on American energy. We have a war on Western jobs because oil production is concentrated in the West.

Every time a drill bit is stopped by its own actions, the price of gas will go incrementally up by just multiple percentages of very small amounts. But when it's stopped by bureaucratic action, then the market's going to assess that a government is going to be unfriendly to future production and the price begins to escalate because people get out of dollars and out of other investments into this because they know the price of gas and oil are going to go up because they can see the bureaucratic delays being played out.

So understand that when we have high gas prices in this country it is because the government is making them high. It's making them high by moratoriums. It's making them high by delaying tactics in our administration's responses to these things like this permit.

□ 1520

The gentleman from Colorado's bill simply says we're going to simply unravel one piece of the delays that have been happening. It's a well-thought-out bill, it's a well-thought-out process, and it's one which will result in lower prices for American consumers. There's absolutely no health hazard. Lisa Jackson herself has said that. They're going to give the permits.

What we're doing today is passing a bill that won't help Shell at all, that will help future producers to understand that they can get regulatory certainty, that they can get answers when they're asking questions of the government. It's a reasonable request and one which we should do.

Mr. WAXMAN. Madam Chair, I yield myself 1 minute to correct some of the statements that have been made that I don't think are accurate.

Lisa Jackson, the head of the Environmental Protection Agency, said if they got a permit that was approved by the EPA, there would be no adverse environmental impact, but what the proponents of this bill are trying to do is to circumvent the EPA action and to have Congress shorten the ability of the EPA to act. There will be pollution problems. States will not be able to control the pollution off their coasts. That is why California and Delaware have expressed such great concern, but other States are going to be in the same situation.

This bill does not deal with just the problem in Alaska. It tries to circumvent the orderly procedure by which those who are trying to get permits will come in and submit their permit and show that they're justified, unlike the situation with Shell, where they submitted a permit, pulled it back, submitted another one and pulled it back.

At this time I would like to yield 4 minutes to the gentlewoman from California (Mrs. CAPPS), a member of the Energy and Commerce Committee.

Mrs. CAPPS. I thank my colleague for yielding.

Madam Chair, I rise in strong opposition to H.R. 2021, the so-called Jobs and Energy Permitting Act.

I oppose this legislation for several reasons.

First, it gives oil companies a pass to pollute. It exempts offshore drilling companies from applying pollution control technologies to vessels like crew and supply boats, which actually account for most of the air pollution from drilling off my congressional district's coast. It also opens up a loophole for drill ships to pollute with no limits while the ship moves into place. And, instead of measuring pollution at the source, itself, H.R. 2021 allows oil companies to measure the impacts at the shore, with net results of more air pollution overall.

Second, H.R. 2021 does away with proven processes that provide an expert, efficient, and impartial review of air permitting decisions. I would note that in 20 years, the Santa Barbara Air Pollution Control District has never denied an offshore drilling permit, and there is more drilling off my district than just about anywhere in this country. The local air permitting review process works. We don't need to change it.

In addition, this bill's provision to remove all appellate action to Washington, D.C., is wholly unfair. This limits the rights of my constituents to participate in very important matters affecting their health. It forces cash-strapped local governments to travel thousands of miles to defend their permitting decisions, placing a serious burden on local taxpayers.

Finally, and perhaps most importantly to my constituents, H.R. 2021 poses real health risks to the communities surrounding offshore drilling by weakening local air quality standards. Pollution from the nearly two dozen oil platforms and the vessels that supply them in the Santa Barbara Channel includes high levels of airborne pollutants. These pollutants can cause severe lung problems and other major health issues. That's why our State adopted rules to strengthen air quality standards and help protect coastal residents from this pollution. It makes no sense to block these rules that will help my community clean up its air.

In sum, Madam Chair, H.R. 2021 is a bad bill.

Let me also address a theme that's been repeated on the other side. Supporters of this bill continue to parrot the Shell Oil talking point that it has taken them 5 years to get a Clean Air Act permit for their proposed drilling in the Arctic Ocean. They cite this 5-year delay as the justification for this legislation. This claim might make a nice sound-bite, but it is based on a fundamental misunderstanding of the facts.

Here are the facts. First, Shell has pulled its permit applications, modified its proposed operations, and changed its target drilling sites on numerous occasions over the past few years. Shell pulled the permit application for drilling in the Beaufort Sea for 2 years until going back to EPA with a brand new request in 2010. Every time Shell changed its plans, EPA had to adjust its assessment of the potential impacts on air quality and public health. That's what we expect EPA to do. No one wants EPA to take a one-size-fits-all approach to permitting these major sources of pollution.

Second, Shell delayed final EPA action on its air permit for drilling in the Chukchi Sea by submitting insufficient permit applications. That's Shell's fault, not EPA's.

Finally, EPA has prioritized Shell's permit applications and finalized them quickly. The two Shell permits at issue were proposed and finalized within 3 to 4 months of receiving completed applications. Both went from submission of a completed application to a decision by the Environmental Appeals Board within 1 year. EPA now says it is on track to finalize Shell's revised permits by the end of this summer.

If this bill is about addressing Shell's so-called 5-year permitting delay, then I see no basis for this legislation. The truth is that this bill isn't about expediting the permit process. It's about rolling back air quality protections. This bill will create more problems than it purports to solve because it will allow oil companies to pollute more offshore and cut concerned stakeholders out of the very process itself.

I urge my colleagues to oppose this bill.

Mr. WHITFIELD. Madam Chair, I would also like to clarify that this bill does not change the Clean Air Act in any way as it relates to monitoring

stationary sources or mobile sources. I wanted to point that out.

Second of all, the gentlelady from California mentioned additional drilling going on in the Pacific region. The government records show that since 1994, not one exploratory permit has been issued. There are production wells out there, but not one new exploratory permit since 1994.

I would now like to yield 2 minutes to the gentleman from Illinois (Mr. KINZINGER).

Mr. KINZINGER of Illinois. Madam Chairman, I rise today in strong support of H.R. 2021, the Jobs and Energy Permitting Act of 2011.

Every generation has an opportunity to excel in one area. Every 10 years or so, a country decides whether they're going to be a recipient of something or whether they're going to be a world leader.

For too long, the United States of America has accepted that we are going to be a net importer of energy, that we are always going to be energy dependent, that we are always going to be reliant on foreign sources of energy.

Ladies and gentlemen, two of Alaska's arctic seas contain up to 27.9 billion barrels of oil and 122 trillion cubic feet of natural gas. This could deliver up to 1 million barrels of oil a day, beginning the process of getting us unaddicted to foreign oil, beginning the process of bringing us energy security, and getting America back to work.

We have an opportunity here in the United States to get people back to work, but it is being limited and hamstrung by bureaucrats in Washington, D.C., and by those with a political agenda.

We have the equivalent of a pile of cash under our mattress, but we're taking out loans from the Mafia to care for our energy needs. It is high time that we stand up and say we have resources in the United States, and we're not going to allow political agendas to drive us to continued energy dependence, and we're going to stand up and say produce it here in the United States of America and do it now.

The American people, Madam Chairman, are beginning to understand that this administration and its agencies are having real consequences and real impacts on the unemployment rate, on the joblessness, and on the price we are paying for a barrel of oil and a gallon of gasoline, because every dollar that a gallon of gasoline increases, it is a regressive tax on Americans. Meanwhile, we sit around and we argue while bureaucrats in Washington, D.C., have their way.

Mr. WAXMAN. Madam Chair, I yield 3 minutes to the gentleman from Virginia (Mr. CONNOLLY).

Mr. CONNOLLY of Virginia. I thank my colleague.

Madam Chairman, the legislation before us would repeal pollution standards for ships and oil rigs located offshore anywhere in America. It appears to be based on the belief that as a general principle, air does not move. This legislation endangers air quality from Alaska to Virginia while offering another token of appreciation to the oil companies that were so generous in creating a new majority in the 112th Congress.

□ 1530

The premise of this bill is that pollution generated offshore doesn't matter because it will not affect any humans onshore or humans working offshore. And I know that those of us who represent littoral States are most reassured by our colleagues from Colorado, Kentucky, and Nebraska in reassuring us that we won't negatively be affected by this legislation.

Based on the content of this bill, apparently the majority believes that individuals employed on offshore oil rigs and ship servicing rigs do not breathe while they're working offshore. This bill would deregulate ongoing oil drilling in Alaska and prospective oil drilling off the coast of Virginia and all other coastal States. The majority is attempting to pass yet another bill to sacrifice the health and economic livelihoods of American citizens to pad the pocketbooks of Big Oil.

This legislation, which presupposes that air does not move, is as dangerous as the previous Republican oil bills which denied the existence of global warming and enacted wholesale repeals of the few safety and environmental safeguards that still protect coastal communities from oil drilling.

We keep hearing from across the aisle that this legislation will create 50,000 jobs. My friends, don't be misinformed. The study they referred to is a Shell Oil-funded study that simply estimates how many jobs could be created, all things being equal, like no pollution regulation, by offshore oil drilling in Alaska. Today's debate is not about whether to drill; it's about whether we will allow a massive increase in pollution when we do it. It is a false choice, and I urge my colleagues in the House to reject it.

Mr. WHITFIELD. Madam Chair, my friends on the other side of the aisle would make it appear that we are abandoning all environmental protections, and I would say that under this bill, there are still five opportunities for public comment. The NEPA process is not changed in any way.

At this time I would like to yield 2 minutes to the gentleman from Texas (Mr. OLSON), a member of the Energy and Commerce Committee.

Mr. OLSON. I thank my colleague from Kentucky for giving me this time.

Madam Chairman, I rise in strong support of H.R. 2021, the Jobs and Energy Permitting Act. This bill will help clarify and improve EPA's decision-making in air permitting off the coast of Alaska and restore much needed certainty to that regulatory process.

Estimates show that the Chukchi and Beaufort Seas have the potential to produce up to 1 million barrels of oil per day while creating over 54,000 American jobs. It is unacceptable that the bureaucratic permitting process has caused delays for 5 years and continues to block American energy resources from being developed. This bill would hold the administration accountable for its actions and provide the certainty so desperately needed by the private sector to grow jobs and get our economy back on track.

At a time of record high gas prices, we should be committed to developing American energy resources, reducing our dependence on Middle Eastern sources of energy, and providing good-paying American jobs. Let's put America back to work. I urge my colleagues to vote ''yes'' on this bill.

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

Mr. WHITFIELD. I yield myself 5 minutes.

I would like to say that the American people expect the Congress to provide opportunities for us to fully explore our natural resources. This is a very modest bill that only changes one very small part of the Clean Air Act. It relates explicitly only to exploratory drilling permits, and it changes only appeals to the Environmental Appeals Board. The Environmental Appeals Board is not even in the statute of the Clean Air Act; it was put in by regulation.

And what's happening here in the one issue that we're talking about today, the EPA has approved this drilling permit on three separate occasions, yet it's been appealed to the Environmental Appeals Board, and it's tied up and tied up and they will not make a final decision. And if you cannot exhaust your administrative remedies, you cannot even go to the court system. So this legislation simply expedites the process without removing protections for people concerned about the environment, as we all are. And I wanted to make that comment.

I would also at this point like to yield 2 minutes to the gentleman from Colorado (Mr. GARDNER).

Mr. GARDNER. I thank the gentleman from Kentucky.

We've heard all kinds of arguments today, red herrings that would make the Fulton Fish Market proud of this debate.

This bill is not about jobs, my colleagues on the other side of this debate said. This bill is not about pain at the pump, my colleagues on the other side of the aisle said. This bill won't create jobs, I've heard in the arguments today. That it is a massive excuse for people to do incredible things to the environment, unthought-of things. Again, red herrings that the American people are tired of.

The American people are asking for jobs. They are asking for relief at the pump. This bill is nothing more than creating economic opportunity for not only people in Alaska but throughout this country with the creation of 50,000 jobs. When we access our resources,

evidently, there are some who believe it doesn't create jobs. When we create 1 million barrels of oil a day coming into our supplies, apparently that doesn't create jobs. When we build operations for our workers in the north shore of Alaska, the supply facilities in the lower 48 States, apparently that doesn't create jobs.

Apparently we don't lose jobs when people are beginning to pay nearly $4 a gallon for the price of gas. That seems to be the argument that I hear against this bill.

My constituents are paying $3.50, $3.60 for a price per gallon of gas. And apparently, as energy prices increase, some believe that doesn't cut jobs, that doesn't hurt our economy. I have heard time and time again, through testimony before the Energy and Commerce Committee, through town meetings, constituent calls and letters, they are tired of paying $50, $60 every time they fill up the tank with gas. They are tired of paying their hard-earned money for rising gas prices because this Congress has failed to pass energy policies that rein in the bureaucrats and regulators.

We have an opportunity with H.R. 2021 to create jobs, to create opportunities for energy security in this country. And I would remind my colleagues that these permits, the rights to explore have already been leased, paid for. I ask that Members support this bill, and I ask for a ''yes'' vote.

Mr. WAXMAN. Madam Chair, I yield 2 minutes to the gentleman from Illinois (Mr. RUSH).

Mr. RUSH. Madam Chair, I want to, first of all, say that this bill will not create jobs. This bill is not meant to create jobs. If the drilling is to create jobs, those jobs would be created regardless of whether this bill passes or not.

This bill's supporters also claim that it will lower gasoline prices, that it will reduce the budget deficit, and that it will cut unemployment. Well, they might as well have said that it would cure the common cold as well.

This bill is a solution in search of a problem.

This bill was written by Shell, for Shell, to address its frustrations with the permitting process in Alaska, a frustration that it was responsible for, Shell, itself. Ironically, the EPA has said on many occasions that it is working overtime to finalize Shell's permits by the end of this summer.

This bill won't get a drop of oil to American markets for American consumers one millisecond faster.

□ 1540

Shell told the Energy and Commerce Committee they won't be able to produce oil from its Arctic operations for at least 10 years, at least another decade. Even if this bill increased the rate of offshore production, new drilling is unlikely to affect world oil prices.

The CHAIR. The time of the gentleman has expired.

Mr. WAXMAN. I yield the gentleman 30 additional seconds.

Mr. RUSH. In 2009 the Energy Information Administration looked at the difference between allowing full offshore drilling and restricting offshore drilling. The EIA found that there would be no impact on gasoline prices from full drilling in 2020, and only a slight impact by 2030, with gas prices falling by a mere 3 cents a gallon.

Mr. WHITFIELD. I yield 2 minutes to the gentleman from Louisiana (Mr. SCALISE).

Mr. SCALISE. Madam Chair, I rise in strong support of the Jobs and Energy Permitting Act of 2011. If you want to talk about a jobs bill, you want to talk about a bill that will actually allow us to decrease our dependence on Middle Eastern oil, this is it.

Now, some of my colleagues on the other side say, oh, it's going to take 10 years to get that oil. The reason it's going to take 10 years is because for the last 4 years they've been trying to get their permit to go and drill where there's known oil, known reserves and the EPA's been combining with these radical environmentalist groups to block them. And so what they're saying is, those people don't want the energy in America. They want to go to places like Brazil, they want to go to Egypt, they want to go to some of these other Middle Eastern countries, many of whom don't like us, and get the oil there. But when we find known reserves in America, they are using our own Federal regulators to block American energy.

So what we're saying is, let's pass the piece of legislation that's here on the floor now that's going to allow us to utilize our own American energy. This one find alone up in Beaufort and Chukchi Sea in Alaska, this one known reserve right here that we have the ability to put online is going to bring in a million barrels of oil a day. That's American energy. That's not oil that's going to be imported on tankers where 70 percent of your spills occur from Middle Eastern countries, where the billions of dollars we're sending them are going to countries who don't like us. That's American jobs, over 50,000 jobs that can be created by getting these bureaucratic hurdles out of the way.

They've got to follow all the rules. They've got to play by the rules, but you can't keep using these bureaucratic agencies combining up with radical environmentalist groups who don't want any American energy to be used to block production of American energy. That's what this bill does. It creates American jobs. It allows us to say, okay, a million barrels a day we no longer have to import from Middle Eastern countries.

So anybody that pays lip service and says they want to reduce our dependence on foreign oil, if they oppose this bill, then they're supporting foreign oil because this bill says a million less barrels of oil we have to bring in from these other countries because we have got it in America.

We want to bring in our own oil. We want to create American jobs, and we want to lower the price of gasoline at the pump. This is how you do it. This is how you put more oil through that Alaskan pipeline, which is getting ready to dry up because they won't let them explore for energy in America. Let's explore for energy and create jobs.

Mr. WAXMAN. Madam Chair, I just want to take issue with the statements that have been made over and over again that this drilling in Alaska by Shell Oil will relieve our dependence on foreign oil.

Let's look at the facts. This country consumes 25 percent of the world's oil. All the oil reserves in the United States amount to 2 percent. We are not going to reduce our dependence on foreign oil by producing more oil. We don't have enough oil to produce to satisfy our demand.

Now, that doesn't mean we shouldn't produce more domestic oil. And I want us to produce more domestic oil.

The gentleman from Louisiana said let's play by the rules and not let these radical environmentalist groups stop the permit. Well, I don't even know what he's talking about, and he may not know what he's talking about when he talks about radical environmental groups. There's no radical or other environmental groups that are opposing this drilling in Alaska. The people who are seeking the permit have put it in and pulled it back, and they've spent this additional time keeping EPA from acting on their permit.

Now, there's been talk about this Environmental Appeals Board, that it's not in the Clean Air Act. Well, the Clean Air Act provides that administrator shall set up an energy board to review the environmental issues.

Play by the rules? The Republicans want to repeal the rules. They don't want this appeals board, which has been in creation since President George H.W. Bush, which has worked well. They don't want them to review the application. They want to change the rules.

Now, let me tell you what it does in California. And my colleagues from California, Democratic and Republican, you don't know what your districts are going to be yet, so pay attention because our State is going to be hurt.

According to the State of California, which opposes this bill, in addition to increasing pollution, this legislation preempts local control and review. The bill short-circuits California's existing effective delegated permitting process, greatly increasing the likelihood of litigation, and removes all proceedings to Washington, D.C., imposing a substantial burden on the State and local governments and effectively disenfranchising local stakeholders.

Now, we hear so much from the Republican side of the aisle: Why should we have Washington make the decisions? Instead, what they're trying to

do is keep California from making its own decisions.

Well, what does California have to do with drilling off the coast of Alaska? Nothing, except in this bill they drafted it in a way that prevents California and Delaware and Virginia and other States from taking charge of what is known within their purview.

Let's let Shell get a permit under the regular procedures. If they need some help in clarifying ambiguity, we're glad to work on it.

But Republicans want to repeal the laws that protect the public interest and environmental protection just to give Shell a special break. It's not going to reduce our dependence on foreign oil. We won't even see that oil for another decade. It's a giveaway to Shell Oil, and they're using this as an excuse to repeal protections for other areas to control their own pollution sources.

So I would urge my colleagues to vote against this bill. It is a power grab, and the bureaucrats, the radical bureaucrats on the Republican side have come up with this bill; and they're trying to impose it on the whole country to help the oil companies.

I don't think that it's worthy of our support, and I urge my colleagues to vote against it.

I yield back the balance of my time.

Mr. WHITFIELD. I yield myself 3 minutes.

The gentleman, in his statement, noted that we consume 25 percent of the world's oil, but we possess only 2 percent of the world's reserves. And that's precisely why we're trying to pass this bill, because oil resources can only be counted as proven reserves if they've been fully explored, and we have not had the opportunity to fully explore.

And so why should we continue to be dependent on foreign oil when we have not been able to even explore because we have a bureaucratic agency at EPA, the purpose of which is to deny the opportunity to fully explore?

This is modest legislation. It simply clarifies that if you have a ship, that ship is going to be treated as a mobile source. If you have a drilling platform, that's going to be treated as a stationary source.

If you're drilling, we're going to look at the ambient air quality impact onshore, not offshore. And then we're just going to ask the EPA to eliminate the Environmental Appeals Board for exploratory permits only, nothing else, and to make a decision within 6 months after the completed application is there.

□ 1550

I think that this graph adequately demonstrates what our problem is here in America. This is the Trans-Alaska Pipeline. In 1985 we were moving 2.1 million barrels a day through that pipeline. Today, we're down below 600,000 barrels a day. So if we have the reserves, the American people are simply asking us to restore some balance in these Federal agencies. We want to protect the environment, but we also want an opportunity to explore and use our own oil resources, and we have reason to believe that they are abundant.

I want to thank Mr. GARDNER for his leadership on this issue. And I would urge everyone in this body, just like we had five Democrats in committee who voted for this bill, I think it's imperative for the American people that we do so, and I would urge that we adopt H.R. 2021.

Mr. BLUMENAUER. Madam Chair, I rise in opposition to H.R. 2021, which undercuts Clean Air Act standards and would allow large oil companies to circumvent air pollution regulations. I strongly believe that America needs to ensure our energy security and reduce our dependence on imported oil, but this bill is not the way to accomplish this goal. I support safe and responsible resource extraction and further developing our renewable energy capacity. But energy independence will not be secured by curtailing the authority of the Environmental Protection Agency (EPA) under the Clean Air Act to protect the nation's air quality standards.

H.R. 2021 would severely limit the EPA's authority to protect human health and the environment. It would allow companies to waive permit reviews by the Environmental Review Board and would exempt them from requirements to use pollution control technologies, despite the ready availability of these technologies. Removing these controls would allow damaging pollutants to be released into the air, including nitrogen dioxide, particles, and sulfur dioxide, which would have significant health, environment, and climate impacts. The regulations to prevent this pollution are reasonable, commonsense provisions, yet this bill would undercut them, allowing widespread damage to human health and the environment for benefit of few wealthy companies. The health and environmental damage would be seen on all coasts where drilling takes place.

According to some estimates, Shell's proposed 2010 drilling plan for the Arctic alone would have released as much particulate matter as 825,000 additional cars on the roads, traveling 12,000 miles each. This is only a single company's plan for a single drilling location; the full ramifications of this bill across all companies and all regions would be immense and disastrous.

H.R. 2021 would also increase Federal court litigation, taking authority from local courts and giving it to the D.C. Court of Appeals. This replaces an established, inexpensive process for citizen challenges to government actions with a longer, more expensive review process by a court that may not be familiar with the local coastal and air quality conditions.

In the wake of the Deepwater Horizon disaster, Federal policy should be more diligent than ever in pursuing safeguards and regulations that make sure that such costly, destructive events are made less frequent, rather than commonplace. Stripping out the environmental protections that we already have is irresponsible and it puts not only the Oregon coast, but communities from Alaska to California and from Maine to Florida at unnecessary risk. H.R. 2021 does nothing to secure a clean, safe path toward energy security. I oppose this legislation.

Mr. MORAN. Madam Chair, I rise in opposition to the Jobs and Energy Permitting Act. The duplicitous nature of the title itself should be sufficient reason to oppose it. This bill should actually be called the Shell Oil Exemption Act, because that is the intent and the effect of this legislation. Operating on the myth that the State and Federal Clean Air Act permits are blocking oil industry efforts to drill offshore, the legislation would grant them generous exemptions at the expense of the public's health and at needless harm to the environment.

Shell, the world's second largest oil company, can't seem to get its act together. Rather than admit to its feckless effort to drill offshore in Alaska and invest in pollution control technology, it has invested in the political process to buy some regulatory relief. I guess it's cheaper. But claims it makes that its Clean Air Act permits have taken five years is simply false.

EPA Assistant Administrator Gina McCarthy affirmed that and I quote, ''every time Shell has applied for a permit, a permit has been issued by the agency within 3 to 6 months of that permit application being complete.'' She also noted that Shell ''has consistently revised the request, changed the project, changed what sea they want to drill in.'' Shell also pulled is application to drill in the Beaufort Sea for two years and submitted an incomplete application.

There is no rational reason why Shell or any other oil company should be able to exempt their offshore operations from the Clean Air Act. Operations in the Gulf of Mexico aren't exempt.

This proposal also affects the environment in areas other than Alaska including my home state of Virginia and other areas where future drilling may occur like California, and Florida that unlike Alaska face more serious challenges of bringing their non-attainment areas into compliance with the Clean Air Act.

It's my understanding that exploration drilling can result in the release of as much particulate as 825,000 carts traveling 12,000 miles; as much CO_2 as the annual household emissions of 21,000 people; more than 1000 tons of NO_2, a pollutant associated with respiratory illness; and more than 57 tons of particulate matter (PM)2.5, a pollutant linked to respiratory illness and climate change.

Exempting offshore drilling would mean that other, land-based businesses would be subject to additional reductions to offset the pollution generated offshore.

Madam Chair, this bill is bad news for the public's health, the environment and for businesses.

I urge my colleagues to oppose this legislation.

Mr. WHITFIELD. Madam Chair, I yield back the balance of my time.

The CHAIR. All time for general debate has expired.

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

The text of the bill is as follows:

H.R. 2021

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 ''Jobs and Energy Permitting Act of 2011''.

SEC. 2. AIR QUALITY MEASUREMENT.

Section 328(a)(1) of the Clean Air Act (42 U.S.C. 7627(a)(1)) is amended by inserting before the period at the end of the second sentence the following: '', except that any air quality impact of any OCS source shall be measured or modeled, as appropriate, and determined solely with respect to the impacts in the corresponding onshore area''.

SEC. 3. OCS SOURCE.

Section 328(a)(4)(C) of the Clean Air Act (42 U.S.C. 7627(a)(4)(C)) is amended in the matter following clause (iii) by striking ''shall be considered direct emissions from the OCS source'' and inserting ''shall be considered direct emissions from the OCS source but shall not be subject to any emission control requirement applicable to the source under subpart 1 of part C of title I of this Act. For platform or drill ship exploration, an OCS source is established at the point in time when drilling commences at a location and ceases to exist when drilling activity ends at such location or is temporarily interrupted because the platform or drill ship relocates for weather or other reasons.''.

SEC. 4. PERMITS.

(a) PERMITS.—Section 328 of the Clean Air Act (42 U.S.C. 7627) is amended by adding at the end thereof the following:

''(d) PERMIT APPLICATION.—In the case of a completed application for a permit under this Act for platform or drill ship exploration for an OCS source—

''(1) final agency action (including any reconsideration of the issuance or denial of such permit) shall be taken not later than 6 months after the date of filing such completed application;

''(2) the Environmental Appeals Board of the Environmental Protection Agency shall have no authority to consider any matter regarding the consideration, issuance, or denial of such permit;

''(3) no administrative stay of the effectiveness of such permit may extend beyond the date that is 6 months after the date of filing such completed application;

''(4) such final agency action shall be considered to be nationally applicable under section 307(b); and

''(5) judicial review of such final agency action shall be available only in accordance with such section 307(b) without additional administrative review or adjudication.''.

(b) CONFORMING AMENDMENT.—Section 328(a)(4) of the Clean Air Act (42 U.S.C. 7627(a)(4)) is amended by striking ''For purposes of subsections (a) and (b)'' and inserting ''For purposes of subsections (a), (b), and (d)''.

The CHAIR. No amendment to the bill is in order except those printed in part A of House Report 112–111. Each such amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent of the amendment, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

AMENDMENT NO. 1 OFFERED BY MS. SPEIER

The CHAIR. It is now in order to consider amendment No. 1 printed in part A of House Report 112–111.

Ms. SPEIER. Madam Chair, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Strike section 2 (and redesignate the subsequent sections accordingly).

The CHAIR. Pursuant to House Resolution 316, the gentlewoman from California (Ms. SPEIER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from California.

Ms. SPEIER. Madam Chair, I rise today in support of my amendment which strikes section 2 of the bill.

Section 2 of this bill would amend the Clean Air Act to force emissions from any offshore source to be measured only at the corresponding onshore location. Yes, you heard me correctly, the bill demonstrates willful ignorance of the fact that pollution is also harmful over water, not just on land. This dirty air loophole is so big you can float a Deepwater Horizon-sized oil rig through it.

I know our philosophies differ here, but the fact is that even if we produced every drop of recoverable oil offshore today, it would only last us for 3 years at our current consumption rate. Then we would be right back where we started from without having reduced our demand on oil, except we would be about billions of dollars poorer after subsidizing the oil companies to turn the rest of offshore USA into the Gulf of Mexico. That does not sound like a deficit-cutting, jobs-creating proposal to me.

H.R. 2021 purports to simply reduce the amount of time it takes to get a permit to drill, but it also gives Big Oil a free pass on having to properly account for the toxic pollution it releases on the Outer Continental Shelf. It moves the geographic point where emissions are measured from offshore, near the drilling location, to an onshore point many miles away.

This change would clearly weaken public health protection for oil workers—are we interested in them?—fishermen—are we interested in them?—recreational boaters, not to mention all those who do business or make a living in our coastal communities. Apparently, it's the old out-of-sight, out-of-mind approach; what you can't see won't hurt you. After the BP oil spill just last year, such an approach should be dismissed as reckless.

One year ago today, oil was gushing into the gulf and toxic emissions were streaming into the air. But if this bill passes, the same level of Clean Air Act protections that gulf oil workers, fishermen, and coastal residents relied on to fight BP for damages would no longer apply in the gulf or anywhere else.

Let's be clear. In this bill, the rules don't apply to Shell. Shell wants to drill in the Arctic Ocean off Alaska without monitoring at the source. I get it. We all get it. But that isn't prudent; that isn't fair; that isn't safe.

Here are the facts this bill would cover up:

Shell's plans to drill for oil in the Arctic would dump as much particulate matter into the air as over 825,000 cars traveling 12,000 miles; as much CO_2 as the annual household emissions of 21,000 people; and more than 1,000 times of NO_2, a noxious pollutant that causes respiratory illness. This is according to Shell's own permit applications. The pollution may be emitted from rigs or vessels far offshore, but the effects are felt miles away by native populations with vibrant fishing communities by the coast.

If Shell Oil or any other company wants to do business on the Outer Continental Shelf, they need to demonstrate that they can meet standards set forth in the Clean Air Act. I mean, that's just fundamental. Instead, they have succeeded in getting Republicans here in Congress to waste taxpayers' time by pushing bills granting them exemptions from the rules at the expense of public health and the environment. In fact, by creating this loophole, H.R. 2021 would actually further complicate the permitting process and increase expenses for all parties involved.

The California Air Resources Board, which oversees oil and gas permitting in my State, testified on this very point in committee. This bill, they said, will require more time and expense to properly model onshore emission impacts. Districts may incur added cost and delay to deploy an adequate onshore monitoring network and obtain data sufficient to establish a baseline—costs that will be passed on to the permit applicants.

As a ''jobs and energy permitting'' measure, therefore, this bill would fail on both counts while doing real harm to air quality in California and many of the 20 other coastal States. It will certainly achieve the goal of increasing oil company profits at the cost of everyone else.

I respectfully urge my colleagues to vote for this amendment and oppose this dirty air loophole.

Madam Chair, I yield back the balance of my time.

Mr. WHITFIELD. Madam Chair, I rise in opposition to the amendment.

The CHAIR. The gentleman from Kentucky is recognized for 5 minutes.

Mr. WHITFIELD. Madam Chair, I would like to quote from Lisa Jackson, who was talking explicitly about the permitting issue here. She said: I believe that the analysis clearly shows that there is no public health concern here. And that's why EPA, on three separate occasions, approved this air quality permit, but on the appeal process it was denied by the Environmental Appeals Board.

Now, if you look at the legislative history of the Clean Air Act, it is very clear in that legislative history that, as it pertains to Outer Continental Shelf sources, they were concerned about the impact onshore and the ability of onshore to attain and maintain their Clean Air National Ambient Air Quality standard requirements.

And so all this legislation does is to clarify that point. We're not changing

the ambient air quality standards. We're not changing the way they monitor stationary sources. We're not changing the way they monitor mobile sources. We're simply clarifying that that was the legislative history, that was the intent, and the full range of environmental protections are still in place.

So I believe that this amendment is not necessary. We already have adequate monitoring in place.

Madam Chair, may I inquire as to the time remaining.

The CHAIR. The gentleman from Kentucky has 1½ minutes remaining.

Mr. WHITFIELD. I yield the balance of my time, in opposition, to the gentleman from Colorado (Mr. GARDNER).

The CHAIR. The gentleman from Colorado is recognized for 1½ minutes.

Mr. GARDNER. I thank the gentleman from Kentucky.

The issue that we are discussing here was actually brought up in debate at the time of the conference committee, this very language, the very title that we are discussing. I will read some language from the conference committee report.

Of primary concern is the fact that OCS air pollution is causing or contributing to the violation of Federal and State ambient air quality standards in some coastal regions.

□ 1600

We are dealing with onshore. The debate is on onshore. The debate at the time was over onshore regulations, on coastal regulations.

In addition, the testimony before the House Energy and Commerce Committee focused on this language in the regulations dealing with the rational relationship to the attainment and maintenance of Federal and State ambient air quality standards and the requirements of the PSD program, and that the rule is not used for the purpose of preventing exploration and development of the OCS, going directly—directly—to the interpretation that the focus on OCS requirements, as the regulations themselves state, is onshore, that the onshore air quality represents a rational relationship between OCS sources and obtaining and maintaining air quality standards.

California, this was the language, this was the conversation. The debate took place during the very conference committee about coastal regions, about onshore regulations.

I thank the gentleman for yielding.

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

The CHAIR. The question is on the amendment offered by the gentlewoman from California (Ms. SPEIER).

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

Ms. SPEIER. Madam Chair, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from California will be postponed.

AMENDMENT NO. 2 OFFERED BY MR. HASTINGS OF FLORIDA

The CHAIR. It is now in order to consider amendment No. 2 printed in part A of House Report 112–111.

Mr. HASTINGS of Florida. Madam Chair, I offer an amendment to the bill.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 3, line 19, strike ''but shall not be subject'' and insert ''and shall be subject''.

The CHAIR. Pursuant to House Resolution 316, the gentleman from Florida (Mr. HASTINGS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Florida.

Mr. HASTINGS of Florida. Madam Chair, in the past I have made the statement regarding offshore drilling as a native Floridian that I will be the last person standing opposed. But it would seem to me there is ever-mounting evidence that Republicans are willing to expand offshore drilling regardless of cost to the environment.

This particular iteration of what I describe as a near-criminal energy policy takes the form of a sellout of hardworking Americans' right to breathe clean air. In particular, this bill excludes Shell Oil's icebreaker ships in the Arctic from regulation under the Clean Air Act.

Shell has and will continue to argue that since its icebreakers are regulated under title II of the Clean Air Act, the vessels don't also need to be regulated under title I. Yet the fact is that Shell's ships would not be regulated under title II due to the fact that they are foreign-flagged and predate the effective date of the regulations.

Shell is asking Congress, and Republicans are obliging, to create a legal loophole so that Shell, their company, can pollute with impunity and not be bothered by complying with environmental regulations designed to minimize our desecration of the Earth.

This loophole would create a dream scenario for Shell and the rest of the oil industry, currently taking in record profits as gas prices soar for the average American family. For its 2010 drilling operations, it was not the amount of emissions from the drill ship itself that triggered the application of the Clean Air Act regulations to Shell's operations, but the emissions from Shell's icebreakers.

The exploration drilling proposed by Shell, as has been noted, would release particulate matter well in excess of 800,000 cars traveling 12,000 miles. These kinds of support vessels are responsible for up to 98 percent of the air pollution from drilling outfits, and Republicans are asking Congress to close our eyes to this matter.

My amendment would bring the oil companies' dreamworld crashing down around them. My amendment eliminates the loophole created in this bill, giving EPA the authority to regulate the support vessels and the emission sources that they are.

I was in the Rules Committee. I heard this argument about 5 years and Shell, and I also heard my colleague Mr. RUSH clearly explain that Shell filled out applications that were not fully filled out, and then when they were sent back at some point they even pulled their application before sending it back incomplete. Now, you can't have it both ways.

But, more important, I would ask every speaker that speaks in favor of this measure, tell the American public today how much this is going to reduce the cost of gasoline today, tomorrow, or next week, or next year.

The fact is, Hilda Solis, the Labor Secretary, did something today about the next iteration of jobs. She announced grants for different segments of this country in the amount of $38 million in grants for the Green Jobs Innovation Fund program. That is where our head needs to be. Our heart may still be in the need to use fossil fuels, but this measure isn't going to make one whit of a difference with reference to the cost of gas.

I reserve the balance of my time.

Mr. GARDNER. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR (Mr. CULBERSON). The gentleman from Colorado is recognized for 5 minutes.

Mr. GARDNER. I rise in opposition to the amendment, which mixes two basic concepts of stationary title I issues and mobile title II sources. What we are talking about here is something akin to requiring the employee of a factory to overhaul his engine simply because he parks next to the factory. It is requiring a re-engining of service vessels simply because they happen to be in the area of a stationary source.

So basically what we are talking about in the bill is saying that once a drilling ship starts to drill, that is when it becomes stationary. To require the vessels that service that drill ship, to require them to be stationary would be like requiring the UPS truck to fall under the same regulations as the factory that it is delivering to, or treating an emissions testing facility like it has wheels and ought to be moving around to everybody else because it is testing the emissions of a stationary source. So I rise to oppose this amendment, again, because of issues it is trying to deal with, mixing stationary and mobile sources.

The issue of foreign-flagged ships is dealt with in international law under our treaties that we have in this country. It is dealt with in the MARPOL Treaty. If we want to increase those regulations on U.S. vessels, Congress can do that. However, to increase regulations on service vessels only because they were hired to service an OCS vehicle makes no sense.

It was said in debate earlier too, I believe it was said we are not going to reduce our dependence on foreign oil by

producing more oil. I guess that argument means the same thing as we are not going to have more food by producing more food; we are not going to have more appliances in this country by producing more appliances. The arguments we have heard against this bill are off point, off subject, and are simply on claims that don't make any sense.

So when it comes to this particular amendment, delivery trucks aren't regulated as stationary sources, nor should the service vessels to a stationary source, the drilling ship, as will be considered once this legislation becomes law.

I yield back the balance of my time.

Mr. HASTINGS of Florida. Mr. Chair, I am prepared to yield back the balance of my time and ask for a record vote.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Florida (Mr. HASTINGS).

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

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

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Florida will be postponed.

AMENDMENT NO. 3 OFFERED BY MR. WELCH

The Acting CHAIR. It is now in order to consider amendment No. 3 printed in part A of House Report 112–111.

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

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 4, after line 9, insert the following (and redesignate the subsequent paragraphs accordingly):

''(1) such completed application shall include data on oil subsidies provided by the Federal Government to the applicant;

□ 1610

The Acting CHAIR. Pursuant to House Resolution 316, the gentleman from Vermont (Mr. WELCH) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Vermont.

Mr. WELCH. Mr. Chairman, oil companies, of course, benefit from significant subsidies. This amendment would require that applicant oil companies for permits to drill would disclose as part of their application the taxpayer-provided subsidies that they enjoy. They would make that specific as to the leases for which they're seeking permission to drill.

Now, we've had a long debate, Mr. Chairman, in this body about the wisdom of subsidies to oil companies and we have a strong contingent in this body that favors those subsidies, making arguments that it's good for the economy, good for producing energy, and beneficial to the taxpayer. We have many in this body, myself among them, who believe that these subsidies are too rich and they're unnecessary.

When oil company profits are a trillion dollars in the past year, when the price of oil has been hovering between $95 and $113 a barrel, when the companies have enjoyed record profits this year, the question arises by me and by many as to whether or not it makes sense to ask the taxpayers to reach into their pockets and to provide subsidies to a mature industry—an important industry, but a mature industry and a very profitable industry with a very high-priced product where they can generate and are succeeding in generating significant profits for that industry.

This is not about whether they're doing good or they're doing bad—we have oil companies that are doing their job—but it is about whether taxpayers should be, at the very minimum, made explicitly aware as to how much it is they're being asked to subsidize oil companies when they seek these leases.

One of the challenges we have that has been a major point by the new majority is that we have a budget deficit and we've got to control spending. Spending is both on the direct appropriations side and what's called here the tax expenditure side. I think our constituents would know that as tax breaks. Why not take every action we can when it comes to spending and it comes to tax breaks to mobilize the awareness of the American people so they know what it is we're spending their money on, whether it's for a spending program or a tax break subsidy.

So this is about disclosure. It's about unleashing the power of knowledge, making it available to the American people so they can tell their representatives, You know what? We think that subsidy is a pretty good idea, or, You know what? We don't have to continue to be shelling out money for that subsidy. We want to go in a new direction.

So, Mr. Chairman, my amendment is about empowering the democratic objectives of this country.

I reserve the balance of my time.

Mr. POMPEO. Mr. Chair, I rise in opposition to the amendment.

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

Mr. POMPEO. I rise in opposition to the Welch amendment and in strong support of H.R. 2021, the Jobs and Energy Permitting Act, a piece of legislation that would create jobs in America and American energy for American consumers.

The Welch amendment requires a company applying for a permit to provide data on ''oil subsidies provided by the Federal Government.'' Mr. Chairman, this is an absolute red herring. There's no definition of ''oil subsidy.'' That's intentional. The gentleman who proffered this amendment is an attorney. He ought to know better. I don't know what oil subsidies to which he's referring.

Section 199, manufacturing deduction, which goes to all businesses whether they produce oil or otherwise, so long as they're engaged in manufacturing. Maybe he's referring to the writing off of intangible drilling costs and claiming tax credits for employing American workers. If those qualify as American Government giveaways, that should absolutely be something that I would think that he would support. These folks are paying royalty taxes and giving great revenue to the United States Treasury.

This piece of legislation, without this amendment, will create many jobs and revenue for the United States Treasury.

What Mr. WELCH is really interested in, Mr. Chairman, what this amendment really does is it attempts to punish oil companies for producing American energy and American jobs. This piece of legislation, H.R. 2021, will do just that, and this amendment attempts to stop it.

If there were subsidies that applied only to the oil industry or specifically benefited folks who purchased traditional oil and petroleum, I'd be the first to rise and say, You're right; that's a subsidy. We ought to get rid of it. But that's not what this amendment attempts to do. Rather, this amendment attempts to stop a piece of legislation that will create energy; will lower the price of gasoline for American consumers; will, again, add jobs all over our country; and, once again, provide American energy so that American consumers may benefit.

I'd like to urge all of my colleagues to oppose the Welch amendment and support the underlying Jobs and Energy Permitting Act.

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

Mr. WELCH. I would just say this to my colleague: You and I disagree, obviously, on the subsidies. We don't disagree that the oil industry does provide good jobs to a lot of American families and a product that we need to keep our economy going. But there's a reasonable basis for disagreement about whether a particular subsidy has outlived its useful life. It is real money out of the pocket of the taxpayer.

While the suggestion is made that it would be tough to figure out what the subsidies are, these companies that enjoy these subsidies have accountants who scour the Tax Code to make certain that every legally available subsidy is one that they, in fact, do take. They actually owe that due diligence and that effort to their shareholders to make certain that they get maximum value for the shareholders, and that includes paying not a nickel more in taxes than they're legally required to pay by the rules that this House of Representatives sets.

So this is not about whether you're for or against the tax subsidies as they exist—we disagree on that—but it is about saying to the American taxpayer, when the company is filling out

this application, after they've done their tax filings, which they do every year, they can specify what the benefit is they are getting courtesy of the United States taxpayer. That's really what this is about.

What is the problem with letting people know how their money is being spent?

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Vermont (Mr. WELCH).

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

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

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Vermont will be postponed.

AMENDMENT NO. 4 OFFERED BY MR. KEATING

The Acting CHAIR. It is now in order to consider amendment No. 4 printed in part A of House Report 112–111.

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

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 4, after line 9, insert the following (and redesignate the subsequent paragraphs accordingly):

''(1) such completed application shall include data on bonuses provided to the executives of the applicant from the most recent quarter;

The Acting CHAIR. Pursuant to House Resolution 316, the gentleman from Massachusetts (Mr. KEATING) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Massachusetts.

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

I rise to urge my colleagues to support my amendment to H.R. 2021.

As constituents see soaring gas prices, soaring oil prices, oil companies have revealed record profits. The top five multinational oil companies earned over a trillion dollars in the past decade. In my district, where jobs and commerce depends on a coastal marine and tourism economy, I have constituents that are paying up to $4.50 a gallon. These oil firms, these conglomerates, are eating up more and more of our constituents' paychecks.

And where is it going? Only a small portion—some estimate as little as 7 percent—are reinvested back into the economy to pay for efficiencies and research into alternatives to oil. Rather, oil companies are providing bumps for stockholders and high bonuses to their company executives—a pat on the back for high prices at the pump. Remember that up to 90 percent of the tax subsidy money given to executives and companies by the taxpayers went to buybacks for preferred stock purchases.

My amendment would provide transparency to the U.S. taxpayer.

□ 1620

The amendment requires that all completed permit applications include data on executive bonuses distributed by the applicant company in the most recent quarter.

In May I offered a similar amendment to H.R. 1231, which would have required the Secretary to make available to the public data on executive bonuses for any company that is given a drilling lease, and it received at that time 186 votes. We have an opportunity now to successfully pass this amendment, and the time is now to hold the largest oil companies accountable. I urge my colleagues to support this important amendment in order to provide transparency to the American taxpayer.

I reserve the balance of my time.

Mr. GARDNER. I rise in opposition to the amendment.

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

Mr. GARDNER. Mr. Chairman, once again, we are faced with the question of whether we want to focus on the issues that this bill is intending to address—the issue of job creation, the issue of energy security—and whether or not we are going to take advantage of the resources that we have in our own backyard, which is American energy for the American people.

This amendment presents, once again, one more distraction from the very purpose of this bill. It is a distraction for our colleagues. I understand that they want to oppose this bill, but I believe they ought to oppose the bill on its merits. If they want to oppose the bill, vote ''no'' on the bill. If they want to offer constructive amendments, then introduce amendments to try to improve the bill, but presenting red herring amendments in amendment after amendment ought to be defeated.

Aside from the distraction that this amendment creates, there is no real need for this amendment from a practical perspective. If an interested person wants to know the amounts of bonuses paid to an oil company executive, the information is available. As it is a publicly owned company, it's already available. I don't believe we require bonus disclosure when environmental groups apply for grants. When a staffer helps out on a particular piece of legislation when we introduce the bill, I don't believe that we have disclosure on a bonus to a staffer. Again, this is a red herring on a bill that focuses on jobs and job creation.

I reserve the balance of my time.

Mr. KEATING. Mr. Chairman, how much time remains?

The Acting CHAIR. The gentleman from Massachusetts has 3 minutes remaining.

Mr. KEATING. I think the point is that environmental groups, marine jobs groups and groups that depend on tourism in my district don't have shareholders. They aren't the beneficiaries of this. The purpose of this amendment is to find out who really benefits.

If you represent a district like mine, there is a great risk in this—a risk in jobs, a risk in commerce, a risk that is irreparable, a risk that is one that should be taken very seriously. If one is taking that very seriously, one has to look at who, indeed, is benefiting by this. It's clear, given some of the other alternatives that are there right now, that the people at the pump are not benefiting by this. The people in my district who are depending on jobs that could be risked as a result of failures from this drilling have a great deal to risk. It is not a red herring. In fact, if you're going to apply any kind of fish analogies, another important industry in my area, the fishing industry, is one that is assuming this risk as well. Now, all of these risks are there. Who is benefiting by this risk?

The purpose of this amendment is to tell the public who, indeed, benefits by it. It is the executives who are getting these large bonuses, because this is about profits, and the profits go to those executives. They aren't there to help reduce costs for the people at the pump, and they certainly aren't there to help the people in my district who are bearing all the risk of this type of drilling.

I yield back the balance of my time.

Mr. GARDNER. Who benefits from this bill? The American people benefit from this bill.

In testimony before the House Energy and Commerce Committee, it was made very clear that the west coast could import less oil because of the development of the Chukchi and Beaufort Seas. Testimony was received before the House Energy and Commerce Committee that this could reduce the price of gasoline when we create more supplies, particularly for areas along the west coast, because of the presence of the Beaufort and Chukchi Sea reserve. So the American people are the beneficiaries of increased American production.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Massachusetts (Mr. KEATING).

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

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

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Massachusetts will be postponed.

AMENDMENT NO. 5 OFFERED BY MR. RUSH

The Acting CHAIR. It is now in order to consider amendment No. 5 printed in part A of House Report 112–111.

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

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 4, line 13, insert before the semicolon '', except that the Administrator may provide additional 30-day extensions if the Administrator determines that such time is

necessary to meet the requirements of this section, to provide adequate time for public participation, or to ensure sufficient involvement by one or more affected States''.

Page 4, beginning at line 18, strike paragraph (3) and insert the following:

''(3) no administrative stay of the effectiveness of such permit may extend beyond the deadline for final agency action under paragraph (1);

The Acting CHAIR. Pursuant to House Resolution 316, the gentleman from Illinois (Mr. RUSH) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Illinois.

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

Mr. Chairman, the amendment I am offering today would strengthen this bill by ensuring that we maintain an opportunity for State and community input even as we seek to streamline the permitting process, as this bill attempts to do.

My amendment would simply allow the EPA administrator to provide additional 30-day extensions if the administrator determines that such time is necessary to provide adequate time for public participation and sufficient involvement by affected States. Mr. Chairman, input by those most affected by drilling is a vital and necessary part of the permitting process.

There was a time not too long ago when my Republican colleagues valued local participation and States' rights; and now that they are in the majority, they are attempting to strip away the power of States and the power of local communities to even participate in the decisions that will affect them the most.

As Representative of the people, I do not believe that it makes sense for us to legislate away the ability of our citizens to comment on drilling decisions that will impact their health, impact their livelihoods, impact their well-being. I also don't think that our constituents will buy into the argument put forth by my colleagues on the other side of the aisle that we must make it easier for all companies to drill and also take away the public's ability to comment, even while they say this is for the public's own benefit. It's ludicrous.

This bill's supporters have said that this is a narrow bill designed to address problems Shell Oil Company has faced in obtaining a Clean Air Act permit for exploratory drilling off the coast of Alaska; but in fact, this legislation will impact every State on the Atlantic and Pacific coasts. The States of California and Delaware testified before the Energy and Commerce Committee that they have grave concerns about the impact of this bill on their ability to protect public health and welfare from air pollution.

I truly believe, Mr. Chairman, that it is imperative that the States and the local communities that will be most affected participate in the process of awarding permits, and this amendment would ensure that adequate time is given for that purpose. I don't believe that we should ever sacrifice the interests of the American public in order to expedite the interests of oil companies, so I hope that all of my colleagues will join me in supporting my amendment.

□ 1630

I reserve the balance of my time.

Mr. WHITFIELD. Mr. Chairman, I rise in opposition to the amendment.

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

Mr. WHITFIELD. Mr. Chairman, I've had the opportunity to serve many years with the gentleman from Illinois, who's the ranking member of this subcommittee, and have a great deal of respect and admiration for him. But I would point out to him that this legislation does not in any way curtail, stop, impose the opportunity for anyone to express opposition or comment about a permit. We do not in any way change the comment period that EPA has to determine if they're going to issue, in this case, an exploratory permit.

We do not in any way change the National Environmental Policy Act that provides four additional opportunities for communities, local, State, individuals, environmental groups to comment on an exploration permit. There are today five opportunities for people to comment about air permits. After this bill is passed, there will still be five opportunities for entities to comment.

Today, individuals and entities can file a lawsuit against the EPA and their actions. After this bill is passed, they can still file a lawsuit.

This amendment basically gives the EPA Administrator the opportunity to grant 30-day extensions on final agency action as the Administrator deems it necessary; but it's not limited to one 30-day period, two 30-day periods or three 30-day periods. In fact, it could go on ad infinitum, and that's the whole reason we have the bill here today, because I don't care what company it is out there trying to explore to determine if the oil is there, if you cannot even get an administrative decision, as in the case in point it has taken 4 or 5 years and there's still no decision, you can never get to the court system.

So this bill is a commonsense bill that provides some balance, some checkpoints at EPA so that we have the maximum opportunity to explore, to determine how much oil we have off the coast of Alaska. And I might say, in the hearings Alaska government authorities came up and pleaded for us to do something to help get a decision from EPA.

So I would oppose this amendment.

I reserve the balance of my time.

Mr. RUSH. Mr. Chairman, may I inquire as to how much time I have remaining.

The Acting CHAIR. The gentleman from Illinois has 1 minute remaining.

Mr. RUSH. Thank you, Mr. Chairman.

Let us not be bamboozled by this argument that my friend on the other side is trying to perpetuate on the American people. There is one problem with this bill—well, there are actually two problems with this bill.

One problem is that it gives the EPA and State permitting authorities just 6 months, 6 lousy months, to finalize an air permit for offshore exploratory drilling, which is not enough time to perform an adequate technical review while allowing for adequate public participation.

Number two, it preempts State authority. It preempts the right of the State of California, the State of Delaware, and other States with designated authority to impose more stringent emission controls on vessels servicing an offshore drilling operation.

Mr. Chair, this amendment attempts to cure a very serious problem with this bill.

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

Mr. WHITFIELD. How much time do I have remaining?

The Acting CHAIR. The gentleman from Kentucky has 2 minutes remaining.

Mr. WHITFIELD. I yield myself 2 minutes.

To close this debate, I would simply say that we think 6 months is totally adequate to make some decisions about air quality permits for exploratory purposes only, and I would remind everyone here that EPA had a 60-day comment period for its utility MACT regulation that was a 1,000-page regulation imposed by EPA's own estimate of $10 billion on the American people and increased electricity costs, if it goes into effect, by 4 or 5 percent, and they did that in 60 days.

Certainly, the 6 months that we give in this bill for an air quality permit for drilling purposes alone is adequate, and I would respectfully request that we oppose this amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Illinois (Mr. RUSH).

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

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

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Illinois will be postponed.

AMENDMENT NO. 6 OFFERED BY MR. QUIGLEY

The Acting CHAIR. It is now in order to consider amendment No. 6 printed in part A of House Report 112–111.

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

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 4, beginning on line 14, strike paragraph (2) and redesignate the subsequent paragraphs accordingly.

The Acting CHAIR. Pursuant to House Resolution 316, the gentleman from Illinois (Mr. QUIGLEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Illinois.

Mr. QUIGLEY. Mr. Chairman, I rise today in support of my amendment to H.R. 2021, a bill that curtails the EPA's authority under the Clean Air Act to regulate pollution from offshore oil drilling and to limit the public's participation in decisions that directly affect our health.

My amendment strikes the text which strips the ability of the Environmental Appeals Board to remand or deny the issuance of clean air permits for offshore energy exploration and extraction. Quite simply, this amendment allows the EAB to operate as it does today, saving taxpayer dollars and keeping unnecessary litigation out of the courts and in a place where unbiased and apolitical judges can make sound decisions with input from local constituencies who are most affected.

It's worth noting that the EAB was established under George H.W. Bush, created in recognition of increasing levels of appeals from permit decisions and civil penalty decisions. Further, three of the four sitting judges were appointed by Republican administrations. The judges who sit on the EAB are not political appointees. They are critical EPA officials whose terms do not end at the end of an administration.

The board takes approximately 5 months on the average from the time a petition is filed to receive and review briefs, hold oral arguments, and render a comprehensive written decision in a prevention of significant deterioration air permit case. Federal court review would likely take at least three or four times as long. Only four of the board's 100-plus air permit decisions have ever been appealed to a Federal court, and none of the board's air permit decisions have ever been overturned.

The EAB is cost-effective and efficient and has proven to be the fastest, cheapest way to achieve a final permit. I ask my colleagues to support this amendment to allow the EAB to continue to serve to protect the public health, to keep unnecessary lawsuits from the court system, and to take into account local community input.

I reserve the balance of my time.

Mr. GARDNER. I rise in opposition to the amendment.

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

Mr. GARDNER. Thank you, Mr. Chairman.

So my colleagues can understand what this bill is about, this does not repeal the ability of the Environmental Appeals Board to hear issues relating to production, production permits. This simply addresses the issue at hand of whether or not the Environmental Appeals Board can be used as a stalling period for exploratory permits.

□ 1640

Let me say it again. Exploratory permits are for a very limited duration. We're talking an activity that may last 30 to 45 days.

Unfortunately, what has happened, the EAB, which is by all accounts litigation with judges in robes in Washington, D.C., that are appointed lifetime bureaucrats, unaccountable, created by the administration, the EAB would still be able to hear appeals related to production. They will not be a part or allowed to delay exploratory permits. Why? Because we believe exploration of our resources is important, that it should not be delayed for 5 years.

In the time that it has taken to reach this point, 400 wells have been drilled by the lessee around the world. That's job creation, but certainly not in the United States. That's energy production, but certainly not in the United States. This bill presents a solution, an up-or-down, yes-or-no answer to a permit within 6 months, without going to the EAB for a ping-pong delay back and forth, EPA, EAB, delay after delay, and says we are going to focus on an issue of national importance, developing our resources, getting exploration performed, so that we can indeed make sure that we are heading down the path toward energy security.

With that, I reserve the balance of my time.

Mr. QUIGLEY. Mr. Chairman, the numbers speak for themselves. What we're talking about with this legislation is really just two permits that folks were concerned about. The reality of the matter is the average is 5 months.

Now, I understand what we're talking about is with just exploration, but we would like to get this right and not have amnesia about what happens when we get this wrong, because that's not just job-killing, it's ecosystem-killing. It destroys an entire region. There's a lot at stake here.

These aren't unaccountable people. They're appointed by administrations, created by a Republican administration, three of the four appointed by Republican administrations. It is in fact, in a sense, the executive branch. And while the executive can't do all this, it's delegated to appropriate authorities to make sound, apolitical decisions that affect communities not just for months or years but conceivably for generations. There's a lot at stake.

This is a simple amendment to deal with a critical problem, and I encourage my colleagues to support it.

I yield back the balance of my time.

Mr. GARDNER. Mr. Chairman, I guess I'm getting confused by some of the arguments I'm hearing against this bill, because I hear that 6 months isn't enough time even though the average permitting time is 5 months, some will say. I hear that this is only dealing with two permits, although I hear that California, Delaware, and Massachusetts are at risk with this legislation. I hear the argument that some say this is ecosystem-destroying.

Let me read a quote from Lisa Jackson, the administrator of the EPA, testifying before the United States Senate:

''I believe that the analysis will clearly show that there is no public health concern here.''

''I believe that the analysis will clearly show that there is no public health concern here.''

Gina McCarthy, the assistant administrator of the EPA, did not rebut this testimony that was given by the administrator herself, Lisa Jackson, before the Senate. Gina McCarthy didn't refutes it before the Energy and Commerce Committee.

The arguments seem to be confusing and grasping for straws. This is about energy security, about economic opportunity and making sure that we can deliver energy that's produced right here in the United States.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Illinois (Mr. QUIGLEY).

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

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

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Illinois will be postponed.

AMENDMENT NO. 7 OFFERED BY MS. ESHOO

The Acting CHAIR. It is now in order to consider amendment No. 7 printed in part A of House Report 112–111.

Ms. ESHOO. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 4, line 21, insert ''and'' after the semicolon.

Page 4, beginning on line 22, strike paragraph (4) and redesignate the subsequent paragraph accordingly.

Page 5, line 2, strike ''such''.

The Acting CHAIR. Pursuant to House Resolution 316, the gentlewoman from California (Ms. ESHOO) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from California.

Ms. ESHOO. Thank you, Mr. Chairman.

This bill, H.R. 2021, contains a rather extraordinary provision. It says that any appeal of an exploration permit decision can only be heard by the D.C. Circuit Court of Appeals. This is a fundamental change to longstanding law and precedent governing the venue for judicial review of challenges to EPA action.

Over 40 years ago when Congress adopted the Clean Air Act in 1970 and established venue for judicial review, Congress made a very sensible distinction. That distinction was that local

and regional EPA actions would be reviewed in the U.S. Court of Appeals for the appropriate circuit. Nationally applicable actions would be reviewed in the D.C. Circuit Court of Appeals.

This distinction has worked well for the past 40 years. If a major new industrial source will have significant local air pollution impacts, nearby communities will want to weigh in. Local businesses will want to ensure that a new source doesn't force more stringent cleanup requirements for existing sources. State and local authorities will have views. And the industrial source itself may disagree with EPA's decision. All of these stakeholders may want to appeal EPA's decision. Under the Clean Air Act, they can do so in the nearest court of appeals, without traveling to Washington, D.C. And for permits issued by States or localities, the decision is reviewed by State courts.

But this bill creates a new regime for exploration permits. In fact, under this bill, even for an exploration permit issued by a State or local permitting agency, all appeals would have to go to the Federal court here in Washington, D.C.

Many of my colleagues on the other side of the aisle like to criticize centralized government; bash Washington, D.C.; Washington, D.C. lawyers. They extol the virtues of local control. They cite the 10th Amendment. But this legislation centralizes control in Washington, D.C. In fact, it's a boon for Washington, D.C. lawyers.

This provision makes it far more difficult for regular folks to appeal a decision that can directly affect them. It took one of our Energy and Commerce Committee witnesses from the North Slope of Alaska 16 hours to travel to Washington, D.C., at a cost of at least $1,000 for that ticket.

This provision forces State and local authorities to fly to Washington, D.C. to defend a challenged permit decision. That's a huge burden in terms of money, and particularly so in these tough economic times.

The premise of this bill is that the oil industry needs faster permit decisions. Moving review from one Federal circuit court to another does not expedite permit decisions, and the committee that I'm a part of received no testimony identifying any actual problems with review in the relevant circuit courts.

I encourage Members to support this amendment, which would preserve local control, which would preserve community participation and really speaks to some fiscal common sense.

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

Mr. WHITFIELD. Mr. Chairman, I rise in opposition to the amendment.

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

Mr. WHITFIELD. Mr. Chairman, our friend from California's amendment sort of makes a lot of sense. There are a couple of issues that I would like to point out about it.

First of all, under her proposal, you would appeal the decision of the EPA at the local district court, wherever the project might be, let's say California. So you go through that appeals process through the U.S. District Court, and then if you don't like that decision, then you have to go to the U.S. Circuit Court of Appeals.

□ 1650

Well, today, if our bill did not pass, anyone could appeal a decision of the Environmental Protection Agency to the Environmental Appeals Board, which is located in Washington, D.C. So, today, any appeals to that board have to come to Washington, D.C., and it really is a judicial hearing. There are lawyers. There are judges. There is evidence. And so, today, that's the case.

Our bill simply says that in order to curtail the length of time it takes to receive or to even get a decision for an exploratory permit only, nothing else—we're not changing any other aspect of the EPA or Clean Air Act. We're simply saying, for this one purpose, we want a decision within 6 months, yes or no, so that the administrative decisions are exhausted. And then once the decision is made by the EPA, any party can go to the D.C. Circuit Court of Appeals. They don't even have to go through that extra layer at the Federal court but go right to the district court of appeals here in Washington, D.C.

So this legislation does not in any way change the venue. As I said, if we did nothing, as it is today, if they appeal to the Environmental Appeals Board, they come to Washington, D.C., to have the hearing. So I have been sympathetic to her desire to save people money, not require them to come all the way to Washington, but that's the way the law is today.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from California (Ms. ESHOO).

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

Ms. ESHOO. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from California will be postponed.

AMENDMENT NO. 8 OFFERED BY MRS. CAPPS

The Acting CHAIR. It is now in order to consider amendment No. 8 printed in part A of House Report 112–111.

Mrs. CAPPS. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 5, line 8, strike ''subsections (a), (b), and (d)'' and insert ''subsections (a), (b), (d), and (e)''.

Page 5, after line 8, add the following new section:

SEC. 5. STATE AUTHORITY.

Section 328 of the Clean Air Act (42 U.S.C. 7627) is further amended by adding at the end the following:

''(e) STATE AUTHORITY.—Any State with delegated authority to implement and enforce this section may impose any standard, limitation, or requirement relating to emissions of air pollutants from an OCS source if such standard, limitation, or requirement is no less stringent than the standards, limitations, or requirements established by the Administrator pursuant to this section.''.

The Acting CHAIR. Pursuant to House Resolution 316, the gentlewoman from California (Mrs. CAPPS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from California.

Mrs. CAPPS. I yield myself such time as I may consume.

Mr. Chairman, this amendment that I'm offering with Representatives CARNEY and CASTOR addresses one of several concerns we have about this bill: its harmful impact on State programs that today are working to issue permits while protecting local air quality.

Last month, the Energy and Power Subcommittee heard testimony from officials of the States of Delaware and California. Both expressed serious concerns about the impact of this bill on local air quality. The Delaware Department of Natural Resources has this to say about the legislation: ''The constraints placed on States' rights and authorities will adversely affect our State's ability to protect public health and welfare from the harmful effects of air pollution.'' The California Air Resources Board also testified that this measure ''could have far-reaching, unintended consequences on public health.''

California and its local air districts in some cases require emission controls that go beyond Federal law, and that is to address our unique pollution problems. For example, emissions from commercial harbor craft and ocean-going vessels represent the largest source of smog-forming air pollution in the entire Santa Barbara County. These emissions account for over 40 percent of our local air pollution. In response, the California Air Resources Board adopted rules to help coastal areas like California come into attainment with ozone and particulate matter air quality standards. But H.R. 2021 would nullify some of these State requirements, and it would increase pollution by preventing our local air quality district from incorporating them into their air permits for offshore drilling production and processing.

It's very critical to our local air quality and to public health that emissions from these marine vessels and offshore drilling are subject to commonsense regulations, and that is why this simple amendment is before us today. It says that if a State with delegated authority wants to enact more stringent air quality protections for offshore drilling, it can continue to do so.

Mr. Chairman, this is about giving flexibility to our local air quality districts so that they can apply the technologies that work best for them—they've been doing so for 20 years—so they can continue their work protecting our air quality and the health of our communities. This amendment says that a one-size-fits-all approach that comes from Washington politicians and giant multinational oil companies is the wrong approach.

I urge my colleagues to support this straightforward amendment. It's common sense. It will allow State and local air districts to continue to do their job to protect the air quality of coastal communities like the central coast of California—nothing more, and nothing less.

I reserve the balance of my time.

Mr. GARDNER. I rise in opposition to this amendment.

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

Mr. GARDNER. Mr. Chairman, I thank the gentlelady from California for being a part of this debate today.

We had, I believe, this amendment or a similar amendment in committee. We discussed this amendment. As I mentioned, we've had two separate committee hearings on this particular piece of legislation. We had a markup where a number of amendments were offered. A tremendous amount of debate took place, and I believe debate took place on this very amendment.

One of the concerns I have with this amendment is the practical impact it would have in what could best be described as a balkanization in the regulation of Federal waters, creating a patchwork quilt, so to speak, of regulations as it applies to the Federal areas in the OCS. The amendment allows States to promulgate any regulation for the OCS as long as it can be deemed no less stringent. This will result in chaotic regulation of Federal waters, many of which may conflict with interstate commerce.

But perhaps even more important is the dramatic expansion of State jurisdiction that this amendment would have. And this was also an issue that was discussed back and forth during our markups both at the subcommittee level and at the full committee level, whether or not this would create challenges for the expansion of State jurisdiction.

The current law only allows for the delegation of the exact authorities of the administrator and not the flexibility to create the State's own laws to implement the act. I think that's one of the distinctions that we have sort of walked over during this debate.

It's also important to recognize that the Federal OCS is different from onshore State borders, where the States do have this type of flexibility in setting their State implementation plans. We talked in committee, once again, about the Submerged Lands Act and the Outer Continental Shelf Lands Act. They were enacted for this very reason: to federalize and provide harmony in the offshore.

So State regulations of the OCS will be used, I believe, unfortunately, by those who would try to obstruct and stop domestic energy production. The policy of this bill, of the Jobs and Energy Permitting Act, is to provide a clear process so that resources can be explored, and I am afraid this amendment would cause the opposite.

The Jobs and Energy Permitting Act is a bill that was brought forward because of significant delay in a bureaucratic process through an Environmental Appeals Board that was not created by Congress but was created as an administrative construct; something that was designed, I'm sure, with good intentions. But unfortunately, in its applicability, in the way it is working, the way people have used it, it is now being part of a great delay.

In the time that it has taken for the EAB to work on this bill, 5 years, the company that has the lease in the Beaufort-Chukchi Sea area right now has drilled over 400 wells around the world, not in the United States, not creating U.S. jobs here, not creating U.S. energy, but working abroad.

□ 1700

And if we are going to set this country on a path toward energy security, I've said it before and will continue to say it, if we are going to set this country on a path to energy security, then we have to recognize the national importance of allowing exploration to occur, exploration permits activities that will take 30 to 45 days.

Mr. WHITFIELD. Will the gentleman yield?

Mr. GARDNER. I yield to the gentleman from Kentucky.

Mr. WHITFIELD. I would like to make one additional comment. I think you have a very good point on the balkanization. We have these Federal waters, the Outer Continental Shelf. We have a lot of oil reserves, and we're trying to explore, trying to produce more oil. And if this amendment is adopted, different States can have different rules, so that would complicate things.

And we already have a situation where we have different agencies of the Federal Government issuing these permits. In some areas we have the Department of the Interior. In other areas we have EPA. If you take that, on top of the balkanization, it's going to take a lot longer than 5 years. We may never get a permit.

I thank the gentleman for yielding.

Mr. GARDNER. I thank the gentleman from Kentucky.

Reclaiming my time, it's frustrating too because we continue to hear statements from the administration, from others who wish to pursue a vibrant energy policy for our country that they too agree that we need expanded resource development in the United States, expanded U.S. energy opportunities. But it's almost like lip-synching. They are talking about it, but not actually doing it. And, unfortunately, what we are seeing is conversations by the administration without the action to back up that conversation.

I yield back the balance of my time.

Mrs. CAPPS. Mr. Chairman, I yield myself 30 seconds to respond to my colleague from Colorado, the author of the bill.

Section 328 of the Clean Air Act is what is at issue here today in this amendment. It was created more than 20 years ago, largely at the insistence of California officials. In fact, my Republican predecessor, Congressman Lagomarsino, introduced this legislation because residents were unhappy about uncontrolled air pollution from offshore drilling, as well as local industry and business groups who were upset that offshore sources were basically free to pollute, while onshore sources bore the burden of heavier regulation to try to make up for the degraded air quality. Only two States now have this permission.

I yield the balance of my time to my colleague from Delaware (Mr. CARNEY).

The Acting CHAIR. The gentleman is recognized for 1½ minutes.

Mr. CARNEY. Mr. Chair, I rise in support of this amendment, and I will submit this letter from the Delaware Department of Natural Resources for the RECORD.

While I oppose the underlying bill, I will only speak to this amendment. It addresses what I think is a nonpartisan issue and, frankly, it appeals to States' rights, which my Republican friends typically support.

Delaware is in nonattainment with Federal clean air standards, mainly due to emissions that come from outside our State borders. In order to comply with Federal law and protect public health, Delaware has the ability to implement pollution control strategies beyond EPA's requirements.

Last year Delaware was given Clean Air Act authority for the Outer Continental Shelf, meaning that the State, rather than EPA, regulates emissions there. Delegated authority is working. The one OCS permit requested of Delaware was granted within weeks, not months. Disputes go through a quick administrative review, rather than costly litigation. It does not mean a delay, as my Republican colleague alleged.

In fact, this delegated authority is working so well that other States are actively looking into it. Maryland, Virginia and Alaska have each asked Delaware for its documents on delegated authority.

A one-size-fits-all approach like H.R. 2021 is not in the best interest of our States. Our amendment simply preserves delegated authority to the States that want it, enabling our States to oversee pollution control as they see fit. This is not balkanization; it's common sense.

I urge my colleagues to preserve States rights by supporting this amendment.

STATE OF DELAWARE,
DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL,
Dover, DE, June 21, 2011.

Hon. JOHN C. CARNEY,
United States Representative,
Washington, DC.

DEAR CONGRESSMAN CARNEY: I write to you today to express State of Delaware's opposition to H.R. 2021, the Jobs and Energy Permitting Act of 2011. Our concerns with this bill are outlined below:

(1) The proposed bill will impede states' authority to regulate emissions and create unnecessary burdens on state agencies;

(2) By restricting the consideration of air quality impacts solely to an onshore location in the corresponding onshore area, the proposed bill does not sufficiently protect human health and the environment;

(3) The proposed bill shields a potentially significant portion of emissions from OCS activities from emission control requirements; and

(4) The proposed bill subverts our state's established procedures for due process and replaces them with a potentially cumbersome and costly judicial review.

Delaware's air quality is so severely impacted by transported air pollution from the Southwest and the West that Delaware can no longer produce a plan to meet the National Ambient Air Quality Standards for ozone even if it eliminated all in-state emissions. This bill will open a new Eastern front in the assault on our air quality and at the same time removes available and much needed tools to address these emissions. Delaware's citizens and those living on the East coast deserve clean air and need the continued protection afforded them by the Clean Air Act.

I urge you to reject this bill.

Sincerely,

COLLIN P. O'MARA,
Secretary.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from California (Mrs. CAPPS).

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

Mrs. CAPPS. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from California will be postponed.

AMENDMENT NO. 9 OFFERED BY MS. HOCHUL

The Acting CHAIR. It is now in order to consider amendment No. 9 printed in part A of House Report 112–111.

Ms. HOCHUL. I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 5, after line 8, add the following new subsection:

(c) REPORTING.—Not later than 60 days after the date of enactment of this Act, the Administrator of the Environmental Protection Agency shall submit to Congress a report that details how the amendments made by this Act are projected to increase oil and gas production and lower energy prices for consumers.

The Acting CHAIR. Pursuant to House Resolution 316, the gentlewoman from New York (Ms. HOCHUL) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from New York.

Ms. HOCHUL. Mr. Chair, I stand here today to ask one simple question: How will the Jobs and Energy Permitting Act of 2011 reduce the cost of gasoline for consumers?

I think this is a fair question, one that my colleagues on both sides of the aisle should want the answer to.

The price of gasoline is soaring in our country, and across the Nation Americans are paying too much at the pump. The average gasoline right now is $3.63, up over a dollar from a year ago. Diesel, which our struggling farmers have to pay, has gone up a dollar per gallon in the same timeframe.

However, as I've stated on this floor before, the people in my district are paying much more than that. In the past, western New Yorkers have paid some of the highest gas prices in this Nation. Rising fuel prices have hurt our small businesses. They hurt our farms, and they hurt our families at a time when money is far too scarce. And that is why we must know how the Jobs and Energy Permitting Act of 2011 will increase oil and gas production, and we need to know that this will decrease the cost of energy for our consumers.

Under this bill, American people are supposed to put their trust in the same oil companies that have consistently betrayed that trust. They tell us we need to drill more, and they tell us they need to get more permits on an expedited basis in order to do so.

Well, I agree. I agree we need to reduce our dependency on foreign oil. But I'm asking for the proper oversight. How do we know that the permits we're issuing so oil companies can drill in our waters will result in that production of oil and gas? How do we know they simply won't secure permits and not choose to drill to keep oil and gas off the market, or even worse, just to drive up the price of oil by manipulating supply?

The amendment I'm offering today is quite simple and straightforward. In one line it gives the EPA administrator 60 days to submit a report dealing with how this bill will increase oil and gas production, while lowering the price of energy for consumers. It has nothing to do with the merits of the bill, which I'm not weighing in on at this time. But I think that asking for a report within 2 months of passing this act is not unreasonable, which is why I ask all my colleagues to join with me today in supporting this amendment.

Today the people back home in my district and all across this Nation are still fed up with high gas prices, and they want to know what we are going to do about these problems. This amendment, in a bipartisan way, can be a step toward finding that solution.

I yield back the balance of my time.

Mr. WHITFIELD. Mr. Chairman, I rise in opposition to the amendment.

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

□ 1710

Mr. WHITFIELD. We certainly want to thank the gentlelady from New York for introducing this amendment.

To answer the question about how is this bill going to help oil prices and provide more oil for the marketplace, obviously it can't do it overnight. But the reason that we're here is because it has taken EPA 5 years and they still have not even rendered a decision on a simple exploratory drill permit request, which is not even a long-term activity. It's simply to explore to determine is oil there and can we use it.

Now, in America we're using around 20 million barrels of oil a day, and the vast majority of that is being imported into the U.S. from other sources. And so all we're attempting to do in this bill—we're not changing any aspect of the Clean Air Act, we're not changing mobile source rules, stationary source rules, national ambient air quality standards. We're not changing that. We're not changing the Environmental Appeals Board from hearing appeals on any other permit other than an exploratory permit, and that's all this bill does.

And we want to do it because we're trying to find additional oil in America, and we know we have it. And we also know that if we have more oil, obviously we can't get it produced tomorrow. We've been trying 5 years just to get the permit, and we don't have that yet. But we want any company to have the ability to go out and drill and to get an expedited answer from EPA. We're not even directing EPA to approve the permit. We're simply saying make a decision. And then if the other side does not like the decision, they have an opportunity to go to court. Under the way it's operating today, we can't get a final decision to even go to court. So here we are in limbo.

I might also say that on the gentlelady's amendment, she does not give any time for this report to be issued. And knowing EPA's track record, we could be here 10 years waiting for a report.

But more important than that, EPA really does not perform economic analyses of energy markets. The Energy Information Administration does that. They have the modeling to do it, they have the technicians to do it, they have the information to do it. EPA really does not even do a very good job on their regulations of thinking about the impact on jobs in America.

So I understand the gentlelady's intent; I think it's a very good intent. But as I said, one of the real weaknesses here is she doesn't even set a timeline for this.

Mr. Chairman, I yield the balance of my time to the gentleman from Colorado (Mr. GARDNER.)

The Acting CHAIR. The gentleman is recognized for 1½ minutes.

Mr. GARDNER. I thank the gentleman from Kentucky.

This issue of studies, this issue of blue ribbon commissions, it doesn't address the actual fact that price is very much dependent on supply. That's the testimony that we have received. If we have 1 million barrels of oil coming into this country from our own resources, American resources, we know from testimony at the hearing that it will impact price, testimony at the hearing that said the west coast of this United States would have to import less, that it would reduce the price at the pump in California.

We don't have time to create commissions that don't actually relieve the American consumers' pain at the pump. They're paying for it now. I too represent farmers, businesses that are paying $3.50 a gallon—they were paying higher just a few weeks ago—and none of them have come to me and said, you know, I wish you could study whether or not high prices are impacting me or not. I wish you could study whether American production will actually reduce the price at the pump because they know intuitively that increased supply—American energy resources, when we develop them, will add to our supply, and it's a function of supply and demand.

We have the opportunity in this country to create American jobs. I ask for a ''no'' vote on this amendment.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from New York (Ms. HOCHUL).

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

Ms. HOCHUL. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from New York will be postponed.

AMENDMENT NO. 10 OFFERED BY MR. SCHRADER

The Acting CHAIR. It is now in order to consider amendment No. 10 printed in part A of House Report 112–111.

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

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill, insert the following:

SEC. 5. PROHIBITION AGAINST DRILLING OFF THE COAST OF OREGON.

No permit may be issued under the Clean Air Act (42 U.S.C. 7401 et seq.) for an Outer Continental Shelf source (as defined in section 328(a)(4) of such Act (42 U.S.C. 7627(a)(4))) in connection with drilling for oil or natural gas off the coast of Oregon.

The Acting CHAIR. Pursuant to House Resolution 316, the gentleman from Oregon (Mr. SCHRADER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Oregon.

Mr. SCHRADER. Mr. Chairman, I rise in strong support of this amendment, co-sponsored by the coastal members of the Oregon delegation. This amendment is very simple; it protects 63 miles of fragile Oregon coastline and many of the communities that depend on its health.

This amendment would prevent any permits required under the Clean Air Act for oil or natural gas drilling on the Outer Continental Shelf off the coast of Oregon. It respects Oregon State's right to decide what is best for its coast without Federal interference.

Our Oregon coastal communities depend on the health and natural vitality of the Pacific Ocean. They already face tremendous pressure both in the fishing arena and in our tourism economy. They cannot afford an environmental catastrophe like Deepwater Horizon.

While Oregon has operated under a congressionally supported moratorium on drilling since 1982, this had expired in 2008. Oregon's citizens and its businesses deserve certainty to be able to invest in our fishing and tourism infrastructure.

We respect other States' rights to do what they need to do and suggest what they want. Oregon is leading the way in renewables. We have a State energy portfolio that highlights hydro, solar, wind, wave, biomass, and waste-to-energy technologies, not oil or coal.

Mr. Chairman, I yield 1 minute to my colleague from the north coast of Oregon (Mr. WU).

Mr. WU. Mr. Chairman, I rise today in strong support of this amendment to prohibit oil and gas drilling off the Oregon coast.

As an Oregonian, I question why we would risk our pristine coast to support an energy industry of the last century rather than of the next century, why we would subject our fisheries and visitor-based coastal economy to the dangers of a BP-style disaster in Oregon waters.

We should focus on generating local jobs, not profits for far-off oil companies. We could create these local jobs by investing in the energy industries of the next century that are uniquely suited to the Oregon coast—waste energy and next-generation offshore wind. Oregon can be the Saudi Arabia of renewable wave energy. Wave energy depends on two things, big waves and seabed contours suited to exploit those waves; and Oregon has both. Oregon is the best place in the world where these two factors come together.

As for wind energy, next-generation technology will allow floating wind farms to be operated 100 miles offshore. These are the jobs of the future. These are the technology and the energy of the future.

Mr. GARDNER. Mr. Chairman, I rise in opposition to the amendment.

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

Mr. GARDNER. Mr. Chairman, I would like to point out that you have to get an air permit for the energy production that my colleague was just discussing. You have to get an air permit for the offshore wind development, for the wave development. So I believe opposition to this bill actually hurts the very projects that he is promoting.

And so, again, I rise in opposition to this amendment because it basically puts this country in a situation where you can go get a lease, you can achieve an energy lease, but you can't then get a permit for it. So does that create additional liability for this country? Are we going to end up entering into an area where we can get sued because we've issued a lease but then said you can't get a clean air permit—not only for oil and gas development, but for the very projects that my colleague was addressing?

So here we are in a situation that gets back to the fundamental question at issue: Are we going to allow a bureaucratically created board in Washington, D.C., wearing robes and hearing basic judicial proceedings—are we going to allow them to stall an issue of national importance?

□ 1720

Five years it has taken. Five years it has taken in this one particular instance. Access to Federal offshore areas is not determined by the EPA-issued air permits. It is determined by the President of the United States when through the Department of the Interior lease sales are or are not held for Federal lands and waters.

This is once again an attempt to shut off exploration activity in the Pacific. The matter is not to be decided through air permits. It is to be decided when and if lease sales are proposed for those waters. If lease sales are proposed in the future, Oregon's interests and concerns will no doubt be represented by our colleagues who are proposing this amendment, by the opportunities that remain to debate and provide comment through the NEPA process, through the leasing process.

There are five opportunities for public comment to provided on exploration activity, 30 to 45 days' worth of activity. There are five opportunities for the public to comment.

We have got to get this country into a position where we recognize that it is a good thing for American-produced energy to have opportunities to be developed.

We heard testimony from the State of Alaska. This bill has bipartisan support. It is an effort to say, you know what, we have resources and reserves. We have facilities like the Trans-Alaska pipeline that right now has 650,000 barrels of oil going through a day when it was designed to bring in 2 million barrels of oil a day. If it gets any lower, it is going to create mechanical problems transporting the oil. If it gets below 200,000 barrels a day, it will be decommissioned, torn apart. The potential to bring 2.1 million barrels of oil a day into this country will be gone if the Trans-Alaska pipeline is removed.

The Jobs and Energy Permitting Act, H.R. 2021, gives this body the chance to say we are going to utilize our resources in a responsible manner. We are going to tell the EPA that they have got 6 months to do the analysis. Approve it or don't approve it, but make a decision because the American people deserve a decision.

I reserve the balance of my time.

Mr. SCHRADER. Mr. Chairman, I yield 1 minute to the Congressman from southern Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. I thank the gentleman for yielding.

You are either for States' rights or you're not. It seems on the other side of the aisle, when it is convenient to their agenda, they are for States' rights. But when it is not convenient to their agenda or their generous campaign contributors, the oil and gas industry, they are not for States' rights.

My State voted, the legislature, just last year for a 10-year moratorium on their lands as an expression of interest not only to ban the leasing of the lands within the coastal waters, but beyond that. We are serious about protecting our fisheries, we are serious about our very profitable tourism industry, and, yes, we are serious about wind and wave development. The gentleman made no sense. He said somehow this would preclude wind and wave development. Not at all. You don't need a clean air permit for something that doesn't potentially pollute the air.

So at this point I would just suggest that let's be consistent. If the State of Alaska wishes to push ahead, the gentleman from Alaska has the bill before us. The Republican Party controls the House. Great. He also had a rule that people from local districts and local States, the gentleman from Alaska, get to have their prerogative. This is our prerogative, representing the people of the State of Oregon.

Mr. GARDNER. May I inquire how much time remains.

The Acting CHAIR. The gentleman from Colorado has 1 minute remaining, and the gentleman from Oregon has 1½ minutes remaining.

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

Mr. SCHRADER. I yield 1 minute to the Congressman from the largest port in our great State, Congressman EARL BLUMENAUER.

Mr. BLUMENAUER. I appreciate the gentleman's courtesy in permitting me to speak on this. I appreciate all my colleagues who represent the Oregon coast for bringing this forward. Now, my district may not actually touch the Oregon coast, but my constituents and I spend time there, value its beauty, the ecosystem, and the economic benefits it brings to the United States. The underlying bill could bring all of these at risk, allowing expedited drilling for offshore drilling, a process that is expedited for those who would drill, but a process that is much worse for citizens who may object.

We need to continue to respect the wishes of Oregonians to keep oil rigs off our shores, prohibiting sources from obtaining permits to drill off the coast of Oregon. This amendment is an appropriate safeguard to protect our coastal environment and communities.

Mr. GARDNER. Mr. Chairman, just to clarify a point when I was seeking the opportunity to ask the gentleman to yield, section 328 applies to any offshore project authorized under the Outer Continental Shelf Lands Act. So under the OCSLA, all offshore energy projects must have a permit.

I reserve the balance of my time.

Mr. SCHRADER. How much time do I have remaining?

The Acting CHAIR. The gentleman from Oregon has 30 seconds remaining.

Mr. SCHRADER. Mr. Chair, Oregonians don't want or need drilling off our coast. This amendment is supported by all three Members of the entire Oregon coastline and our State legislature. We respect, and I hope this body would respect, Oregonians' right to determine their own destiny. We are not talking about Alaska, we are talking about the State of Oregon, and we are only talking about oil and natural gas permits.

House Members representing this coast are very passionate about its health and future vitality. We urge this body to pass this amendment and respect Oregon's destiny.

I yield back the balance of my time.

Mr. GARDNER. Mr. Chairman, again, I oppose the amendment. We have an opportunity with the Jobs and Energy Permitting Act to get this country on a path toward a secure energy future. It is a matter of national interest. It is not just a matter of Oregon or just a matter of Colorado or just a matter of Alaska. Everyone who is suffering through the pain at the pump realizes that the resources we have been blessed with in this country, when used responsibly, can be used for the benefit of our country and the benefit of all.

The 112th Congress has continued to focus on job creation, just like the Jobs and Energy Permitting Act, job creation and long-term economic well-being. It was said before, somebody on the other side said we are not going to reduce our dependence on foreign oil by producing more oil. That doesn't make any sense at all.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Oregon (Mr. SCHRADER).

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

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

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Oregon will be postponed.

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments printed in part A of House Report 112–111 on which further proceedings were postponed, in the following order:

Amendment No. 1 by Ms. SPEIER of California.

Amendment No. 2 by Mr. HASTINGS of Florida.

Amendment No. 3 by Mr. WELCH of Vermont.

Amendment No. 4 by Mr. KEATING of Massachusetts.

Amendment No. 5 by Mr. RUSH of Illinois.

Amendment No. 6 by Mr. QUIGLEY of Illinois.

Amendment No. 7 by Ms. ESHOO of California.

Amendment No. 8 by Mrs. CAPPS of California.

Amendment No. 9 by Ms. HOCHUL of New York.

Amendment No. 10 by Mr. SCHRADER of Oregon.

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 1 OFFERED BY MS. SPEIER

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from California (Ms. SPEIER) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 176, noes 248, not voting 7, as follows:

[Roll No. 467]

AYES—176

Ackerman
Andrews
Baldwin
Bass (CA)
Becerra
Berkley
Berman
Bishop (NY)
Blumenauer
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Courtney
Critz
Crowley
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Frank (MA)
Fudge
Garamendi
Grijalva
Gutierrez
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hochul
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Jones
Kaptur
Keating
Kildee
Kind
Kissell
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Olver

Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Pelosi
Perlmutter
Peters
Peterson
Pingree (ME)
Polis
Price (NC)
Quigley
Rahall
Rangel
Reichert
Richardson
Richmond
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Shuler
Sires
Slaughter
Smith (WA)
Speier
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Welch
Wilson (FL)
Woolsey
Wu
Yarmuth

NOES—248

Adams
Aderholt
Akin
Alexander
Altmire
Amash
Austria
Baca
Bachmann
Bachus
Barletta
Barrow
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (UT)
Black
Bonner
Bono Mack
Boren
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Carter
Cassidy
Chabot
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Costa
Costello
Cravaack
Crawford
Crenshaw
Cuellar
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Dold
Donnelly (IN)
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gohmert
Gonzalez
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Green, Al
Green, Gene
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Hensarling
Herger
Herrera Beutler
Holden
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
Lewis (CA)
LoBiondo
Long
Lucas
Luetkemeyer
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marino
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McKinley
McMorris Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Paul
Paulsen
Pearce
Pence
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Reed
Rehberg
Renacci
Reyes
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stark
Stearns
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (FL)
Young (IN)

NOT VOTING—7

Blackburn
Boustany
Giffords
Gingrey (GA)
Lummis
Stivers
Young (AK)

□ 1759

Mr. LUETKEMEYER, Ms. FOXX, Messrs. DOLD, BACA, and STARK changed their vote from ''aye'' to ''no.''

Mr. CLARKE of Michigan changed his vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 2 OFFERED BY MR. HASTINGS OF FLORIDA

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Florida (Mr. HASTINGS) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 167, noes 254, not voting 10, as follows:

[Roll No. 468]

AYES—167

Ackerman
Andrews
Baldwin
Bass (CA)
Becerra
Berkley
Berman
Bishop (NY)
Blumenauer
Brady (PA)
Brown (FL)
Butterfield
Capps
Capuano
Carnahan
Carney
Carson (IN)
Castor (FL)
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Costello
Courtney
Critz
Crowley
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Frank (MA)
Fudge
Garamendi
Grijalva
Gutierrez
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hirono
Hochul
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Kaptur
Keating
Kildee
Kind
Kissell
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Olver
Owens
Pallone
Pascrell
Payne
Pelosi
Peters
Pingree (ME)
Polis
Price (NC)
Quigley
Rahall
Rangel
Richardson
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Shuler
Sires
Slaughter
Smith (WA)
Speier
Stark
Sutton
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Welch
Wilson (FL)
Woolsey
Wu
Yarmuth

NOES—254

Adams
Aderholt
Akin
Alexander
Altmire
Amash
Austria
Baca
Bachmann
Bachus
Barletta
Barrow
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Boswell
Brady (TX)
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Cardoza
Carter
Cassidy
Chabot
Chaffetz
Chandler
Coble
Coffman (CO)
Cole
Conaway
Cooper
Costa
Cravaack
Crawford
Crenshaw
Cuellar
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Dold
Donnelly (IN)
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gohmert
Gonzalez
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Green, Al
Green, Gene
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Hensarling
Herger
Herrera Beutler
Hinojosa
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (OH)
Johnson, Sam
Jones
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
Lewis (CA)
LoBiondo
Long
Lucas
Luetkemeyer
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marino
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McKinley
McMorris Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Pastor (AZ)
Paulsen
Pearce
Pence
Perlmutter
Peterson
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Reed
Rehberg
Reichert
Renacci
Reyes
Ribble
Richmond
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stearns
Stutzman
Sullivan
Terry
Thompson (CA)
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner
Upton
Walberg
Walden

Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (FL)
Young (IN)

NOT VOTING—10

Boustany
Braley (IA)
Brooks
Giffords
Gingrey (GA)
Labrador
Lummis
Paul
Stivers
Young (AK)

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (Mr. GRAVES of Georgia) (during the vote). There are 2 minutes remaining in this vote.

□ 1806

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 3 OFFERED BY MR. WELCH

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Vermont (Mr. WELCH) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 183, noes 238, not voting 10, as follows:

[Roll No. 469]

AYES—183

Ackerman
Andrews
Baca
Baldwin
Bass (CA)
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costello
Courtney
Crowley
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Dold
Donnelly (IN)
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Frank (MA)
Fudge
Garamendi
Gibson
Green, Al
Grijalva
Gutierrez
Hanabusa
Hanna
Harris
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hirono
Hochul
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Johnson (GA)
Johnson, E. B.
Jones
Kaptur
Keating
Kildee
Kind
Kissell
Langevin
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Olver
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Pelosi
Perlmutter
Peters
Peterson
Pingree (ME)
Polis
Price (NC)
Quigley
Rahall
Rangel
Ribble
Richardson
Richmond
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schilling
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Shuler
Sires
Slaughter
Smith (NJ)
Smith (WA)
Speier
Stark
Sutton
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walsh (IL)
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Welch
Wilson (FL)
Woolsey
Wu
Yarmuth

NOES—238

Adams
Aderholt
Akin
Alexander
Altmire
Amash
Austria
Bachmann
Bachus
Barletta
Barrow
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Biggert
Bilbray
Bilirakis
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Cardoza
Carter
Cassidy
Chabot
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Costa
Cravaack
Crawford
Crenshaw
Critz
Cuellar
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gohmert
Gonzalez
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Green, Gene
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Harper
Hartzler
Hastings (WA)
Hayworth
Heck
Hensarling
Herger
Herrera Beutler
Hinojosa
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Issa
Jackson Lee (TX)
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Larsen (WA)
Latham
LaTourette
Latta
Lewis (CA)
Long
Lucas
Luetkemeyer
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marino
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McKinley
McMorris Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Paulsen
Pearce
Pence
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Reed
Rehberg
Reichert
Renacci
Reyes
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schmidt
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Southerland
Stearns
Stutzman
Sullivan
Terry
Thompson (CA)
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner
Upton
Walberg
Walden
Webster
West
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (FL)
Young (IN)

NOT VOTING—10

Doggett
Giffords
Gingrey (GA)
Hurt
Kucinich
Lummis
Paul
Stivers
Westmoreland
Young (AK)

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). Two minutes remain in this vote.

□ 1813

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 4 OFFERED BY MR. KEATING

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Massachusetts (Mr. KEATING) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 167, noes 258, not voting 6, as follows:

[Roll No. 470]

AYES—167

Ackerman
Andrews
Baca
Baldwin
Bass (CA)
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Carnahan
Carson (IN)
Castor (FL)
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Costello
Courtney
Crowley
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Dent
Deutch
Dicks
Dingell
Doggett
Dold
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Frank (MA)
Fudge
Garamendi
Graves (MO)
Green, Al
Grijalva
Gutierrez
Hanabusa
Hastings (FL)
Heinrich
Higgins
Hinchey
Hirono
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Johnson (GA)
Johnson, E. B.
Jones
Kaptur
Keating
Kildee
Kind
Kissell
Kucinich
Langevin
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Olver
Pallone
Pascrell
Pastor (AZ)
Payne
Pelosi
Perlmutter
Peters
Pingree (ME)
Polis
Price (NC)
Quigley
Rahall
Rangel
Richardson
Rothman (NJ)
Roybal-Allard
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schilling
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Sires
Slaughter
Speier
Stark
Sutton

Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Waxman
Welch
Wilson (FL)
Woolsey
Wu
Yarmuth
Young (FL)

NOES—258

Adams
Aderholt
Akin
Alexander
Altmire
Amash
Austria
Bachmann
Bachus
Barletta
Barrow
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Biggert
Bilbray
Bilirakis
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Cardoza
Carney
Carter
Cassidy
Chabot
Chaffetz
Chandler
Coble
Coffman (CO)
Cole
Conaway
Cooper
Costa
Cravaack
Crawford
Crenshaw
Critz
Cuellar
Culberson
Davis (KY)
Denham
DesJarlais
Diaz-Balart
Donnelly (IN)
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gohmert
Gonzalez
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Green, Gene
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Hensarling
Herger
Herrera Beutler
Himes
Hinojosa
Hochul
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jackson Lee (TX)
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Larsen (WA)
Latham
LaTourette
Latta
Lewis (CA)
Lipinski
LoBiondo
Long
Lucas
Luetkemeyer
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marino
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McKinley
McMorris Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Owens
Palazzo
Paul
Paulsen
Pearce
Pence
Peterson
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Reed
Rehberg
Reichert
Renacci
Reyes
Ribble
Richmond
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Royce
Runyan
Ruppersberger
Ryan (WI)
Scalise
Schmidt
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Southerland
Stearns
Stutzman
Sullivan
Terry
Thompson (CA)
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (IN)

NOT VOTING—6

Giffords
Gingrey (GA)
Lummis
Stivers
Watt
Young (AK)

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). Two minutes remain in this vote.

□ 1820

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 5 OFFERED BY MR. RUSH

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Illinois (Mr. RUSH) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 172, noes 253, not voting 6, as follows:

[Roll No. 471]

AYES—172

Ackerman
Andrews
Baca
Baldwin
Bass (CA)
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Carnahan
Carney
Carson (IN)
Castor (FL)
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costello
Courtney
Crowley
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Frank (MA)
Fudge
Garamendi
Gonzalez
Grijalva
Gutierrez
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hirono
Hochul
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Jones
Kaptur
Keating
Kildee
Kind
Kissell
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Olver
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Peters
Pingree (ME)
Polis
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Richmond
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Sires
Slaughter
Smith (WA)
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Welch
Wilson (FL)
Woolsey
Wu
Yarmuth

NOES—253

Adams
Aderholt
Akin
Alexander
Altmire
Amash
Austria
Bachmann
Bachus
Barletta
Barrow
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Biggert
Bilbray
Bilirakis
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Boswell
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Cardoza
Carter
Cassidy
Chabot
Chaffetz
Chandler
Coble
Coffman (CO)
Cole
Conaway
Costa
Cravaack
Crawford
Crenshaw
Critz
Cuellar
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Dold
Donnelly (IN)
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Green, Al
Green, Gene
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Hensarling
Herger
Herrera Beutler
Hinojosa
Holden
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
Lewis (CA)
LoBiondo
Long
Lucas
Luetkemeyer
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marino
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McKinley
McMorris Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Paul
Paulsen
Pearce
Pence
Perlmutter
Peterson
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Reed
Rehberg
Reichert
Renacci
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stearns
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (FL)
Young (IN)

NOT VOTING—6

Giffords
Gingrey (GA)
Lummis
Pelosi
Stivers
Young (AK)

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). Two minutes remain in this vote.

□ 1826

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 6 OFFERED BY MR. QUIGLEY

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Illinois (Mr. QUIGLEY) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 173, noes 251, not voting 7, as follows:

[Roll No. 472]

AYES—173

Ackerman
Andrews
Baca
Baldwin
Bass (CA)
Becerra
Berkley
Berman
Bishop (NY)
Blumenauer
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Carnahan
Carney
Carson (IN)
Castor (FL)
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costello
Courtney
Critz
Crowley
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Frank (MA)
Fudge
Garamendi
Grijalva
Gutierrez
Hanabusa
Hastings (FL)
Hayworth
Heinrich
Higgins
Himes
Hinchey
Hirono
Hochul
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones
Kaptur
Keating
Kildee
Kind
Kissell
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Olver
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Peters
Pingree (ME)
Polis
Price (NC)
Quigley
Rahall
Rangel
Reichert
Richardson
Richmond
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Sires
Slaughter
Smith (WA)
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Welch
Wilson (FL)
Woolsey
Wu
Yarmuth

NOES—251

Adams
Aderholt
Akin
Alexander
Altmire
Amash
Austria
Bachmann
Bachus
Barletta
Barrow
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Boswell
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Cardoza
Carter
Cassidy
Chabot
Chaffetz
Chandler
Coble
Coffman (CO)
Cole
Conaway
Costa
Cravaack
Crawford
Crenshaw
Cuellar
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Dold
Donnelly (IN)
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gohmert
Gonzalez
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Green, Al
Green, Gene
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Heck
Hensarling
Herger
Herrera Beutler
Hinojosa
Holden
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jackson Lee (TX)
Jenkins
Johnson (OH)
Johnson, Sam
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
Lewis (CA)
LoBiondo
Long
Lucas
Luetkemeyer
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marino
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McKinley
McMorris Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Paul
Paulsen
Pearce
Pence
Peterson
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Reed
Rehberg
Renacci
Reyes
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stearns
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tipton
Turner
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (FL)
Young (IN)

NOT VOTING—7

Giffords
Gingrey (GA)
Lummis
Pelosi
Stivers
Tiberi
Young (AK)

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There are 2 minutes remaining in this vote.

□ 1832

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 7 OFFERED BY MS. ESHOO

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from California (Ms. ESHOO) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 183, noes 240, not voting 8, as follows:

[Roll No. 473]

AYES—183

Ackerman
Altmire
Andrews
Baca
Baldwin
Bartlett
Bass (CA)
Becerra
Berkley
Berman
Bishop (NY)
Blumenauer
Brady (PA)
Braley (IA)
Brown (FL)
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Cassidy
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costello
Courtney
Critz
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Frank (MA)
Fudge
Garamendi
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hanabusa
Hanna
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hirono
Hochul
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones
Kaptur
Keating
Kildee
Kind
Kissell
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNerney
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Olver
Pallone
Pascrell
Pastor (AZ)
Paul
Payne
Perlmutter
Peters
Pingree (ME)
Polis
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Richmond
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Shuler
Sires
Slaughter
Smith (WA)
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Welch
Wilson (FL)
Woolsey
Wu
Yarmuth

NOES—240

Adams
Aderholt
Akin
Alexander
Amash
Austria
Bachmann
Bachus
Barletta
Barrow
Barton (TX)
Bass (NH)
Benishek
Berg
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Boswell
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Carter
Chabot
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Costa
Cravaack
Crawford
Crenshaw
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Dold
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Hensarling
Herger
Herrera Beutler
Hinojosa
Holden
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (OH)
Johnson, Sam
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
Lewis (CA)
LoBiondo
Long
Lucas
Luetkemeyer
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marino
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McKinley
McMorris Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Owens
Palazzo
Paulsen
Pearce
Pence
Peterson
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Reed
Rehberg
Reichert
Renacci
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stearns
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (FL)
Young (IN)

NOT VOTING—8

Butterfield
Giffords
Gingrey (GA)
Lummis
Meeks
Pelosi
Stivers
Young (AK)

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There are 2 minutes remaining in this vote.

□ 1838

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 8 OFFERED BY MRS. CAPPS

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from California (Mrs. CAPPS) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 180, noes 242, not voting 9, as follows:

[Roll No. 474]

AYES—180

Ackerman
Andrews
Baca
Baldwin
Bass (CA)
Becerra
Berkley
Berman
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Brady (PA)
Braley (IA)
Brown (FL)
Buchanan
Butterfield
Capps
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Coble
Cohen
Connolly (VA)
Conyers
Costello
Courtney
Critz
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Frank (MA)
Fudge
Garamendi
Gibson
Gonzalez
Grijalva
Gutierrez
Hanabusa
Hastings (FL)
Hayworth
Heinrich
Herrera Beutler
Higgins
Himes
Hinchey
Hirono
Hochul
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Jones
Kaptur
Keating
Kildee
Kind
Kissell
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Maloney
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Olver
Pallone
Pascrell
Pastor (AZ)
Paul
Payne
Perlmutter
Peters
Pingree (ME)
Polis
Price (NC)
Quigley
Rahall
Rangel
Reichert
Reyes
Richardson
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Sires
Slaughter
Smith (WA)
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Welch
Wilson (FL)
Woolsey
Wu
Yarmuth
Young (FL)

NOES—242

Adams
Aderholt
Akin
Alexander
Altmire
Amash
Austria
Bachmann
Bachus
Barletta
Barrow
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Biggert
Bilbray
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Boswell
Boustany
Brady (TX)
Brooks
Broun (GA)
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Carter
Cassidy
Chabot
Chaffetz
Chandler
Coffman (CO)
Cole
Conaway
Cooper
Costa
Cravaack
Crawford
Crenshaw
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Dold
Donnelly (IN)
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gohmert
Goodlatte
Gosar
Gowdy
Graves (GA)
Graves (MO)
Green, Al
Green, Gene
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Heck
Hensarling
Herger
Hinojosa
Holden
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
Lewis (CA)
LoBiondo
Long
Lucas
Luetkemeyer
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marino
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McKinley
McMorris Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Owens
Palazzo
Paulsen
Pearce
Pence
Peterson
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Reed
Rehberg
Renacci
Ribble
Richmond
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stearns
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (IN)

NOT VOTING—9

Capuano
Giffords
Gingrey (GA)
Granger
Lummis
Lynch
Pelosi
Stivers
Young (AK)

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). Two minutes remain in this vote.

□ 1845

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 9 OFFERED BY MS. HOCHUL

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from New York (Ms. HOCHUL) on which further proceedings

were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 186, noes 238, not voting 7, as follows:

[Roll No. 475]

AYES—186

Ackerman
Andrews
Baca
Baldwin
Barrow
Bass (CA)
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Carnahan
Carney
Carson (IN)
Castor (FL)
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Connolly (VA)
Conyers
Cooper
Costello
Courtney
Critz
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Frank (MA)
Fudge
Garamendi
Gibson
Green, Al
Grijalva
Gutierrez
Hanabusa
Hanna
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hirono
Hochul
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones
Kaptur
Keating
Kildee
Kind
Kissell
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Olver
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Peters
Pingree (ME)
Polis
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Richmond
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Sires
Slaughter
Smith (NJ)
Smith (WA)
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Welch
Wilson (FL)
Woolsey
Wu
Yarmuth

NOES—238

Adams
Aderholt
Akin
Alexander
Altmire
Amash
Austria
Bachmann
Bachus
Barletta
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Biggert
Bilbray
Bilirakis
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Cardoza
Carter
Cassidy
Chabot
Chaffetz
Chandler
Cole
Conaway
Costa
Cravaack
Crawford
Crenshaw
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Dold
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gohmert
Gonzalez
Goodlatte
Gosar
Gowdy
Graves (GA)
Graves (MO)
Green, Gene
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Hensarling
Herger
Herrera Beutler
Hinojosa
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (OH)
Johnson, Sam
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
Lewis (CA)
Long
Lucas
Luetkemeyer
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marino
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McKinley
McMorris Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Paul
Paulsen
Pearce
Pence
Peterson
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Reed
Rehberg
Reichert
Renacci
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (TX)
Southerland
Stearns
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (FL)
Young (IN)

NOT VOTING—7

Giffords
Gingrey (GA)
Granger
Lummis
Pelosi
Stivers
Young (AK)

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There are 2 minutes remaining in this vote.

□ 1851

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 10 OFFERED BY MR. SCHRADER

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Oregon (Mr. SCHRADER) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 160, noes 262, not voting 9, as follows:

[Roll No. 476]

AYES—160

Ackerman
Andrews
Baldwin
Bass (CA)
Becerra
Berkley
Berman
Bishop (NY)
Blumenauer
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Castor (FL)
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Coble
Cohen
Connolly (VA)
Conyers
Courtney
Crowley
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Frank (MA)
Fudge
Garamendi
Grijalva
Gutierrez
Hanabusa
Hastings (FL)
Heinrich
Herrera Beutler
Higgins
Hinchey
Hinojosa
Hirono
Holt
Honda
Inslee
Israel
Johnson (GA)
Johnson, E. B.
Jones
Kaptur
Keating
Kildee
Kind
Kissell
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Olver
Pallone
Pascrell
Pastor (AZ)
Payne
Pingree (ME)
Polis
Price (NC)
Quigley
Rahall
Rangel
Reichert
Richardson
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Sires
Slaughter
Smith (WA)
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Wasserman Schultz
Waters
Watt
Waxman
Welch
Wilson (FL)
Woolsey
Wu
Yarmuth

NOES—262

Adams
Aderholt
Akin
Alexander
Altmire
Amash
Austria
Baca
Bachmann
Bachus
Barletta
Barrow
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Boswell
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Carter
Cassidy
Chabot
Chaffetz
Chandler
Coffman (CO)
Cole
Conaway
Cooper
Costa
Costello
Cravaack
Crawford
Crenshaw
Critz
Cuellar
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Dold
Donnelly (IN)
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher

Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gohmert
Gonzalez
Goodlatte
Gosar
Gowdy
Graves (GA)
Graves (MO)
Green, Al
Green, Gene
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Hensarling
Herger
Himes
Hochul
Holden
Hoyer
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jackson Lee (TX)
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
Lewis (CA)
LoBiondo
Long
Lucas
Luetkemeyer
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marino
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McKinley
McMorris Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Owens
Palazzo
Paul
Paulsen
Pearce
Pence
Perlmutter
Peters
Peterson
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Reed
Rehberg
Renacci
Reyes
Ribble
Richmond
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stearns
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner
Upton
Visclosky
Walberg
Walden
Walsh (IL)
Walz (MN)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (FL)
Young (IN)

NOT VOTING—9

Carson (IN)
Giffords
Gingrey (GA)
Granger
Jackson (IL)
Lummis
Pelosi
Stivers
Young (AK)

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (Mr. LATHAM) (during the vote). There are 2 minutes remaining in this vote.

□ 1858

So the amendment was rejected.

The result of the vote was announced as above recorded.

The Acting CHAIR. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. GRAVES of Georgia) having assumed the chair, Mr. LATHAM, 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. 2021) to amend the Clean Air Act regarding air pollution from Outer Continental Shelf activities, and, pursuant to House Resolution 316, reported the bill back to the House.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

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.

MOTION TO RECOMMIT

Mr. KEATING. Mr. Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. KEATING. I am opposed to it in its current form, Mr. Speaker.

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

The Clerk read as follows:

Mr. Keating moves to recommit the bill H.R. 2021 to the Committee on Energy and Commerce with instructions to report the same to the House forthwith with the following amendment:

After subsection (d) of section 328 of the Clean Air Act, as proposed to be added by section 4 of the bill, insert the following:

''(e) DETERMINATION OF LOWER GAS PRICES AT THE PUMP.—In conducting analyses relating to requirements for pollution controls pursuant to this section, the Administrator shall determine whether the controls under review will result in lower gasoline prices in the United States, including the retail price charged at service stations.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Massachusetts is recognized for 5 minutes in support of his motion.

Mr. KEATING. Mr. Speaker, I rise to offer this final amendment that I believe will greatly increase economic and job safeguards for the American people.

Simply put, the underlying legislation is about risk versus reward. We know what the reward is: trillions of dollars of profit over the last decade for oil companies and preferred stock buybacks and bonuses for executives. We know what the proponents of this bill say the reward will be: lower gas prices at the pump.

Now, what is the risk that we're looking at?

The risk is existing jobs: existing jobs in the marine industry, the fishing industry, the tourism industry—industries that are among the most job-producing in my State and in the States of so many other people in this Chamber.

My amendment requires the administrator to determine whether or not this will lower gas prices for American citizens. I believe we need a safeguard for the American public, who should not bear the burden of the risk with no guarantee of the reward. I'm sure the many small businesses in the gulf and in my district which rely on the marine economies and tourism would agree with this. This final amendment is a commonsense compromise, and regardless of how the Members feel about the underlying legislation, this is something that we should all be able to support.

When I offered my amendment earlier, my colleague from across the aisle said it was irrelevant because it dealt with exposing executive bonuses and that it, thus, did not deal with the heart of what this bill is supposed to do, which, according to him, was to increase domestic oil production that would translate into decreased gas prices at the pump. Now, if it's not for lower gas prices for consumers, then the only rationale for this must be that it's for higher profits for oil companies. All day, proponents have said the reason for the bill is to lower gas prices.

This amendment, simply put, asks them to mean what they say. I ask all of my colleagues to please support this final amendment.

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

Mr. GARDNER. I rise in opposition to the gentleman's motion.

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

Mr. GARDNER. Energy security and job creation, that's what the Jobs and Energy Permitting Act is about. The amendment, the motion to recommit that has been offered, is something that we talked about today: whether or not a study actually results in lower prices at the pump.

Colleagues, I don't think our constituents will appreciate it if we put a big sign on the pump at the gas station that reads ''you're going to pay $3.50 a gallon for gas; you're going to pay $4 a gallon for gas'' while we study it, while a blue ribbon commission proceeds.

This bill will allow our domestic resources to be accessed in a responsible manner, in a timely manner to help relieve the price at the pump. Americans are tired of overregulation. Americans are tired of job-killing regulations. Americans are tired of the pain at the pump that they face each and every day. This bill presents an opportunity to create 54,000 jobs. In the time that it has taken to get a permit approved in the Chukchi and Beaufort Seas, 400 wells have been drilled around the world. They created jobs in other countries; they created energy in other countries, but they didn't do it in our own backyard. This is our opportunity to get American resources online in a responsible manner.

This amendment is one more stall, one more study, one more way to tell the American people that we're not interested in helping relieve the pain at the pump. We're going to study it. We're going to commission it. Then we're not going to do anything. This is 54,000 jobs and 1 million barrels of oil a day brought online from Alaska, creating jobs not just there but throughout the 48 States.

The other day, I heard people talking about making it in America. ''Make It in America.'' Do you know what we need to make it in America? We need an energy policy that allows an abundant, affordable energy resource. To make it in America, we need opportunities to secure policies that don't overregulate and kill jobs. If you want

to make it in America, reject this motion to recommit; develop American resources; put America back to work; and vote ''yes'' on the underlying bill.

I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

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

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

RECORDED VOTE

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

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of passage.

The vote was taken by electronic device, and there were—ayes 177, noes 245, not voting 9, as follows:

[Roll No. 477]

AYES—177

Ackerman
Altmire
Andrews
Baca
Baldwin
Barrow
Bass (CA)
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Carnahan
Carney
Carson (IN)
Castor (FL)
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costello
Courtney
Critz
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dingell
Doggett
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Frank (MA)
Fudge
Garamendi
Green, Al
Grijalva
Gutierrez
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hochul
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kildee
Kind
Kissell
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Olver
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Peters
Pingree (ME)
Polis
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Richmond
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Shuler
Sires
Slaughter
Smith (WA)
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Welch
Wilson (FL)
Woolsey
Wu
Yarmuth

NOES—245

Adams
Aderholt
Akin
Alexander
Amash
Austria
Bachmann
Bachus
Barletta
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Biggert
Bilbray
Bilirakis
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Boswell
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Cardoza
Carter
Cassidy
Chabot
Chaffetz
Chandler
Coble
Coffman (CO)
Cole
Conaway
Costa
Cravaack
Crawford
Crenshaw
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Dold
Donnelly (IN)
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gohmert
Gonzalez
Goodlatte
Gosar
Gowdy
Graves (GA)
Graves (MO)
Green, Gene
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Hensarling
Herger
Herrera Beutler
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jones
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Labrador
Lamborn
Lance
Lankford
Latham
LaTourette
Latta
Lewis (CA)
LoBiondo
Long
Lucas
Luetkemeyer
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marino
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McKinley
McMorris Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Owens
Palazzo
Paul
Paulsen
Pearce
Pence
Peterson
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Reed
Rehberg
Reichert
Renacci
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stearns
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (FL)
Young (IN)

NOT VOTING—9

Dicks
Giffords
Gingrey (GA)
Granger
Landry
Lummis
Pelosi
Stivers
Young (AK)

□ 1923

Mr. OWENS changed his vote from ''aye'' to ''no.''

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

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

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

RECORDED VOTE

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

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 253, noes 166, not voting 12, as follows:

[Roll No. 478]

AYES—253

Adams
Aderholt
Akin
Alexander
Altmire
Amash
Austria
Baca
Bachmann
Bachus
Barletta
Barrow
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Boswell
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Cardoza
Carter
Cassidy
Chabot
Chaffetz
Chandler
Coble
Coffman (CO)
Conaway
Costa
Cravaack
Crawford
Crenshaw
Critz
Cuellar
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Dold
Donnelly (IN)
Dreier
Duffy
Duncan (SC)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gohmert
Gonzalez
Goodlatte
Gosar
Gowdy
Graves (GA)
Graves (MO)
Green, Al
Green, Gene
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Hensarling
Herger
Herrera Beutler
Hinojosa
Holden
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
Lewis (CA)
LoBiondo
Long
Lucas
Luetkemeyer
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marino
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McKinley
McMorris Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Paul
Paulsen
Pearce
Pence
Perlmutter
Peterson
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Reed
Rehberg
Reichert
Renacci
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stearns
Stutzman
Sullivan

Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (FL)
Young (IN)

NOES—166

Ackerman
Andrews
Baldwin
Bass (CA)
Becerra
Berkley
Berman
Bishop (NY)
Blumenauer
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Carnahan
Carney
Castor (FL)
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costello
Courtney
Crowley
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dingell
Doggett
Doyle
Duncan (TN)
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Frank (MA)
Fudge
Garamendi
Grijalva
Gutierrez
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hirono
Hochul
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Johnson, E. B.
Jones
Kaptur
Keating
Kildee
Kind
Kissell
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Olver
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Peters
Pingree (ME)
Polis
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Richmond
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Shuler
Sires
Slaughter
Smith (WA)
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Welch
Wilson (FL)
Woolsey
Wu
Yarmuth

NOT VOTING—12

Carson (IN)
Cole
Dicks
Giffords
Gingrey (GA)
Granger
Lummis
Moore
Murphy (PA)
Pelosi
Stivers
Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining.

□ 1930

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. LANDRY. Mr. Speaker, on rollcall No. 477 I was unavoidably detained. Had I been present, I would have voted "no."

RESIGNATION AS MEMBER OF COMMITTEE ON ARMED SERVICES

The SPEAKER pro tempore (Mr. BROUN of Georgia) laid before the House the following resignation as a member of the Committee on Armed Services:

HOUSE OF REPRESENTATIVES,
CONGRESS OF THE UNITED STATES,
Washington, DC, June 22, 2011.

Hon. JOHN BOEHNER,
Speaker of the House, The Capitol, Washington, DC.

DEAR SPEAKER BOEHNER, I am writing to notify you of my resignation from the Armed Services Committee, effective June 22, 2011. I look forward to continuing to serve the Tampa Bay area and the State of Florida from the Energy and Commerce and Budget Committees in the 112th Congress.

Sincerely,

KATHY CASTOR,
United States Representative, Florida District 11.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

ELECTING A MEMBER TO A CERTAIN STANDING COMMITTEE OF THE HOUSE OF REPRESENTATIVES

Mr. LARSON of Connecticut. Mr. Speaker, by direction of the Democratic Caucus, I offer a privileged resolution and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 321

Resolved, That the following named Member be and is hereby elected to the following standing committee of the House of Representatives:

COMMITTEE ON ENERGY AND COMMERCE.—Ms. Castor of Florida.

Mr. LARSON of Connecticut (during the reading). Mr. Speaker, I ask unanimous consent that the resolution be considered as read and printed in the RECORD.

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

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2219, DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2012

Mr. NUGENT, from the Committee on Rules, submitted a privileged report (Rept. No. 112–113) on the resolution (H. Res. 320) providing for consideration of the bill (H.R. 2219) making appropriations for the Department of Defense for the fiscal year ending September 30, 2012, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1380

Mr. PITTS. Mr. Speaker, I ask unanimous consent that my name be withdrawn as a cosponsor of H.R. 1380, the New Alternative Transportation to Give Americans Solutions Act of 2011.

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

There was no objection.

GENERAL LEAVE

Mr. SMITH of Texas. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous materials on H.R. 1249.

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

There was no objection.

AMERICA INVENTS ACT

The SPEAKER pro tempore. Pursuant to House Resolution 316 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 1249.

□ 1933

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 1249) to amend title 35, United States Code, to provide for patent reform, with Mr. GRAVES of Georgia in the chair.

The Clerk read the title of the bill.

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

An initial period of general debate shall be confined to the question of the constitutionality of the bill and shall not exceed 20 minutes equally divided and controlled by the gentleman from Texas (Mr. SMITH) and the gentlewoman from Ohio (Ms. KAPTUR) or their designees.

The Chair recognizes the gentleman from Texas.

Mr. SMITH of Texas. I yield myself such time as I may consume.

Mr. Chairman, individuals who raise questions about the constitutionality of this legislation perhaps should review the Constitution itself. The Constitution expressly grants Congress the authority to "promote the progress of science and useful arts." That is precisely what this bill does. H.R. 1249 improves the patent system, ensuring the protection and promotion of intellectual property that spurs economic growth and generates jobs.

The bill's inclusion of a move to a first-inventor-to-file system is absolutely consistent with the Constitution's requirement that patents be awarded to the "inventor."

A recent letter by professors of law from across the country—from universities including Emory, Indiana, Washington University in St. Louis, Missouri, NYU, New Hampshire, Wisconsin, Albany, Stanford, Chicago, Georgia, Richmond, Vanderbilt, and Washington—states that claims of unconstitutionality "cannot be squared with well-accepted and longstanding rules of current patent law." And

former Attorney General Michael B. Mukasey has said that the provision is both ''constitutional and wise.''

In a letter to PTO Director David Kappos, General Mukasey stated that the bill's constitutionality is assured because it ''leaves unchanged the existing requirement that a patent issue only to one who 'invents or discovers.' ''

Also, this provision actually returns us to a system that our Founders created and used themselves. Early American patent law, that of our Founders' generation, did not concern itself with who was the first-to-invent. The U.S. operated under a first-inventor-to-register, which is a system very similar to the first-inventor-to-file.

It wasn't until the 1870s, when the courts created interference proceedings, that our patent system began to consider who was the first-to-invent an invention. These interference proceedings disadvantaged independent inventors and small businesses. Over time, interference proceedings have become a costly litigation tactic that has forced some manufacturers to take the path of least resistance and move operations and jobs overseas rather than risk millions or billions of dollars in capital investment. The America Invents Act does away with interference proceedings and includes a provision to address prior user rights without jeopardizing American businesses and jobs.

Opponents of the first-inventor-to-file system claim that it may disadvantage independent inventors who cannot file quickly enough. But the current system lulls inventors into a false sense of security based on the belief that they can readily and easily rely on being the first-to-invent. Inventors forget that, to have any hope of winning an interference proceeding, they must comply with complex legal procedures and then spend over $500,000 to try to prove that they were the first-to-invent.

In the last 7 years, under the current system of interference proceedings, only one independent inventor out of 3 million patent applications has proved an earlier date of invention over the inventor who filed first, one out of 3 million. In fact, the current patent system's costly and complex legal environment is what truly disadvantages independent inventors, who often lose their patent rights because they can't afford the legal battle over ownership.

The America Invents Act reduces frivolous litigation over weak or overbroad patents by establishing a pilot program to review a limited group of business method patents that never should have been awarded in the first place. Section 18 deals with mistakes that occurred following an activist judicial decision that created a new class of patents called business method patents in the late 1990s. The PTO was ill equipped to handle the flood of business method patent applications.

Few examiners had the necessary background and education to understand the inventions, and the PTO lacked information regarding prior art. As a result, the PTO issued some weak patents that have lead to frivolous lawsuits. The pilot program allows the PTO to reexamine a limited group of questionable business method patents, and it is supported by the PTO.

Former 10th Circuit Federal Appeals Court Judge Michael McConnell sent me a constitutional analysis of the bill's reexamination proceedings. He stated that ''there is nothing novel or unprecedented, much less unconstitutional, about the procedures proposed in sections 6 and 18. The application of these new reexamination procedures to existing patents is not a taking or otherwise a violation of the Constitution.''

Supporters of this bill understand that if America's inventors are forced to waste time with frivolous litigation, they won't have time for innovation. That's why the U.S. Chamber of Commerce, National Association of Manufacturers, PhRMA, BIO, the Information Technology Industry Council, American Bar Association, Small Business & Entrepreneurship Council, Independent Community Bankers of America, Credit Union National Association, Financial Services Roundtable, American Insurance Association, Property Casualty Insurers Association of America, the Securities Industry and Financial Markets Association, the American Institute of CPAs, industry leaders, the Coalition for 21st Century Patent Reform, the Coalition for Patent Fairness, independent inventors, and all six major university associations all support H.R. 1249.

To quote the Chamber of Commerce: ''This legislation is crucial for American economic growth, jobs, and the future of U.S. competitiveness.''

We can no longer allow our economy and job creators to be held hostage to legal maneuvers and the judicial lottery.

□ 1940

American inventors have led the world for centuries in new innovations, from Benjamin Franklin and Thomas Edison to the Wright Brothers and Henry Ford. But if we want to continue as leaders in the global economy, we must encourage the innovators of today to develop the technologies of tomorrow.

This bill holds true to the Constitution, our Founders and our promise to future generations that America will continue to lead the world as a fountain for discovery, innovation and economic growth.

Mr. Chairman, I reserve the balance of my time.

Ms. KAPTUR. I yield myself such time as I may consume.

Mr. Chairman, if this bill is passed into law, it will violate the first right explicitly named in our Constitution, the intellectual property clause. This bill makes a total mockery of article 1, section 8, clause 8, which requires Congress to secure for inventors the exclusive right to their respective writings and discovery.

Supporters of this bill say it is an attempt to modernize our patent system. What they really mean is that this bill Europeanizes our patent system by granting the rights to an invention to whoever wins the race to the Patent Office.

The Supreme Court has been consistent on this issue throughout our history. First inventors have the exclusive constitutional right to their inventions. This right extends to every citizen, not just those with deep pockets and large legal teams. A politicized patent system will further entrench those very powerful interests with deep pockets and lots of lobbying offices over on K Street.

Claiming to be an inventor is not the same thing as being that inventor, the person who actually made the discovery. A patent should be challenged in court, not in the U.S. Patent Office.

Since the first Congress, which included 55 delegates to the Constitutional Convention, our nation has recognized that you are the owner of your own ideas and innovations. This bill throws that out the window and replaces it with a system that legalizes a rather clever form of intellectual property theft.

I assure you of one thing: If this bill mistakenly passes, this debate will not be over. We will see it head straight to the courts with extended litigation for years to come, along with complete uncertainty to our markets, killing jobs and killing innovation.

I urge my colleagues to vote ''no'' on H.R. 1249.

I yield 3 minutes to the former chairman of the Judiciary Committee, our esteemed colleague from Wisconsin (Mr. SENSENBRENNER).

Mr. SENSENBRENNER. Mr. Chairman, in the first day of this session we all took an oath to preserve and protect and defend the Constitution of the United States against all enemies, foreign and domestic. And a day or two later, for the first time in history, we read the Constitution on the floor from beginning to end.

We changed the rules to have a constitutional debate when the constitutionality of legislation before us was in question. And this is the first time in the history of the United States House of Representatives when a question serious enough to have a constitutional debate is being debated on the floor for 20 minutes.

Unlike what my friend from Texas (Mr. SMITH) has said, this bill is unconstitutional, and voting for this bill will violate one's oath of office. And here is why.

The intellectual property clause of the Constitution gives the protection to the first-to-invent, and what happens later in the Patent Office only protects that right. It doesn't denigrate the right, and the right is given to the person who is first-to-invent. If someone who was the first-to-invent

ends up losing the race to the Patent Office, this bill takes away a property right, and that violates the Fifth Amendment.

Now, inventor means first inventor in the Constitution. And earlier this month, in Stanford University v. Roche, the Chief Justice has said, since 1790 the patent law has operated on the premise that in an invention, the rights belong to the inventor. And since the founding of our Republic, that has been the law.

Even in the beginning of our Republic, the 1793 act created an interference provision and set up an administrative procedure to resolve competing claims for the same invention. The Patent Board rejected the proposal that the patent should be awarded to the first person to file an application. And Thomas Jefferson served on that Patent Board that rejected first-to-file.

Secondly, early Supreme Court decisions confirm that patents must be granted to inventors, not when they file, but when they invent it. And that began in 1813 with Chief Justice Marshall, reaffirmed in 1829, and last month in Stanford v. Roche in the Supreme Court of the United States.

I think it is clear from all of the precedents that a first-to-invent and a first-to-file provision is unconstitutional because it adds a layer of compliance in winning the race to the Patent Office for someone who already has that right.

Let's vote ''no'' to uphold our oaths of office under the Constitution of the United States.

Mr. SMITH of Texas. Mr. Chairman, I reserve the balance of my time.

Ms. KAPTUR. I yield 1 minute to the gentleman from Nebraska (Mr. TERRY).

Mr. TERRY. Mr. Chairman, since the founding of the Republic, our patent system has been based on the premise that an inventor is entitled to a patent for their work, and not simply the first person to file a patent application. Indeed, article 1, section 8, clause 8 of the Constitution specifically states that to promote the progress of science and useful arts, Congress shall have the power to secure to authors and inventors the exclusive right to their respective writings and discoveries. Nowhere does it say filers have that right. Under no rule of construction or interpretation can this clause mean anything other than what it says.

And Mr. Chairman, I find it comforting to know that certainly I'm not alone in my concern over the constitutionality over first-to-file. None other than Chief Justice of the United States Supreme Court John Roberts recently wrote in an opinion, joined by six of his fellow Supreme Court justices that, ''Since 1790, the patent law has operated on the premise that rights in an invention belong to the inventor.''

Mr. SMITH of Texas. It is nice to be able to yield 1 minute to the gentleman from New York (Mr. NADLER), who is the ranking member of the Constitution Subcommittee of the Judiciary Committee.

Mr. NADLER. Mr. Chairman, some have argued that the first-to-file provision in this bill violates the constitutional provision giving Congress the power to promote the progress of science and useful arts by securing for limited times for authors and inventors the exclusive rights to their respective writings and discoveries.

The first key point to note is that the text does not define inventor. Under H.R. 1249, one still has to be an inventor to be awarded the patent, as the Constitution requires. Indeed, former Bush administration Attorney General Michael Mukasey noted in a May 2011 letter to Patent Office Director David Kappos that ''the second inventor is no less an inventor for having invented second.'' And former Attorney General Mukasey correctly points out that the Constitution grants Congress the power to ''promote the progress of the science and useful arts'' but does not say how it can or should do so. Congress deciding that awarding patents to inventors who are the first-to-file is consistent with that constitutional power.

The Patent Act of 1793 makes no mention of needing to be the first-to-invent. A patent was valid as long as the invention was not an invention already in the public domain or derived from another person. It was not until 1870 that there was a specific process put in place to even determine who the first-to-invent was.

The bottom line is that this bill is a clear exercise of Congress' constitutional power to secure patent rights to inventors.

□ 1950

Ms. KAPTUR. Mr. Chairman, may I inquire as to my remaining time, please.

The CHAIR. The gentlewoman from Ohio has 4 minutes remaining.

Ms. KAPTUR. I yield 1 minute to the gentleman from New Jersey (Mr. GARRETT).

Mr. GARRETT. Mr. Chairman, as founder and chairman of the Constitution Caucus, I applaud the opportunity to debate the constitutionality of this bill. This is the first of what I hope will be many more instances to discuss the constitutionality of legislation considered on this floor.

What this bill does is change the U.S. patent system from one which allows the moment of invention to determine who is entitled to a patent to one which confers this power to a government agency. Such a change would violate the intellectual property clause of the Constitution. Why is that? Because the Founders rejected the idea that rights are bestowed to the people by the government in favor of the revolutionary principle that men are born with natural rights.

Our Constitution instituted a government that secures only these natural and preexisting rights. So inventions created by the fruits of intellectual labor are the property of the inventor. These and only these first and true inventors then are entitled to public protection of their rightful property. To remain true to the principles of liberty, we must preserve a system that protects the true and first inventor.

Mr. SMITH of Texas. Mr. Chairman, may I inquire as to how much time remains on each side.

The CHAIR. The gentleman from Texas has 2½ minutes remaining, and the gentlewoman from Ohio has 3 minutes remaining.

Mr. SMITH of Texas. I yield 2 minutes to the gentleman from Virginia (Mr. GOODLATTE), who is the chairman of the Intellectual Property Subcommittee of the Judiciary Committee.

Mr. GOODLATTE. I also very much appreciate this debate on the constitutionality of this issue. I had the honor of leading the reading of the Constitution on the second day of this new Congress.

I want to make it very clear because there's a lot of confusion on the part of a lot of people who think this is a first-to-file—even if you're not the inventor—gets the patent. That is most assuredly not the case. This is first-inventor-to-file. You must be a bona fide inventor to qualify for this.

Our Constitution grants exclusive rights to inventors. Now, in point of fact, when our Constitution was first adopted and our Patent Office was established, there was no interference provision, and it was 80 years later before that took place. In fact, in at least one case patents were granted to more than one inventor. So the issue here I think is not at all well-founded.

This is clearly constitutional. We have submitted and we will make part of the RECORD writings by 20 constitutional law professors—Attorney General Mukasey who has noted this as well. The Constitution grants Congress the authority to award inventors the exclusive rights to their inventions; however, the Constitution leaves to Congress how to settle disputes between two individuals who claim to have invented a certain idea.

Article I, section 8, of the Constitution declares that patent rights are to be granted in order to ''promote the progress of science and useful arts.'' A first-inventor-to-file system ensures this by awarding patent protections to the first actual inventor to disclose and make productive use of its patent.

Our Nation has adopted different standards for settling these issues in the past. Currently, we have a first-to-invent standard. The reality is that a first-to-invent standard subjects small businesses and individual inventors who have filed for patent protection to surprise and costly litigation in what are called interference actions to determine who invented the idea first. This is a better idea, and this is a constitutional idea.

We can make this process much easier by awarding a patent to the first inventor to make

use of his invention by seeking patent protection. This will reward the inventor who is making productive use of his patent and will discourage individuals from sitting idly on their ideas.

Let us make clear—switching to First-Inventor-to-File does not allow a subsequent party to steal an invention. It requires that a subsequent inventor had to have come up with the idea independently and separately.

Switching to a First-Inventor-to-File system fits squarely within the plain meaning of the Constitution and will reward inventors who are working to launch our nation into the next level of innovation and job creation.

Ms. KAPTUR. I yield 1 minute to my distinguished colleague and cosponsor in opposition to this bill, the gentleman from California (Mr. ROHRABACHER).

Mr. ROHRABACHER. Mr. Chairman, our Constitution was designed and written to protect inventors, not filers. The words are very clear. ''Inventor'' is in the Constitution, ''filers'' is not in the Constitution. So why are we having this dispute about the constitutionality of this provision which is very clearly in the Constitution?

Are there all sorts of problems that we have people fighting as to who really invented something? No, we don't have a lot of problems. The reason why we have to change this is to harmonize our law, American patent law, with Europe. There are opponents that stated this over and over again in the early part of this debate, that the purpose was harmonizing American law with the rest of the world. Well, American law has always been stronger; we've had the strongest patent protection in the world. So what does harmonize mean? It means weakening our constitutionally protected patent rights.

The purpose of the bill is to weaken a constitutionally protected right that has been in place since the founding of our country. It should be rejected.

Ms. KAPTUR. I would like to inquire as to the remaining time on both sides, please.

The CHAIR. The gentlewoman from Ohio has 2 minutes remaining; the gentleman from Texas has 30 seconds remaining.

Ms. KAPTUR. Mr. Chairman, this bill is unconstitutional. It will stifle American job creation, cripple American innovation. It throws out over 220 years of patent protections for individual inventors and violates the CutGo rules, increasing our deficit by over $1 billion by 2021.

The proponents claim that the bill is constitutional because it contains the word ''inventor'' and leaves in place the existing statutory language awarding patents to those who invent or discover. But adding a word to the title of a bill cannot paper over its constitutional flaws. The bill denies a patent to the actual inventor simply because he or she files second, and therefore it is unconstitutional.

Earlier this month, in a decision issued on June 6, the Supreme Court reaffirmed that since 1790, the patent law has operated on the premise that the rights in an invention belong to the inventor. Chief Justice John Marshall explained in 1813 that the Constitution and law, taken together, give to the inventor from the moment of invention an inchoate property therein which is completed by suing out a patent. And in 1829, the Supreme Court held that under the Constitution the right is created by the invention and not by the patent. And a New York district judge stated in 1826 that it is very true that the right to a patent belongs to him who is the first inventor.

If this very flawed bill passes, I guarantee you it is going to be tied up in litigation for years to come. With the job situation being what it is, with our need for innovation in this economy, the last thing we should do is try to undermine a system that works. More patents are filed in this country than anyplace else in the world. It is dependable. And it is the first right, even before the Bill of Rights, contained in our Constitution.

We should stand for what is in the Constitution and not try to undermine it for any interest that comes before the Members of this Congress.

Mr. Chairman, I yield back the balance of my time and I ask my colleagues to vote against this bill. Support our own Constitution and the very successful record we've had of American innovation.

Mr. SMITH of Texas. I yield myself the balance of my time.

Mr. Chairman, I know my colleagues know a lot about this subject, but I don't think they know more than the Founders themselves. The Founders, including those who wrote the Constitution, operated under a first-to-register patent system starting in 1790. This is a very similar system to the first-inventor-to-file provision in the bill. So if the Founders liked the concept and thought it was constitutional, so should Members of Congress.

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

The CHAIR. All time for debate on the question of the constitutionality of the bill has expired.

A subsequent period of general debate shall be confined to the bill and shall not exceed 1 hour equally divided and controlled by the chair and ranking minority member of the Committee on the Judiciary.

The gentleman from Texas (Mr. SMITH) and the gentlewoman from California (Ms. ZOE LOFGREN) each will control 30 minutes.

The Chair recognizes the gentleman from Texas.

Mr. SMITH of Texas. I yield myself such time as I may consume.

Mr. Chairman, the foresight of the Founders in creating an intellectual property system in the Constitution demonstrates their understanding of how patent rights benefit the American people. Technological innovation from our intellectual property is linked to three-quarters of America's economic growth, and American IP industries account for over one-half of all of our exports. These industries also provide millions of Americans with well-paying jobs.

□ 2000

Our patent laws, which provide a time-limited monopoly to inventors in exchange for their creative talent, helped create this prosperity.

The last major patent reform was nearly 60 years ago. During this time we have seen tremendous technological advancements, going from computers the size of a closet to the use of wireless technology in the palm of your hand. But we cannot protect the technologies of today with the tools of the past.

The current patent system is outdated and dragged down by frivolous lawsuits and uncertainty regarding patent ownership. Unwarranted lawsuits that typically cost $5 million to defend prevent legitimate inventors and industrious companies from creating products and generating jobs. And while America's innovators are forced to spend time and resources defending their patents, our competitors are busy developing new products that expand their businesses and their economies.

According to a recent media report, China is expected to surpass the United States for the first time this year as the world's leading patent publisher. The more time we waste on frivolous litigation, the less time we have for innovation.

Another problem with the patent system is the lack of resources available to the PTO. The average wait time for a patent approval is 3 years or more. These are products and innovations that will create jobs and save lives. Inadequately funding the PTO harms inventors and small businesses.

The bill allows the Director to adjust the fee schedule with appropriate congressional oversight and prevents Congress from spending agency funds on unrelated programs. This will enable the PTO to become more efficient and productive, reducing the wait time for patent approval. Patent quality will improve on the front end, which will reduce litigation on the back end.

The patent system envisioned by our Founders focused on granting a patent to the first inventor who registered their invention. This is similar to the first-inventor-to-file provision in H.R. 1249. This improvement makes our system similar to the international standard that other countries use, only it is better. We retain both a 1-year grace period that protects universities and small inventors before they file, as well as the CREATE Act, which ensures collaborative research does not constitute prior art that defeats patentability.

There are some who think this bill hurts small businesses and independent inventors, but they are wrong. It ensures that independent inventors are able to compete with larger companies,

both here and abroad. American inventors seeking protection here in the United States will have taken the first step toward protecting their patent rights around the world.

The bill also makes the small business ombudsman at the PTO permanent. That means that small businesses will always have a champion at the PTO looking out for their interests and helping them as they secure patents for their inventions. This bill protects small businesses and independent inventors by reducing fees for both.

This bill represents a fair compromise and creates a better patent system than exists today for inventors and innovative industries.

Patents are important to the United States and the world. For example, during the War of 1812, American troops burned the Canadian town of York, known today as Toronto. In retaliation, the British marched on Washington in the summer of 1814 to put the capital city to the torch.

Dr. William Thorton, the Superintendent of the Patent Office, delivered an impassioned speech to the British officer commanding 150 Redcoats who were tasked to burn Blodgett's Hotel, where the Patent Office was located. Thorton argued that the patent models stored in the building were valuable to all mankind and could never be replaced. He declared that anyone who destroyed them would be condemned by future generations, as were the Turks who burned the library in Alexandria. The British officer relented and Blodgett's Hotel was spared, making it the only major public building in Washington not burned that day.

American inventors have led the world in innovation and new technologies for centuries, from Benjamin Franklin and Thomas Edison to the Wright Brothers and Henry Ford. But if we want to foster future creativity, we must do more to encourage today's inventors. Now is the time to act.

I urge the House to support the America Invents Act.

Mr. Chairman, I reserve the balance of my time.

Ms. ZOE LOFGREN of California. I yield myself such time as I may consume to oppose H.R. 1249.

I have worked on the patent reform effort since 1997 and am disappointed that here today I am unable to support the bill as it exists. I did vote to report this bill out of our Judiciary Committee, but since that time we have seen two unfortunate things occur that have made this bill simply not viable. The first, and exceedingly important, is the protections for patent fees, so that all the fees would stay in the office, have been removed. The regular appropriations process will allow for fee diversions in the future.

It has been the policy of the House, for example, not to divert fees from the Office. However, fees continue to be diverted. In fact, in the CR approved by the House this year, we diverted between $85 million and $100 million in fees from the Patent Office, and that is under the existing prohibition. So that is a major reason why the bill is defective.

I would note also that if we are moving to a first-to-file system, there has to be robust protection for prior user rights, including prior user rights in the grace period that exists under current law. Sadly, those protections are missing in this bill. The manager's amendment talks about disclosures only. It is a shame that other prior art, such as trade secrets and the like, would not receive the same protection.

So I would urge that the bill, unfortunately, cannot be supported. I intend to oppose it, as well as the manager's amendment.

I yield such time as he may consume to the honorable gentleman from North Carolina (Mr. WATT), the distinguished ranking member of the Intellectual Property Subcommittee.

Mr. WATT. I thank the gentlewoman for yielding time.

As the gentlewoman has indicated, I am the ranking member of the Subcommittee on Intellectual Property of Judiciary, and I too supported reporting the bill favorably to the House floor. The problem is that the bill we may end up debating is not the bill that we reported favorably from the Judiciary Committee, and there are reasons for that. I understand what those reasons are, but if the amendment that is being offered as the manager's amendment passes, it will put us in a position where substantial people who supported the bill will be unable to do so.

Here is the equation. One of the primary purposes for which there was a strong alliance of people and groups and interests supporting patent reform was that in the past fees that have been paid to the Patent and Trademark Office have gone through the appropriations process, and over the last 10 years almost $800,000 of those fees have been diverted to other purposes, other than the use of the Patent and Trademark Office. The effect of that is that there has been a hidden tax on innovation in our country.

The United States Senate passed a bill that would end that diversion. They passed it by a vote of 85–4. We passed a bill out of our Judiciary Committee that would end that diversion, and all of a sudden we come to the floor and a manager's amendment is being offered that, if it is not defeated, will undermine that unifying thing that has held the groups together and allowed people to support the bill. So I have to be in a position where I am strongly opposing the manager's amendment to this bill.

I don't think the groups out there support it. It is not often that I come to the floor and say I am speaking for the U.S. Chamber of Commerce. The Chamber of Commerce would like for the diversion of fees to stop.

□ 2010

It's not often that I come to the floor and say that I'm speaking, I think, for the United States Senate. They've already passed a bill that would stop the diversion of fees. It's not often that I come to the floor standing up for the bill that came out of our committee against forces that have taken it over and are putting forward a manager's amendment that we simply cannot support.

Now, I understand how we got here. The appropriators would like to continue to control the process. They said, Well, we are going to object to this, and we will raise a point of order. And they came up with language that professes to solve the problem. The problem is that that raised another point of order because the Congressional Budget Office said, Well, if you do it that way, you are going to put yourself in a situation where we have to score this bill in a different way. So then the leadership on the chairman's side said, Okay, well, we can waive that rule. And I'm saying, Well, if you can waive the rule, you are the people who have been so much worried about the deficit, if you can waive the rule that gets around worrying about the deficit, why couldn't you waive the rule that allows us to take up the bill that we passed out of committee?

So I need to be addressing my Republican colleagues here. If they want to start this process over, the way to start the process over is to vote against the manager's amendment. That's the simple way to do it. At that point we can get back, hopefully, to a bill that does clearly not divert fees and that the whole population of supporters has said we would support.

That's where I am, Mr. Chairman. I don't want to belabor this. I don't want to take away time from other people who want to speak. But it's not the bill itself that came out of committee that's the problem. If we pass the manager's amendment, we've got a problem here. We could tinker around the edges of the bill that came out of the committee, and we could solve the minor concerns that we've got there. But there's no way to tinker around the edges of this diversion issue. Either you support diversion of money, or you don't support diversion of money.

I think it's time for us to stop this hidden tax that we have imposed on innovation in this country. The only way to do that is to defeat the manager's amendment.

Mr. SMITH of Texas. Madam Chair, I yield 3 minutes to the gentleman from North Carolina (Mr. COBLE), the chairman of the Courts, Commercial, and Administrative Law Enforcement Subcommittee of the Judiciary Committee.

Mr. COBLE. I thank the gentleman from Texas. And I say to my friend from North Carolina, it was my belief that diversion had ended. But let me make my statement, and maybe we can get to this subsequently.

A robust patent system, Madam Chairman, is critical to a strong, developed economy. And H.R. 1249, in my

opinion, serves that goal by ending diversion of user fees to other agencies. Ending diversion is essential to a robust and strong patent system, it seems to me. This is not a new concept. It's been a controversial issue for many years; but we're at a point where if something isn't done, the office is going to be overwhelmed.

When someone asks why I support patent reform, I respond, The answer is simple, two words: backlog and pendency. The number of pending applications, I am told, is around 700,000, and the average time for an application to be reviewed is 30 months. This is unacceptable. The number of pending claims should be approximately 300,000 and the pendency time period should be approximately 20 months, or 10 months less than what it is now. Patents provide innovative and economic incentives for creators. If our patent system loses its efficacy, those incentives will become diluted. The dilution begins very simply when inventors decide to find other forms of protection for their ideas or begin marketing their ideas independently to avoid the cost and sometimes hassle of filing for patent protection.

Reducing the backlog and pendency rate depends on the office's ability to improve the performance of examiners and to provide additional examiners. Enacting H.R. 1249, in my opinion, Mr. Chairman, and ending diversion will provide that needed certainty for the office to begin making the changes to meet these goals.

I urge Members to vote in favor of the bill.

Ms. ZOE LOFGREN of California. Madam Chairman, I yield 30 seconds to the gentlewoman from Ohio (Ms. KAPTUR).

Ms. KAPTUR. I thank the gentlelady for yielding to me. I will place in the RECORD dozens and dozens of organizations that oppose this bill. They oppose the manager's amendment. And what is amazing about these groups is they range the vast ideological spectrum from liberal to conservative to moderate. And they all represent people—thousands and thousands of people—such as the American Bar Association, the Eagle Forum, the American Civil Rights Union, the Christian Coalition, the Family Research Council Action, Friends of the Earth, National Association of Realtors, Innovation Alliance. If one looks across this list, they have deep concerns about this bill and oppose it.

The following groups oppose H.R. 1249 or specific provisions of it or the Manager's Amendment: U.S. Business and Industry Council; National Association of Realtors; Innovation Alliance, American Bar Association; American Medical Association; ACLU; Breast Cancer Action; US-Israel Science & Technology Foundation (Sections 3 and 5); Public Citizen (Section 16); American Association for Justice (Section 16); Joan Claybrook, President Emeritus, Public Citizen; National Consumers League; Trading Technologies; Patent Office Professional Association (POPA); Generic Pharmaceutical Association (Section 12); Eagle Forum; Intellectual Ventures (Section 18); Data Treasury (Section 18).

Angel Venture Forum; BlueTree Allied Angels; Huntsville Angel Network; Private Investors in Entrepreneurial Endeavors; Institute of Electrical and Electronic Engineers (IEEE–USA); Wisconsin Alumni Research Foundation; Brigham Young University; University of Kentucky; Hispanic Leadership Fund; American Innovators for Patent Reform; National Association of Patent Practitioners (NAPP); National Small Business Association; IPAdvocate.org; National Association of Seed & Venture Funds; National Congress of Inventor Organizations; Inventors Network of the Capital Area; Professional Inventors Alliance USA; Public Patent Foundation; Edwin Meese, III, Former Attorney General of the United States; Let Freedom Ring.

American Conservative Union; Southern Baptist Ethics and Religious Liberty Convention; 60 Plus; Tradition, Family, Property; Gun Owners of America; Council for America; American Civil Rights Union; Christian Coalition; Patriotic Veterans, Inc.; Center for Security Policy; Family PAC Federal; Liberty Central; Americans for Sovereignty; Association of Christian Schools International; Conservative Inclusion Coalition; Oregon Health & Science University; North Dakota State University; South Dakota University; University of Akron Research Foundation; University of New Hampshire.

University of New Mexico; University of Utah; University of Wyoming; Utah Valley University; Weber State University; WeReadTheConstitution.com; Family Research Council Action; Friends of the Earth; National Women's Health Network; Our Bodies Ourselves; Center for Genetics and Society; International Center for Technology Assessment; Southern Baptist Ethics & Religious Liberty Commission; United Methodist Church—General Board of Church and Society; American Society for Clinical Pathology; American Society for Investigational Pathology; Association for Molecular Pathology; College of American Pathologists; Association of Pathology Chairs.

Mr. SMITH of Texas. Madam Chair, I yield 5 minutes to the gentleman from Virginia (Mr. GOODLATTE), who is the chairman of the Intellectual Property Subcommittee of the Judiciary Committee.

Mr. GOODLATTE. I thank the chairman for yielding and for his leadership on this issue, and I rise in strong support of H.R. 1249.

For the better part of the past decade, Congress has been working to update our patent laws to ensure that the incentives our Framers envisioned when they wrote article I, section 8, of our Constitution remain meaningful and effective. The U.S. patent system must work efficiently if America is to remain the world leader in innovation. It is only right that as more and more inventions with increasing complexity emerge, we examine our Nation's patent laws to ensure that they still work efficiently and that they still encourage and not discourage innovation.

The core principles that have guided our efforts have been to ensure that quality patents are issued by the PTO in the first place and to ensure that our patent enforcement laws and procedures do not create incentives for opportunists with invalid claims to exploit while maintaining strong laws that allow legitimate patent owners to enforce their patents effectively. H.R. 1249 addresses these principles.

With regard to ensuring the issuance of quality patents, this legislation allows third parties to submit evidence of prior art during the examination process, which will help ensure examiners have the full record before them when making decisions. In addition, after the PTO issues a patent, this legislation creates a new post-grant opposition system in which third parties can raise objections to a patent immediately after its issuance, which will both help screen out bad patents while bolstering valid ones.

□ 2020

Furthermore, the bill contains a provision on fee diversion where any fees that are collected but not appropriated to the PTO will be placed in a special fund to be used only by the PTO for operations. This solves the fee diversion issue, and it assures that the problem that we have had in the past will not take place in the future; but at the same time it also assures that the Congress will continue its oversight authority because the Patent Office will have to come to the Congress, to the Appropriations Committee, to justify those expenditures. They can't be spent on anything else, but they have to be justified to the Congress before the funds are appropriated. These funds will still be subject to appropriation but will be set aside to only fund the PTO. With a backlog of almost a million patent applications and many waiting 3 years to get an initial action on their patent applications, this agreement could not come at a more crucial time. We have been trying for 10 years, by the way, and this is the closest we have ever come.

In addition to these patent quality improvements, H.R. 1249 also includes provisions to ensure that patent litigation benefits those with valid claims but not those opportunists who seek to abuse the litigation process. Many innovative companies, including those in the technology and other sectors, have been forced to defend against patent infringement lawsuits of questionable legitimacy. When such a defendant company truly believes that the patent being asserted is invalid, it is important for it to have an avenue to request the PTO to take another look at the patent in order to better inform the district court of the patent's validity. This legislation retains an inter partes re-exam process, which allows innovators to challenge the validity of a patent when they are sued for patent infringement.

In addition, the bill allows the Patent and Trademark Office to reexamine some of the most questionable business method patents, which opportunists have used for years to extort money from legitimate businesses. By allowing the PTO to take another look at

these patents, we help ensure that invalid patents will not be used by aggressive trial lawyers to game the system.

The bill also ensures that abusive false markings litigation is put to an end. Current law allows private individuals to sue companies on behalf of the government to recover statutory damages in false markings cases. After a court decision 2 years ago that liberalized the false markings damages awards, a cottage industry has sprung up, and false markings claims have risen exponentially. H.R. 1249 maintains the government's ability to bring these actions but limits private lawsuits to those who have actually suffered competitive harm. This will discourage opportunistic lawyers from pursuing these cases.

The bill also restricts joinder rules for patent litigation. Specifically, it restricts joinder of defendants to cases arising out of the same facts and transactions, which ends the abusive practice of treating as codefendants parties who make completely different products and have no relation to each other.

Furthermore, the bill addresses the problem of tax strategy patents. Unbelievably, tax strategy patents grant monopolies on particular ways that individual taxpayers can comply with the Tax Code.

The Acting CHAIR (Ms. FOXX). The time of the gentleman has expired.

Mr. SMITH of Texas. I yield the gentleman an additional 30 seconds.

Mr. GOODLATTE. Over 140 tax strategy patents have already been issued, and more applications are pending. Tax strategy patents have the potential to affect tens of millions of everyday taxpayers, many who do not even realize that these patents exist. The Tax Code is already complicated enough without also expecting taxpayers and their advisers to become ongoing experts in patent law.

Scores, hundreds of organizations in fact, support these reforms. It is important that this House supports the manager's amendment; and by the way, the United States Chamber of Commerce supports the manager's amendment and the bill.

That is why I worked to include in H.R. 1249 a provision to ban tax strategy patents. H.R. 1249 contains such a provision which deems tax strategies insufficient to differentiate a claimed invention from the prior art. This will help ensure that no more tax strategy patents are granted by the PTO.

Importantly, the House worked hard to find a compromise that will ensure Americans have equal access to the best methods of complying with the Tax Code while also preserving the ability of U.S. technology companies to develop innovative tax preparation and financial management software solutions. I believe the language in H.R. 1249 strikes the right balance.

By giving the necessary tools to the Patent Office to issue strong patents and by enacting litigation reforms, we will help to inject certainty about the patents that emerge from this process—patents rights that are more certain to attract more investment capital. This will allow independent inventors, as well as small, medium and large-sized enterprises to grow our economy and create jobs.

Ms. ZOE LOFGREN of California. Madam Chair, may I inquire as to how much time remains?

The Acting CHAIR. The gentlewoman from California has 20 minutes remaining, and the gentleman from Texas has 17½ minutes remaining.

Ms. ZOE LOFGREN of California. At this point, I would be honored to yield 3 minutes to the gentlelady from Texas, a member of the Judiciary Committee, Ms. SHEILA JACKSON LEE.

Ms. JACKSON LEE of Texas. I thank the distinguished Member from California.

To my colleagues on the floor, this has to be, could have been or hopefully can be one of the greatest opportunities for bipartisanship that we have seen in any number of years. That was the process that was proceeded under on the Judiciary Committee, though obviously there are always disagreements; but the whole idea of our debate and the support of the present underlying legislation without the manager's amendment was to, in fact, create jobs.

In the committee, a number of my amendments were accepted, but in particular, the focus of converting from a first-inventor-to-use system to a first-inventor-to-file was thought to promote the progress of science by securing for a limited time to inventors the exclusive right for their discoveries and to provide inventors with greater certainty regarding the scope of protections granted by these exclusive rights.

Further, this new system was to be, or should be, able to harmonize the United States patent registration system with similar systems used by nearly all other countries with whom the United States conducts trade. This was to shine the light and open the door on American genius.

In addition, so many of us have waited so long to be able to give the resources to the PTO in order for it to do its job. We were aghast in hearings to hear that there is a 7,000-application backlog, so I rise as well to express enormous concern with the manager's amendment, which, as the PTO director has indicated, Dave Kappos, every time we do not process a PTO, or a patent, for some genius here in the United States, for some hardworking inventor, every patent that sits on the shelf at the PTO office is taking away an American job, and that job is not being created. As well, it is denying a product from going to the market, and it is someone's life that is not being saved, and our country ceases to grow.

We need jobs in this country. We need a Patent Office that is going to expedite and move forward. We don't need discussions about lawyers fighting lawyers or trial lawyers. This is not a case of anti-lawyer legislation. We hope that some of the small businesses and large companies have their lawyers fighting to preserve and protect their patents. This bill will give them the opportunity to have that protection, but I am disappointed that all of a sudden the manager's amendment changed around and took an enormous amount of those fees and invested them elsewhere instead of helping our small businesses. I am also disappointed that we don't recognize that a bill that helps big businesses can help small businesses as well, so I had offered an amendment that would extend the grace period while the small business is working to fund its patent.

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

Ms. ZOE LOFGREN of California. I yield the gentlewoman an additional 15 seconds.

Ms. JACKSON LEE of Texas. The period is now a year—I'd indicated 18 months—because small businesses have to reach to others to help fund their inventions, and they let their secrets out of the bag. Eighteen months protects their disclosures for a period of time for them to be able to move forward.

Lastly, I had a sunset provision that would help small businesses as well as relates to the sunset of the business method patents review.

This could be a good bill. I hope that we can correct it, and I ask my colleagues to consider correcting this bill.

Madam Chair, I rise in support of H.R. 1249, "America Invents Act." However I am concerned over the drastic fee charges that were made in the new Manager's Amendment completely contrary to our agreement in the House Judiciary markup—it takes enormous amounts of money from the work of the PTO. As a Senior member of the Judiciary Committee and a member of the Subcommittee on Intellectual Property, Competition and the Internet, I am proud to support this legislation because in many ways the current patent system is flawed, outdated, and in need of modernization.

The Judiciary Committee labored long and hard to produce legislation that reforms the American patent system so that it continues to foster innovation and be the jet fuel of the American economy and remains the envy of the world. This legislation incorporates amendments that I offered during the full committee markup as it recognizes the importance of converting from a first-inventor-to-use system to a first-inventor-to file will promote the progress of science by securing for a limited time to inventors the exclusive rights to their discoveries and provide inventors with greater certainty regarding the scope of protections granted by these exclusive rights. Further, this new system will harmonize the United States patent registration system with similar systems used by nearly all other countries with whom the United States conducts trade. This legislation will continue to ensure that the United States is at the helm of innovation.

Our Nation's Founders recognized the integral role the patent system would play in the

growth of our nation. Within our Constitution, they explicitly granted Congress with the power to issue patents. The Founders were supporting a fundamental part of the American dream which is to live in a free land where ideas can be shared thereby leading to the individual ingenuity, invention, and innovation.

Madam Chair, Article I, Section 8, clause 8 of the Constitution confers upon the Congress the power:

To promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries.

In order to fulfill the Constitution's mandate, we must examine the patent system periodically. The legislation before us represents the first comprehensive review of the patent system in more than a generation. It is right and good and necessary that the Congress now reexamine the patent system to determine whether there may be flaws in its operation that may hamper innovation, including the problems described as decreased patent quality, prevalence of subjective elements in patent practice, patent abuse, and lack of meaningful alternatives to the patent litigation process.

On the other hand, we must always be mindful of the importance of ensuring that small companies have the same opportunities to innovate and have their inventions patented and that the laws will continue to protect their valuable intellectual property.

The role of venture capital is very important in the patent debate, as is preserving the collaboration that now occurs between small firms and universities. We must ensure that whatever improvements we make to the patent laws are not done so at the expense of innovators and to innovation. The legislation before us, while not perfect, does a surprisingly good job at striking the right balance.

From small towns to big cities, our country is filled with talent and genius. As it stands, the United States has four times as many patent applications filed here per year than in Europe. The United States Patent and Trademark office must have the tools to meet this demand. Failing to change the patent system as we know it will deny the men and women from around our nation fair and equal access to a streamlined and effective patent system.

The current system has a backlog of hundreds of thousands of patents, nearly 700,000 applications are waiting to be reviewed. The USPTO is currently reviewing applications from 2007/2008, and using the fees received from the most recent patent applications to do so due to limitations in the current system under which the USPTO is funded. This has caused inventors and business creators to wait on average three years prior to receiving a determination on whether or not their patents are valid.

Without that determination it is nearly impossible for a small business to receive the necessary venture capital. That's a three-year waiting period for struggling small businesses; this is a three-year gap filled with financial uncertainty which leads to a three-year delay in job creation. Only 4 out of ten applications, or 42 percent, of patent applications are approved. It is vital to have approval prior to attaining financing because there is a 58 percent chance that a patent will not be approved. Given our current economic environment, a three year backlog is too long for any individual to wait to build a business which will create new jobs, especially at a time when jobs are sourly needed by many right now. Patent reform is the key to economic change that could lead to untapped job growth.

Since the creation of the USPTO in 1790 it has issued 7,752,677 patents and many of those patents have resulted in the creation of new jobs. In 2010, 121,179 patents granted by the USPTO originated in the United States of those granted 8,027 went to applicants in Texas. Imagine how many jobs could be created if there were not a 700,000 patent application backlog.

Our current system is outdated and the backlog makes it evident that our system is in serious need of change. Patent reform must reflect the major advances in our society over the last 50 years. Since the last major patent reform how we live has been transformed by a variety of inventions such as the home computer, ATM, video games, cellular phones and mobile devices, and life saving technologies like the artificial heart, all of which have been invented since any major reform of our patent system.

Madam Chair, patent reform is a complex issue but one thing is clear the innovation ecosystem we create and sustain today will produce tomorrow's technological breakthroughs. That ecosystem is comprised of many different operating models. It is for that reason that we evaluated competing patent reform proposals thoroughly to ensure that sweeping changes in one part of the system do not result in unintended consequences to other important parts.

Let me discuss briefly some of the more significant features of this legislation, which I will urge all members to support. H.R. 1249 converts the U.S. patent system from a first-to-invent system to a first inventor-to-file system. The U.S. is alone in granting priority to the first inventor as opposed to the first inventor to file a patent. H.R. 1249 will inject needed clarity and certainty into the system. While cognizant of the enormity of the change that a "first inventor-to-file" system may have on many small inventors and universities, a study regarding first-to-file will be conducted by the Small Business Administration and the United States Patent Office to identify any negative impact this change may have on these inventors.

Furthermore, H.R. 1249 adjusts the fee structure which funds the USPTO, giving them greater control over the fees they collect for patent services and enabling the USPTO to improve its efficiency and review more patents at a greater speed. Currently, the USPTO is funded solely by the fees its receives from it's users. However, not all the fees collected are available for use by the USPTO because Congress appropriates a specific amount, and any fees above the appropriated amount are used for other non-USPTO purposes. Under H.R. 1249, the USPTO will have greater control over the use of the fees it receives, giving them greater flexibility to make necessary improvements to the patent system.

SMALL BUSINESS FACTS

Several studies, including those by the National Academy of Sciences and the Federal Trade Commission, recommended reform of the patent system to address what they thought were deficiencies in how patents are currently issued.

The U.S Department of Commerce defines small businesses as businesses which employ less than 500 employees. According to the Department of Commerce in 2006 there were 6 million small employers representing around 99.7% of the nation's employers and 50.2% of its private-sector employment. In 2002 the percentage of women who owned their business was 28% while black owned was around 5%. Between 2007 and 2008 the percent change for black females who were self employed went down 2.5% while the number for men went down 1.5%.

There were 386,422 small employers in Texas in 2006, accounting for 98.7% of the state's employers and 46.8% of its private-sector employment. Since small businesses make up such a large portion of our employer network, it is important to understand how they will be impacted as a result of patent reform.

In 2009, there were about 468,000 small women-owned small businesses compared to over 1 million owned by men

The number of small employers in Texas was 386,422 in 2006, accounting for 98.7% of the state's employers and 46.8% of its private-sector employment, 88,000 small business owners are black, 77,000 are Asian, 319,000 are Hispanic, 16,000 are Native Americans.

SMALL BUSINESSES AND JOB CREATION

Small Businesses:

Represent 99.7 percent of all employer firms.

Employ just over half of all private sector employees.

Generated 64 percent of net new jobs over the past 15 years.

Create more than half of the nonfarm private gross domestic product (GDP).

Hire 40 percent of high tech workers (such as scientists, engineers, and computer programmers).

Made up 97.3 percent of all identified exporters and produced 30.2 percent of the known export value in FY 2007.

Produce 13 times more patents per employee than large patenting firms; these patents are twice as likely as large firm patents to be among the one percent most cited.

Creativity and technological change are the engines for our economic growth. In our current economic climate, patents spur innovation and lay the foundation for future growth, by assuring inventors that they will receive the rewards for their effort. I urge all members to join me in supporting passage of this landmark legislation.

Mr. SMITH of Texas. Madam Chair, I yield 3 minutes to the gentleman from Ohio (Mr. CHABOT), who is the senior member of the Constitution Subcommittee and a senior member of the Intellectual Property Subcommittee of the Judiciary Committee.

Mr. CHABOT. I first want to thank Chairman SMITH and Chairman GOODLATTE for their leadership in getting us to the point that we are on this important legislation here this evening.

Section 8, clause 8 of the Constitution states that the Congress shall have power to "promote the progress of science and useful arts by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries." The Constitution clearly grants Congress the authority to grant patent rights to inventors, and it defers to the discretion

of Congress how best to procedurally award these rights to the inventor.

I rise in support of H.R. 1249, the America Invents Act. The first-inventor-to-file provision shifts us to a system used by all other modern, industrial nations. This system would end the need for expensive discovery and litigation over priority dates and would put an end to expensive interference proceedings that small entities overwhelmingly lose.

This provision also ensures that inventors can establish priority dates by filing simple and inexpensive provisional applications. This is a much needed change, which former U.S. Attorney General Michael Mukasey indicated would be both constitutional and wise. Congress has the right, in fact the duty, to protect those who invent or discover.

□ 2030

Through in-depth studies conducted by former U.S. PTO commissioners, the first-to-file system has been found to be faster and cheaper in resolving disputes among inventors. The current system creates an environment for exorbitantly expensive litigation. It has also become cost prohibitive for small businesses and independent inventors to fight the claims filed by larger corporations which can cost over half a million dollars just to litigate.

In the past 7 years, only one independent inventor out of 3 million patent applications filed has successfully proved an earlier date of invention over the inventor who filed first. However, with the new first-inventor-to-file system, a bold timeline of filing dates will allow these small businesses and independent inventors to more easily defend and settle their disputes over the rightful patent holder.

Lastly, the Supreme Court has never held that first-to-file is an unconstitutional procedure. We are now simply returning to the system that our Founders originally established. It is a commonsense procedure that will spur more rapid innovation, yield new jobs, and stimulate the economy; and I think as we all know if we ever needed to get this economy moving and get America back to work, we're in that time right now.

Ms. ZOE LOFGREN of California. I yield 2 minutes to the gentleman from Illinois (Mr. MANZULLO).

Mr. MANZULLO. Madam Chair, in my office there are two photographs, one with me and Edwards Deming and the other of Dr. Ray Damadian, who is the inventor of the MRI. Dr. Damadian visited our office, and I said, What's wrong with this bill? He said, Everything. He said, If this bill were law when I invented the MRI, today we would not have the MRI.

There are a lot of problems with this bill. This is my fourth patent fight with my esteemed colleague from Texas, but we do agree on most issues; but now we have two persons who simply disagree on policy.

Back in 2004 when I chaired the Small Business Committee, I was instrumental in putting in a fixed-fee structure for small businesses; and to do that, I had stricken from the bill the authority of the PTO Director to set fees. This new bill gives to the PTO Director the ability to set fees, even though the initial filing fees for small businesses have been lowered. The problem is that the PTO can come in and simply raise fees to so-call ''manage their operations.''

In fact, two reports, ''The 21st Century Strategic Plan'' filed in June of 2002 by the U.S. PTO, said fees were based upon a highly progressive system aimed at strictly limiting applications containing very high numbers of claims and also the same thing in 2007. Their idea of decreasing claims in the patent office is to raise fees. Obviously, who's that going to hurt? It's going to be the little guy, and that's why it's one of many reasons I oppose this bill. But we should not delegate the authority that Congress has to set fees in one of the few constitutional functions that we have in this body over to somebody who has already stated that he's going to raise fees.

You raise fees, guess who gets hurt—the future Ray Damadian, the little inventor, the people who invent things in this country, the true creators of jobs.

Madam Chair, I rise in strong opposition to this anti-innovation bill. I believe this bill will stifle job creation and is unconstitutional.

Over the past 40 years, the value of corporations has shifted from tangible assets, such as real estate and machinery, to intellectual property. During this same time period, the primary source of all net new job creation has come from start-up small companies.

However, since the first major change to our patent system in 1994 that altered the length of the patent from 17 years from award to 20 years from filing, the number of patent awards from start-ups and small, individual inventors has dropped dramatically. Patents awarded to start-up firms decreased from 30 percent of all awards in 1993 to 18 percent in 2009. Patents awarded to small inventors dropped from 12 percent in 1993 to 5 percent in 2009.

Why? America has slowly shifted towards a European-style patent system, which gives more opportunities to challenge a patent, resulting in delays in receiving approval for granting a patent, thus shortening the length of the exclusive use of the patent. Now, the average wait is three years. This bill would finalize the shift towards a European-style patent system through changing from a ''first-to-invent'' to ''first-to-file'' system; establishing a new set of ''prior use'' rights; and adopting a third European-style ''post-grant'' challenge.

This bill would prompt a litigation boom, primarily inside the administrative review processes at the U.S. Patent and Trademark Office. In Europe, five percent of patents are challenged. In the United States, only 1.5 percent of patents are challenged in court, contrary to the misinformation from the other side of this debate that there is a litigation boom in patent cases. Japan dropped post-grant review in 2004 because it consumed 20 percent of their patent office resources. Canada saw a one-third increase in patent applications and clogged up its system when it shifted to ''first-to-file.'' Commenting on similar legislation in 2007, a former senior judge and Deputy Director of the IP Division of the Beijing High People's Court said the bill ''will weaken the right of patentees greatly, increase their burden, and reduce the remedies for infringement . . . the bill favors infringers and burdens patentees . . . It is not bad news for developing countries which have lower technological development and relatively fewer patents.'' That is why entrepreneurial organizations such as the National Small Business Association (NSBA) and the Angel Venture Forum oppose H.R. 1249.

Second, I believe the bill is unconstitutional on several grounds. First, H.R. 1249 shifts from a ''first-to-invent'' system to ''first-to-file.'' However, Article 1, Section 8 states that the Congress shall have power ''to promote the progress of science . . . by securing for limited times to . . . inventors the exclusive rights to their respective . . . discoveries.''

The First Congress included 23 of the 55 delegates to the Constitutional Convention. Three other delegates served in the Executive Branch, including President George Washington. When examining the 1790 Patent Act, we know the intent of the Founding Fathers in patent law—the legislation clearly states that the patent goes to the ''first and true'' inventor.

This was recently reaffirmed in a June 6, 2011, Supreme Court decision written by Chief Justice John Roberts in Stanford v. Roche, in which he said that ''(s)ince 1790, the patent law has operated on the premise that rights in an invention belong to the inventor . . . Although much in intellectual property has changed in the 220 years since the first Patent Act, the basic idea that inventors have the right to patent their inventions has not.''

In addition, two constitutional scholars specializing in patent law ranging the political spectrum agree that moving to a first to file system is unconstitutional. Jonathan Massey, former law clerk to Supreme Court Justice William Brennan and who represented former Vice President Al Gore in Bush v. Gore said, ''Our nation's founders understood that technological progress depends on securing patent rights to genuine inventors, to enable them to profit from their talents, investment, and effort . . . If the bill's provisions had been law in the 20th Century, the Wright Brothers would have been denied a patent for the airplane.''

Adam Mossoff, Professor of Law at George Mason University and Chairman of the Intellectual Property Committee of the conservative Federalist Society said, ''In shifting from a first-to-invent to a first-to-file system, the America Invents Act contradicts both the text and the historical understanding of the Copyright and Patent Clause in the Constitution.'' But more importantly, of the only nine peer-reviewed law journal articles on the subject of patent reform, all have concluded that adopting a ''first-to-file'' system is unconstitutional. So, if this bill becomes law, it will be tied up in litigation, further delaying innovation, until the Supreme Court rules on its constitutionality.

Section 18 of H.R. 1249 also creates a special class of patents in the financial services sector subject to their own distinctive post-grant administrative review and would apply retroactively to already existing patents. Governmental abrogation of patent rights represents a ''taking'' of property and therefore

triggers Fifth Amendment obligations to pay "just compensation." Section 18 would shift the cost of patent infringement from financial services firms to the U.S. Treasury. Finally, the "prior use" provision in H.R. 1249 violates the "exclusive" use provision guaranteed to inventors under the Constitution.

Thus, because this bill will hurt jobs and is unconstitutional, I urge my colleagues to oppose the bill. The manager's amendment does not fix any of the problems with the bill; in fact, it further compounds the problems with the bill. The first step to fixing our patent system is to fix the PTO. This manager's amendment would still allow patent fee diversion to take despite promises made in recent days. Permitting the PTO to retain its fees will allow the agency to hire more examiners and modernize its information technology infrastructure to reduce the massive backlog of pending patent applications. That's real patent reform; not this bill.

Mr. SMITH of Texas. Madam Chair, I yield 1 minute to the gentleman from New Hampshire (Mr. BASS) for purposes of a colloquy.

Mr. BASS of New Hampshire. I thank the chairman.

I want to discuss some important legislative history of a critical piece of this bill, in particular, sections 102(a) and (b) and how those two sections will work together. I think we can agree that it is important that we set down a definitive legislative history of those sections to ensure clarity in our meaning.

Mr. SMITH of Texas. I want to respond to the gentleman from New Hampshire and say that one key issue for clarification is the interplay between actions under section 102(a) and actions under section 102(b). We intend for there to be an identity between 102(a) and 102(b). If an inventor's action is such that it triggers one of the bars under 102(a), then it inherently triggers the grace period subsection 102(b).

Mr. BASS of New Hampshire. I believe that the chairman is correct. The legislation intends parallelism between the treatment of an inventor's actions under 102(a) and 102(b). In this way, small inventors and others will not accidentally stumble into a bar by their pre-filing actions. Such inventors will still have to be diligent and file within the grace period if they trigger 102(a); but if an inventor triggers 102(a) with respect to an invention, then he or she has inherently also triggered the grace period under 102(b).

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

Mr. SMITH of Texas. I yield myself 30 seconds.

Madam Chair, contrary to current precedent, in order to trigger the bar in the new 102(a) in our legislation, an action must make the patented subject matter "available to the public" before the effective filing date. Additionally, subsection 102(b)(1)(B) is designed to make a very strong grace period for inventors that have made a disclosure that satisfies 102(b). Inventors who have made such disclosures are protected during the grace period not only from their own disclosure but from other prior art from anyone that follows their disclosure. This is an important protection we offer in our bill.

Ms. ZOE LOFGREN of California. Madam Chairwoman, I yield 2 minutes to my colleague from California (Mr. ROHRABACHER).

Mr. ROHRABACHER. Thank you very much, and I hope everyone is paying attention to what this is all about tonight.

First of all, we have DAN LUNGREN, one of our Members who is a former Attorney General of California, along with JIM SENSENBRENNER and JOHN CONYERS both the former chairmen of the Judiciary Committees, all of them adamant that this bill is unconstitutional. And now we have a discussion and we have a lot of people talking about backlogs and what's wrong with the efficiency of the patent system or the patent office as if that's what this is all about.

It is not what this is all about. This, again, has been designed, this is a patent fight that's been going on 20 years. Basically, you have some very large multinational corporations who are trying to harmonize American patent law with the rest of the world, even though American patent law has been stronger than the rest of the world throughout our Republic's history. You weaken the patent protection of the American people; you are weakening their constitutional protections in the name of harmonizing it with Europe. Is that what we want to do? I don't think so. That will have dramatic impact on our country.

Hoover Institution, one of the most highly respected think-tanks in the United States, had four of their scholars go after this bill; and here's three of the points they've made, through the many points, that said thumbs down on this America Invents Act. It is better called the patent rip-off bill. Here's what Hoover Institution said: the America Invents Act will protect large, entrenched companies at the expense of market challenging competitors. Read that: overseas multinational corporations. They also said, The bill wreaks havoc on property rights, and predictable property rights are essential for economic growth.

This bill is a job killer, and the jobs that will be killed are in the United States of America, not the multinational corporation.

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

Ms. ZOE LOFGREN of California. I yield the gentleman an additional 30 seconds.

Mr. ROHRABACHER. These multinational corporations, they're creating jobs overseas. They don't care if the jobs are lost here. The America Invents Act—here's Hoover Institution again—the America Invents Act would inject massive uncertainty into the patent system.

We have had the strongest patent system in the world, and it has yielded us prosperity and security as a people. We do not need to change the fundamentals of this system and to harmonize with weaker systems throughout the world.

I call for the people to vote against this patent rip-off bill.

Mr. SMITH of Texas. Madam Chair, I yield 2 minutes to the gentleman from Arizona (Mr. QUAYLE), who is also the vice chairman of the Intellectual Property Subcommittee of the Judiciary Committee.

Mr. QUAYLE. I thank the gentleman for yielding.

Madam Chair, I rise in support of H.R. 1249, and one of the reasons I do is because it encourages innovation and entrepreneurship by reducing costly litigation within our patent system. Innovation is the key to America's immediate and future economic growth; and right now, many American innovators are being held back by an onerous and backlogged patent system. In order to unleash their job-creating potential, we must reform this system which hasn't been reformed in almost 60 years.

□ 2040

One way this bill tackles patent reform is by creating a business method patent pilot program in which administrative patent judges will review the validity of these patents if a challenger presents evidence showing that a patent is more likely than not invalid.

Business method patents were not patentable until the late 1990s and have resulted in frivolous lawsuits which have cost between $5 million to $10 million per patent.

These types of patents cover a "method of doing or conducting business" which includes printing ads at the bottom of a billing statement, ordering something online but picking it up in person, tax strategies, or getting a text when your credit card gets swiped.

The tort abuse created by these patents has become legendary. Section 18 of this bill has broad bipartisan support in the Senate and is an alternative to costly litigation that will save 90 percent of the costs incurred in civil litigation.

I support Chairman SMITH's work in creating a less costly, more efficient alternative to this abusive litigation and oppose any effort to strike section 18. As part of the Republican Conference's overall effort to spur job creation and economic growth, I urge passage of this important legislation.

Ms. ZOE LOFGREN of California. Madam Chairman, I yield myself such time as I may consume.

I want to talk a little bit about the manager's amendment under this general debate time because there is a very constrained amount of time for that discussion.

I want to touch on two things in particular. First is the fee issue. I know that there's been discussion that somehow the fees won't be diverted under

the manager's amendment, and I just think that is not a credible argument.

I remember back in the year 2000 when we were promised that the fees would not be diverted by the appropriators, but then subsequent to that, there was diversion. And the truth is that so long as this is part of the appropriations process, the fees can, and I predict will be, diverted just as they were diverted during the adoption of the CR this year. The PTO estimates an $85 million to $100 million diversion of fees in the CR that was adopted earlier this year. That conceptually is really just a special tax on innovators. If you raise the fees and you divert it for general purposes, that's just a special tax on inventors, and I just think it's wrong and I cannot support it.

I want to talk also, my colleague, Mr. WATT, said that other than the fee bill, we could resolve the issues, and I think we could have but we're not. There are two issues that I want to address and they are really closely related, and they're complicated but they're important.

Under our laws, an idea must be new, useful, and nonobvious in order to receive patent protection, and this is evaluated in comparison to what's known as prior art. That's the state of knowledge that exists prior to an invention. If an idea already exists in the prior art, you can't get a patent. Under current law, a variety of different things create prior art, such as descriptions of an idea in previous patents, printed publications, as well as public uses or sales. But current law has what's known as the grace period, which provides 1 year for an inventor to file a patent application after certain activities that would otherwise create patent-defeating prior art.

So, for example, if an inventor published an article announcing a new invention, he or she would have a year under this grace period to file a patent application for it, and this is a very important provision of patent law. It's pretty unique, actually, to the United States. The PTO director, David Kappos, referred to this grace period as ''the gold standard of best practices.''

As we move into the first-to-file system as is proposed in this bill, it is absolutely essential that the revised grace period extend to everything that is prior art under today's rules. Unfortunately, that is not the case in the manager's amendment. The grace period would protect, and this is a direct quote, ''only disclosures.'' Well, what would that not protect? Trade secrets. Offers for sale that are not public. You could have entrepreneurs who start an invention and start a small business who won't be able to get a patent for their invention under the grace period, and entrepreneurs might then be forced to delay bringing their products to market, which would slow growth. This needs to be addressed, not in a colloquy but in language, and we agreed in the committee when we stripped out language that didn't fix this that we would fix the 102(a) and (b) problem in legislation. There was a colloquy on the Senate floor similar to one that has just taken place, but we know that the language of the bill needs to reflect the intent. Judges look to the statute first and foremost to determine its meaning, and the legislative history is not always included.

So the ambiguity that's in the measure is troublesome. And although we prepared an amendment to delineate it, it has not been put in order, and, therefore, this remedy cannot be brought forth, and small inventors and even big ones may have a problem.

We now have our iPads on the floor, and while I was sitting here, I got an email from the general counsel of a technology company. I won't read the whole thing, but here is what this general counsel said:

''The prior use rights clause as written will be a direct giveaway to foreign competitors, especially those from countries where trade secret test is rampant.''

What we're saying to American companies is that if you have a trade secret that you want to protect under the grace period prior art rules, you're out of luck. You are quite potentially out of luck. You'll either have to disclose that trade secret, and we know that there are serious concerns in doing that. We don't want to get into maligning countries around the world, but there are some that do not have the respect for intellectual property that we have. Or else we will say to that inventor or company that you can't use your own invention that you have devised without being held up for licensing fees with somebody who got to the office before you did.

This is a big problem that is not resolved. Even if the manager's amendment is defeated, this problem will remain in the bill. It is an impediment to innovation and an impediment to making first-to-file work. If we're going to have first-to-file, and I can accept that, it must have robust, broad, rigorous protection under the grace period with a broad definition of a prior art that is protected. That is just deficient in this bill.

This is, I know, down in the weeds. It's a little bit nerdy. We've spent many years talking about this in the Judiciary Committee. I'm just so regretful that this bill after so many years has gone sideways in the last 2 days and is something that we cannot embrace and celebrate.

I reserve the balance of my time.

Mr. SMITH of Texas. Madam Chair, I yield 2 minutes to the gentleman from Arkansas (Mr. GRIFFIN), who is also a member of the Intellectual Property Subcommittee of the Judiciary Committee.

Mr. GRIFFIN of Arkansas. Thank you, Mr. Chairman.

Madam Chairman, I rise today in strong support of H.R. 1249, the America Invents Act, and I urge my colleagues to support it.

Make no mistake, the America Invents Act is a jobs bills. At no cost to taxpayers, this legislation builds on what we as Americans do best: We innovate. Bolstering American innovation will create jobs at a time when we need it most.

The America Invents Act ends fee diversion and switches the U.S. to a first-inventor-to-file system. These changes will streamline the patent application process to help American innovators bring their inventions to market. Each new commercialized invention has the potential to create American jobs. This is a jobs bill.

A provision that I worked on included in the bill would make permanent the Patent and Trademark Office's ombudsman program for small business concerns. This program will provide support and services for independent inventors who may not have the resources to obtain legal counsel for guidance on obtaining a patent. This provision ensures that the small guys will always have a champion at the PTO to help them navigate the process.

□ 2050

In addition, the America Invents Act finally puts an end to fee diversion, a practice that has siphoned almost $1 billion in fees from the PTO over the past 20 years. Too many patent applications have sat untouched for years because the PTO does not have the resources it needs to review them in a timely manner. Ending fee diversion will expedite the review and unleash their potential to create American jobs.

This bill is endorsed by the U.S. Chamber of Commerce, the National Association of Manufacturers, and the Small Business & Entrepreneurship Council. I urge my colleagues to support this jobs bill.

Ms. ZOE LOFGREN of California. I continue to reserve the balance of my time.

Mr. SMITH of Texas. Madam Chair, I yield 3 minutes to the gentleman from Virginia (Mr. GOODLATTE), as I mentioned awhile ago, the chairman of the Intellectual Property Subcommittee of the Judiciary.

Mr. GOODLATTE. Madam Chairman, it was mentioned earlier by one of those speaking in opposition to the bill that the National Association of Realtors was opposed to this legislation. And we will make available for the RECORD a letter that we received, dated 2 days ago, from the National Association of Realtors: ''On behalf of the 1.1 million members of the National Association of Realtors, we are pleased to support H.R. 1249, the America Invents Act.'' It goes on to explain in great detail why they, along with literally hundreds of other organizations, support this legislation. That includes the United States Chamber of Commerce, the National Association of Manufacturers, and the Retail Federation of America. There is a whole host of organizations and individual companies,

both large and small, who support the legislation because they know that this is what is vital for job creation in this country.

We need to have reform of our patent laws because, unfortunately in recent years, countries like China have overtaken us in the productivity of their patent office. And the fact of the matter is, unless we change our patent laws, we are going to continue to be at a disadvantage. And the advantages that we've had in the past are no longer available to us because, quite frankly, the complexity of inventions has increased; and more and more, we find ourselves in a situation where the laws that we operate under today, which were last updated in 1952, need to be updated to address a lot of the abuses that you've heard described here this evening.

We also need to pass this legislation to make sure that the fee diversion, that, as has been noted, has kept nearly $1 billion from going to the operation of the Patent Office to work down the 3-year 1 million patent backlog, also can be addressed. And we also need to recognize that this legislation, in addition to being a jobs bill, as recognized by all of these many, many, many companies and associations of various trade groups, it is also major litigation reform.

It cuts out the abuses with tax strategy patents and other business method types of patents, where individuals do not produce anything other than lie in wait for somebody else to come up with a similar idea and then come forward and say, Hey, that was really my idea, and now you pay me a lot of money. They aren't creating jobs. They, in fact, are causing jobs to leave this country.

So there are many reasons to support this legislation, and I would urge my colleagues to do so. We have not yet come to the manager's amendment, but it provides a critical component to making sure that fee diversion does not occur.

NATIONAL ASSOCIATION
OF REALTORS,
Washington, DC, June 20, 2011.

HOUSE OF REPRESENTATIVES,
Washington, DC.

DEAR REPRESENTATIVE: On behalf of the 1.1 million members of the National Association of REALTORS® (NAR), we are pleased to support H.R. 1249, the America Invents Act. NAR's support, however, is predicated upon the retention of important anti-fee diversion provisions contained in section 22 of the bill. NAR believes it is critically important that the U.S. Patent Trademark Office have access to all user fees paid to the agency by patent and trademark applicants. Without this reform, delays in processing patent applications will continue to undermine American innovation and stymie the nation's economy.

NAR, whose members identify themselves as REALTORS®, represents a wide variety of real estate industry professionals. REALTORS® have been early adopters of technology and are industry innovators who understand that consumers today are seeking real estate information and services that are fast, convenient and comprehensive. Increasingly, technology innovations are driving the delivery of real estate services and the future of REALTORS'® businesses.

The nation's patent law system faces many of the same issues but has not kept pace. It has been more than 50 years since the patent system's last major overhaul. Modernization is critically needed to improve the quality of issued patents, reduce the burden of unnecessary litigation on businesses and refocus the nation's efforts on innovation and job creation.

As technology users, NAR and several of its members currently find themselves facing onerous patent infringement litigation over questionable patents launched by patent holding companies and other non-practicing entities. Without needed reforms that assure that asserted patent rights are legitimate, the ability of businesses owned by REALTORS®, many of which are small businesses, to grow, innovate and better serve modern consumers will be put at risk. For this reason, NAR supports reforms such as expanded post-grant review and prior user rights.

The America Invents Act contains needed reforms geared towards improving patent quality. NAR supports greater transparency in the patent application process including creating a mechanism to allow practitioners with the expertise and knowledge to review and comment on the appropriateness of a patent application prior to the issuance of the patent and the creation of a streamlined and more effective process for challenging a patent outside of the judicial system. Finally, it is critically important that the U.S. Patent Trademark Office have access to all user fees paid to the agency by patent and trademark applicants. Without this reform, delays in processing patent applications will continue to undermine American innovation.

The National Association of REALTORS® supports H.R. 1249 with the section 22 anti-fee diversion provisions. We urge the House to pass this much needed legislation with these critical provisions.

Sincerely,

RON PHIPPS,
2011 President.

Ms. ZOE LOFGREN of California. I yield myself such time as I may consume.

I want to get back to the original reason why we've worked so hard on this bill, only to be here at the end of this process with a bill that we can't support. We started with hearings in the 1990s with the Federal Trade Commission and the National Academy of Science. And one of the things they pointed out was that there are more patents than there are inventions. We started focusing in on the abuse of litigation that occurred as well as the needs of the office.

My colleague is correct: The Patent Office has a tremendous backlog, and that is a serious concern for inventors and really for the country. The examiners have such an enormous backlog, they can't spend sufficient time reviewing the applicants. This has led to a flood of poor-quality patents that were issued over the last decade and a half that I think—and most believe—should have been denied by the office. These dubious patents do significant damage to particular industries, like the information technology industry, as they can be used by nonpracticing entities to demand rents from legitimate businesses and to interfere with the development of legitimate products. Now, I don't blame the examiners at the PTO. They are working hard, but they don't have enough time to give each application the consideration it deserves.

A bill, as approved by the Judiciary Committee, would have helped remedy this problem by making sure—a lot of people don't realize that the Patent Office doesn't get any taxpayer money. The Patent Office is entirely supported by fees submitted by inventors. So keeping all of those fees that the inventors are paying in the office so that the patents can properly be dealt with in a timely fashion was a key component of this measure. Unfortunately, under the manager's amendment, that strong protection is simply gone.

And I know, as I said in the past, we've had unanimous votes in the Judiciary Committee. We've had promises never to do it again; but the diversions have continued, and it is clear that they will continue under the manager's amendment provision because it allows the regular process to continue as it has in the past.

I have not submitted lists of letters of who's in favor, who's opposed to this bill. It's my understanding that the Realtors Association is, in fact, opposed to the manager's amendment; but we're not going to vote on these amendments tonight. We're rolling these votes until tomorrow. So we will research that, and we will find the truth of where they are and make that information available to the Members because certainly Realtors are a very valuable part of our Nation's economy.

I want to talk a little bit as well about whether we can fix the defect on prior art by an amendment that will be offered later in the week by the gentleman from Michigan (Mr. CONYERS) and the gentleman from California (Mr. ROHRABACHER). They propose that the first-to-file patent system that is being promoted to harmonize our system with other countries would not go into effect until the grace period, which is the critical part of the patent system, actually is fixed and harmonized.

If the manager's amendment is passed, the fatal defect of defining the prior art is disclosures, I don't believe can be fully remedied by this amendment, although I think that this amendment is a good one, and I intend to support it. So I think it's very important that the manager's amendment be defeated. I would hope that if that happens, that we might have a chance to step back and to fully examine where we are in terms of the prior user rights and the grace period because, as the patent commissioner had said, this is the gold standard, the United States has had the gold standard in patents with this grace period. It would be a shame not just for the Congress but for our country and our future as innovators to lose this genius part of our patent system.

I reserve the balance of my time.

□ 2100

Mr. SMITH of Texas. Madam Chair, I yield 2½ minutes to the gentleman from Virginia (Mr. GOODLATTE).

Mr. GOODLATTE. Madam Chairman, the gentlewoman has expressed concern about the fee diversion provision in the manager's amendment. I think it is actually a very good provision; and it will, for the first time, end fee diversion at the Patent and Trademark Office by statute. It accomplishes both our overarching policy goals and maintains congressional oversight.

For the first time, we are establishing an exclusive PTO reserve fund that will collect all excess PTO fees and bring an end to fee diversion. It's been expressed on the other side of the aisle that maybe with the authority to set fees that is granted for a limited period of time in this bill, there will be an abuse in the Patent Office. But it can't be abused very much because the fees will still be subject to appropriations here in the Congress. They can't spend them on other things. They can't divert them, but they can put them in escrow, and they can require the PTO to come in and justify those fees before they're authorized. There will be no incentive to have excess fees if there can't be excess expenditures because of congressional oversight.

Patent reform has been a long road; and with the inclusion of this provision, we have ensured that all funds collected by the PTO will remain available to them and may not be diverted to any other use.

Ending fee diversion has been an important goal for all of us; and as we crafted legislation, our ultimate policy goal was to ensure that PTO funds are not diverted for other uses, such as earmarks or for other agencies.

Working with leadership and the Appropriations Committee, we developed a compromise provision that accomplishes our shared policy goal through a statutorily created PTO reserve fund.

This compromise was carefully brokered by leadership to ensure that it aligned with House rules and did not include mandatory spending that would have resulted in a score. Just a few months ago, including a provision like this one would have been unheard of, and no such provision has been included in patent bills considered by previous Congresses.

All excess fees that the PTO collects will be deposited into the PTO reserve fund and amounts in the fund ''shall be made available until expended only for obligation and expenditure by the Office.''

This compromise provision also ensures that the Appropriations and Judiciary Committees will continue to have oversight over the PTO. Though PTO remains within the appropriations process, the appropriators no longer have an incentive to divert fees. In other words, because excess fees are made available to the PTO, there will be no scoring advantage to the Appropriations Committee to decrease the appropriations, and this will not impact their 302(b) allocation for Commerce, Justice, State appropriations.

I urge my colleagues to support the manager's amendment.

By creating the Reserve Fund, we have walled-off PTO funds from diversion. All the excess fees are collected and deposited into the Fund and are made available in Appropriations Acts and cannot be ''diverted'' to other non-PTO purposes.

PTO funding would still be provided in Appropriations Acts, but the language carried in those Acts will appropriate excess fee collections and provide a clear and easy mechanism for PTO to request access to those funds.

By giving USPTO access to all its funds, the Manager's Amendment supports the USPTO's efforts to improve patent quality and reduce the backlog of patent applications. To carry out the new mandates of the legislation and reduce delays in the patent application process, the USPTO must be able to use all the fees it collects.

The language in the Manager's Amendment reflects the intent of the Judiciary Committee, the Appropriations Committee and House leadership to end fee diversion. USPTO is 100% funded by fees paid by inventors and trademark filers who are entitled to receive the services they are paying for. The language makes clear the intention not only to appropriate to the USPTO at least the level requested for the fiscal year but also to appropriate to the USPTO any fees collected in excess of such appropriation.

Providing USPTO access to all fees collected means providing access at all points during that year, including in case of a continuing resolution. Access also means that reprogramming requests will be acted on within a reasonable time period and on a reasonable basis. It means that future appropriations will continue to use language that guarantees USPTO access to all of its fee collections.

Appropriations Chairman ROGERS is committed to this agreement and to ending fee diversion at the PTO, and I appreciate his efforts.

This provision represents a sea change of improvement over the current system and I urge all Members to strongly support this end to fee diversion at the PTO. This amendment, including the commitment from Chairman ROGERS to Leadership ensures that all the user fees that the PTO collects will be available to the PTO so that they can get to work to reduce patent pendency and the backlog, and issue strong patents.

Ms. ZOE LOFGREN of California. May I inquire how much time remains.

The Acting CHAIR. The gentlewoman from California has 15 seconds remaining.

Ms. ZOE LOFGREN of California. Well, I will use those 15 seconds, Madam Chair, by saying just a few things. First, the litigation reform mentioned is really to retroactively undo a case that was fairly and squarely won in the courts.

Number two, that section 18 is basically just a giveaway to the banks. There's some good things in this bill. The post-grant review, overall it does more harm than good.

I yield back the balance of my time.

Mr. SMITH of Texas. I yield myself the balance of the time.

Madam Chair, in closing, I want to thank the patent principles who devoted so much time, energy and intellect to this project. We've worked together for the common goal of comprehensive patent reform for the better part of 6 years.

While some of us still have differences over individual items, I want these Members to know that I appreciate their contributions to the project. This includes, among many others, Mr. GOODLATTE, Mr. WATT, Mr. ISSA, and Mr. BERMAN.

In the Senate we've worked closely with Senators LEAHY, GRASSLEY, KYL, HATCH and others; and I want to thank them as well.

Also, we would not be at this point tonight without the support of Commerce Secretary Locke and PTO Director Kappos.

Our country needs this bill. We can't thrive in the 21st century using a 20th-century patent system. At a time when the economy remains fragile and unemployment is unacceptably high, we must include the patent system and the PTO, an agency that has been called an essential driver of a pro-growth job-creating agenda.

This bill will catapult us into a new era of innovation and enhanced consumer choice. I urge my colleagues to support H.R. 1249.

Mrs. CHRISTENSEN. Madam Chair, I rise today to express my strong support for H.R. 1249—a smart bill that fixes an anomaly in the patent law by addressing the confusion around the deadline for filing patent term extensions. This bill—which has broad bipartisan support in both chambers—will ensure that if the FDA notifies a company after normal business hours that its drug has been approved, then the time that the company has to file a patent term extension application does not begin to run until the next business day.

I support this bill not only because it protects the rights of patent holders, but also because it will help inspire greater investments in the development of new drugs that not only could save millions of lives, but also could play a pivotal role in reducing racial and ethnic health disparities. Take, for example, a blood thinning drug that was proven very effective in treating and preventing stroke—the third leading cause of death in the nation, and a cause of death from which African American men are 52% more likely to die than white men, and African American women are 36% more likely to die than white women.

But for an unintentional one-day filing delay, the developer of this drug would have been entitled to secure a patent term restoration. And, with that term restoration, the company would have been positioned to invest the additional resources to qualify the drug for the treatment and prevention of stroke and for expanded use in heart surgeries. This medical advancement would undoubtedly have saved countless lives and improved the health and wellbeing of tens of thousands of Americans.

Absent the correction provided by this bill, however, none of what could have—and should have—happened ever did happen, and, as a result, a great medical advancement never came to fruition. This bill would ensure that the situation that occurred with the promising blood thinning drug does not happen

again. And, this bill fixes an anomaly that not only jeopardizes the development of life-saving drugs, but also jeopardizes the health and wellness of innocent, hardworking Americans. I urge all of my colleagues to be a key part of the solution to this problem by supporting this bill.

Ms. PELOSI. Madam Chair, I rise in opposition to this patent reform bill, misnamed the America Invents Act.

It had been our hope that we would be voting on a patent bill that encourages entrepreneurship, protects intellectual property rights, and sends a message abroad that strengthens patent rights at home. The bill before us fails on all these scores.

Instead, by favoring large international companies, we have before us a missed opportunity to encourage entrepreneurship. It is a missed opportunity to strengthen intellectual property rights here at home.

For these and other reasons, I urge my colleagues to vote no on the Manager's amendment, yes on the Boren-Sensenbrenner-Waters-Schock amendment, and no on the final passage of this disappointing bill. Let's go back to the drawing board for a real bill to keep America number one.

Ms. WASSERMAN SCHULTZ. Madam Chair, today I rise in support of H.R. 1249, the America Invents Act.

This vital reform to our nation's patent system would help spur innovation, foster competition, and create and support American jobs.

Democrats in Congress have urged our colleagues across the aisle to bring legislation to the Floor and today we have an opportunity to support legislation to create jobs and support our recovering economy.

That is why this legislation is a priority of the Obama Administration—the bill represents a significant step in the right direction toward American job growth and is crucial to winning the future through innovation.

I urge my colleagues to support this bill's benefits for American inventors, manufacturers, and jobs.

I also urge my colleagues to support this bill because it includes a provision that will help engender much-needed patient protection and choice for patients undergoing genetic diagnostic tests.

As many, of you know, several years ago, I was diagnosed with breast cancer.

Through genetic testing, I discovered that I am a carrier of the BRCA–2 gene mutation, which drastically increased my lifetime risk of ovarian cancer and recurring breast cancer.

As a result, I made the life-altering decision to have seven major surgeries—a double mastectomy and an oophorectomy—from a single administration of a single test.

You see, there is only one test on the market for this mutation.

The maker of this test not only has a patent on the gene itself; they also have an exclusive license for limited laboratories to administer the test.

Like genetic tests for colon cancer, Parkinson's disease, Alzheimer's disease, stroke, and many other genetic disorders, there is no way to get a truly independent second opinion.

In approximately 20 percent of all genetic tests, only one laboratory can perform the test due to patent exclusivity for the diagnostic testing, and often the actual human gene being tested.

Just imagine: Your genes hold the key to your survival; having major, body-altering surgery or treatment could save you life; but the test results fail to give you certainty.

The America Invents Act begins to address this problem.

A provision in the Manager's amendment simply directs a study by the U.S. Patent and Trademark Office on ways to remove barriers for patient access to second opinions on genetic testing on patented genes.

Such a study would address questions about the current effects such patents have on patient outcomes and how best to provide truly independent, confirmatory tests.

Given ongoing court cases on the issue of gene patents, let me be clear: the study's focus on second opinion genetic testing is not intended to express any opinion by Congress regarding the validity of gene patents.

By allowing clinical laboratories to confirm the presence or absence of a gene mutation found in a diagnostic test, we can help Americans access the second opinions they truly deserve.

I know first-hand the stress of wanting a second opinion—but being unable to get it.

With so much at stake, it is incredibly important that we give everyone in this situation as much certainty as we possibly can.

We owe that much to those whose lives are in the balance.

Mr. GALLEGLY. Madam Chair, I rise in support of this amendment.

Development of new prescription drug therapies is critically important if we are to successfully treat—or even cure—diseases such as cancer, ALS and juvenile diabetes.

The problem is that medical research is expensive. A researcher can spend years trying various drug combinations before developing one that may be approved for testing in humans, and it can take even more years after that to get final Food and Drug Administration, FDA approval. If patent protection expires soon after the drug is approved, companies may not be able to recover their investment, which would lead to less research and development.

Congress recognized this problem when it passed the Hatch-Waxman Act in 1984. Hatch-Waxman provides for extended patent protection if the company applies within 60 days after the FDA approves a new drug.

Unfortunately, the FDA and the Patent and Trademark Office have different interpretations of when the company must file the application. The resulting confusion and uncertainty may be discouraging people from investing in life-saving medical research.

This amendment simply clarifies when the 60-day period begins. This is completely budget neutral and does not make any substantive change to the law.

I urge my colleagues to support this common sense amendment.

Mr. GALLEGLY. Madam Chair, I rise in strong support of this bill. First, I would like to recognize Chairman SMITH's extraordinary work on behalf of American inventors. This bill is a well-crafted compromise that will streamline the patent process, while improving the quality of patents.

Although I do not support every single provision of this legislation, it is critical that the House of Representatives pass H.R. 1249.

I am especially pleased that Chairman SMITH included a provision that helps many businesses in the United States, including several in my district, who have been forced to spend time and money to defend themselves against so-called "false marking" lawsuits.

By law, patent holders are required to place the patent number on their products. The problem is that after the patent expires, it may be very costly for a business to recall their products to change the label. Unfortunately, several law firms have discovered that suing these manufacturers can be lucrative, and we have seen a sharp increase in the number of these nuisance lawsuits.

This bill includes a common sense solution that will stop these lawsuits and allow employers to devote resources to developing new products and creating jobs.

I urge my colleagues to support this important legislation.

Mr. SMITH of Texas. Madam Chair, I yield back the balance of my time.

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

Pursuant to the rule, the amendment in the nature of a substitute printed in the bill shall be considered as an original bill for the purpose of amendment under the 5-minute rule and shall be considered read.

The text of the amendment in the nature of a substitute is as follows:

H.R. 1249

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "America Invents Act".

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

Sec. 1. Short title; table of contents.
Sec. 2. Definitions.
Sec. 3. First inventor to file.
Sec. 4. Inventor's oath or declaration.
Sec. 5. Defense to infringement based on earlier inventor.
Sec. 6. Post-grant review proceedings.
Sec. 7. Patent Trial and Appeal Board.
Sec. 8. Preissuance submissions by third parties.
Sec. 9. Venue.
Sec. 10. Fee setting authority.
Sec. 11. Fees for patent services.
Sec. 12. Supplemental examination.
Sec. 13. Funding agreements.
Sec. 14. Tax strategies deemed within the prior art.
Sec. 15. Best mode requirement.
Sec. 16. Marking.
Sec. 17. Advice of counsel.
Sec. 18. Transitional program for covered business method patents.
Sec. 19. Jurisdiction and procedural matters.
Sec. 20. Technical amendments.
Sec. 21. Travel expenses and payment of administrative judges.
Sec. 22. Patent and Trademark Office funding.
Sec. 23. Satellite offices.
Sec. 24. Designation of Detroit satellite office.
Sec. 25. Patent Ombudsman Program for small business concerns.
Sec. 26. Priority examination for technologies important to American competitiveness.
Sec. 27. Calculation of 60-day period for application of patent term extension.
Sec. 28. Study on implementation.
Sec. 29. Pro bono program.
Sec. 30. Effective date.
Sec. 31. Budgetary effects.

SEC. 2. DEFINITIONS.

In this Act:

(1) DIRECTOR.—The term "Director" means the Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office.

(2) OFFICE.—The term ''Office'' means the United States Patent and Trademark Office.

(3) PATENT PUBLIC ADVISORY COMMITTEE.—The term ''Patent Public Advisory Committee'' means the Patent Public Advisory Committee established under section 5(a)(1) of title 35, United States Code.

(4) TRADEMARK ACT OF 1946.—The term ''Trademark Act of 1946'' means the Act entitled ''An Act to provide for the registration and protection of trademarks used in commerce, to carry out the provisions of certain international conventions, and for other purposes'', approved July 5, 1946 (15 U.S.C. 1051 et seq.) (commonly referred to as the ''Trademark Act of 1946'' or the ''Lanham Act'').

(5) TRADEMARK PUBLIC ADVISORY COMMITTEE.—The term ''Trademark Public Advisory Committee'' means the Trademark Public Advisory Committee established under section 5(a)(1) of title 35, United States Code.

SEC. 3. FIRST INVENTOR TO FILE.

(a) DEFINITIONS.—Section 100 of title 35, United States Code, is amended—

(1) in subsection (e), by striking ''or inter partes reexamination under section 311''; and

(2) by adding at the end the following:

''(f) The term 'inventor' means the individual or, if a joint invention, the individuals collectively who invented or discovered the subject matter of the invention.

''(g) The terms 'joint inventor' and 'co-inventor' mean any 1 of the individuals who invented or discovered the subject matter of a joint invention.

''(h) The term 'joint research agreement' means a written contract, grant, or cooperative agreement entered into by 2 or more persons or entities for the performance of experimental, developmental, or research work in the field of the claimed invention.

''(i)(1) The term 'effective filing date' for a claimed invention in a patent or application for patent means—

''(A) if subparagraph (B) does not apply, the actual filing date of the patent or the application for the patent containing a claim to the invention; or

''(B) the filing date of the earliest application for which the patent or application is entitled, as to such invention, to a right of priority under section 119, 365(a), or 365(b) or to the benefit of an earlier filing date under section 120, 121, or 365(c).

''(2) The effective filing date for a claimed invention in an application for reissue or reissued patent shall be determined by deeming the claim to the invention to have been contained in the patent for which reissue was sought.

''(j) The term 'claimed invention' means the subject matter defined by a claim in a patent or an application for a patent.''.

(b) CONDITIONS FOR PATENTABILITY.—

(1) IN GENERAL.—Section 102 of title 35, United States Code, is amended to read as follows:

''§ 102. Conditions for patentability; novelty

''(a) NOVELTY; PRIOR ART.—A person shall be entitled to a patent unless—

''(1) the claimed invention was patented, described in a printed publication, or in public use, on sale, or otherwise available to the public before the effective filing date of the claimed invention; or

''(2) the claimed invention was described in a patent issued under section 151, or in an application for patent published or deemed published under section 122(b), in which the patent or application, as the case may be, names another inventor and was effectively filed before the effective filing date of the claimed invention.

''(b) EXCEPTIONS.—

''(1) DISCLOSURES MADE 1 YEAR OR LESS BEFORE THE EFFECTIVE FILING DATE OF THE CLAIMED INVENTION.—A disclosure made 1 year or less before the effective filing date of a claimed invention shall not be prior art to the claimed invention under subsection (a)(1) if—

''(A) the disclosure was made by the inventor or joint inventor or by another who obtained the subject matter disclosed directly or indirectly from the inventor or a joint inventor; or

''(B) the subject matter disclosed had, before such disclosure, been publicly disclosed by the inventor or a joint inventor or another who obtained the subject matter disclosed directly or indirectly from the inventor or a joint inventor.

''(2) DISCLOSURES APPEARING IN APPLICATIONS AND PATENTS.—A disclosure shall not be prior art to a claimed invention under subsection (a)(2) if—

''(A) the subject matter disclosed was obtained directly or indirectly from the inventor or a joint inventor;

''(B) the subject matter disclosed had, before such subject matter was effectively filed under subsection (a)(2), been publicly disclosed by the inventor or a joint inventor or another who obtained the subject matter disclosed directly or indirectly from the inventor or a joint inventor; or

''(C) the subject matter disclosed and the claimed invention, not later than the effective filing date of the claimed invention, were owned by the same person or subject to an obligation of assignment to the same person.

''(c) COMMON OWNERSHIP UNDER JOINT RESEARCH AGREEMENTS.—Subject matter disclosed and a claimed invention shall be deemed to have been owned by the same person or subject to an obligation of assignment to the same person in applying the provisions of subsection (b)(2)(C) if—

''(1) the subject matter disclosed was developed and the claimed invention was made by, or on behalf of, 1 or more parties to a joint research agreement that was in effect on or before the effective filing date of the claimed invention;

''(2) the claimed invention was made as a result of activities undertaken within the scope of the joint research agreement; and

''(3) the application for patent for the claimed invention discloses or is amended to disclose the names of the parties to the joint research agreement.

''(d) PATENTS AND PUBLISHED APPLICATIONS EFFECTIVE AS PRIOR ART.—For purposes of determining whether a patent or application for patent is prior art to a claimed invention under subsection (a)(2), such patent or application shall be considered to have been effectively filed, with respect to any subject matter described in the patent or application—

''(1) if paragraph (2) does not apply, as of the actual filing date of the patent or the application for patent; or

''(2) if the patent or application for patent is entitled to claim a right of priority under section 119, 365(a), or 365(b), or to claim the benefit of an earlier filing date under section 120, 121, or 365(c), based upon 1 or more prior filed applications for patent, as of the filing date of the earliest such application that describes the subject matter.''.

(2) CONTINUITY OF INTENT UNDER THE CREATE ACT.—The enactment of section 102(c) of title 35, United States Code, under paragraph (1) of this subsection is done with the same intent to promote joint research activities that was expressed, including in the legislative history, through the enactment of the Cooperative Research and Technology Enhancement Act of 2004 (Public Law 108–453; the ''CREATE Act''), the amendments of which are stricken by subsection (c) of this section. The United States Patent and Trademark Office shall administer section 102(c) of title 35, United States Code, in a manner consistent with the legislative history of the CREATE Act that was relevant to its administration by the United States Patent and Trademark Office.

(3) CONFORMING AMENDMENT.—The item relating to section 102 in the table of sections for chapter 10 of title 35, United States Code, is amended to read as follows:

''102. Conditions for patentability; novelty.''.

(c) CONDITIONS FOR PATENTABILITY; NON-OBVIOUS SUBJECT MATTER.—Section 103 of title 35, United States Code, is amended to read as follows:

''§ 103. Conditions for patentability; non-obvious subject matter

''A patent for a claimed invention may not be obtained, notwithstanding that the claimed invention is not identically disclosed as set forth in section 102, if the differences between the claimed invention and the prior art are such that the claimed invention as a whole would have been obvious before the effective filing date of the claimed invention to a person having ordinary skill in the art to which the claimed invention pertains. Patentability shall not be negated by the manner in which the invention was made.''.

(d) REPEAL OF REQUIREMENTS FOR INVENTIONS MADE ABROAD.—Section 104 of title 35, United States Code, and the item relating to that section in the table of sections for chapter 10 of title 35, United States Code, are repealed.

(e) REPEAL OF STATUTORY INVENTION REGISTRATION.—

(1) IN GENERAL.—Section 157 of title 35, United States Code, and the item relating to that section in the table of sections for chapter 14 of title 35, United States Code, are repealed.

(2) REMOVAL OF CROSS REFERENCES.—Section 111(b)(8) of title 35, United States Code, is amended by striking ''sections 115, 131, 135, and 157'' and inserting ''sections 131 and 135''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect upon the expiration of the 18-month period beginning on the date of the enactment of this Act, and shall apply to any request for a statutory invention registration filed on or after that effective date.

(f) EARLIER FILING DATE FOR INVENTOR AND JOINT INVENTOR.—Section 120 of title 35, United States Code, is amended by striking ''which is filed by an inventor or inventors named'' and inserting ''which names an inventor or joint inventor''.

(g) CONFORMING AMENDMENTS.—

(1) RIGHT OF PRIORITY.—Section 172 of title 35, United States Code, is amended by striking ''and the time specified in section 102(d)''.

(2) LIMITATION ON REMEDIES.—Section 287(c)(4) of title 35, United States Code, is amended by striking ''the earliest effective filing date of which is prior to'' and inserting ''which has an effective filing date before''.

(3) INTERNATIONAL APPLICATION DESIGNATING THE UNITED STATES: EFFECT.—Section 363 of title 35, United States Code, is amended by striking ''except as otherwise provided in section 102(e) of this title''.

(4) PUBLICATION OF INTERNATIONAL APPLICATION: EFFECT.—Section 374 of title 35, United States Code, is amended by striking ''sections 102(e) and 154(d)'' and inserting ''section 154(d)''.

(5) PATENT ISSUED ON INTERNATIONAL APPLICATION: EFFECT.—The second sentence of section 375(a) of title 35, United States Code, is amended by striking ''Subject to section 102(e) of this title, such'' and inserting ''Such''.

(6) LIMIT ON RIGHT OF PRIORITY.—Section 119(a) of title 35, United States Code, is amended by striking ''; but no patent shall be granted'' and all that follows through ''one year prior to such filing''.

(7) INVENTIONS MADE WITH FEDERAL ASSISTANCE.—Section 202(c) of title 35, United States Code, is amended—

(A) in paragraph (2)—

(i) by striking ''publication, on sale, or public use,'' and all that follows through ''obtained in the United States'' and inserting ''the 1-year period referred to in section 102(b) would end before the end of that 2-year period''; and

(ii) by striking ''prior to the end of the statutory'' and inserting ''before the end of that 1-year''; and

(B) in paragraph (3), by striking ''any statutory bar date that may occur under this title

due to publication, on sale, or public use'' and inserting ''the expiration of the 1-year period referred to in section 102(b)''.

(h) DERIVED PATENTS.—

(1) IN GENERAL.—Section 291 of title 35, United States Code, is amended to read as follows:

''§ 291. Derived Patents

''(a) IN GENERAL.—The owner of a patent may have relief by civil action against the owner of another patent that claims the same invention and has an earlier effective filing date, if the invention claimed in such other patent was derived from the inventor of the invention claimed in the patent owned by the person seeking relief under this section.

''(b) FILING LIMITATION.—An action under this section may be filed only before the end of the 1-year period beginning on the date of the issuance of the first patent containing a claim to the allegedly derived invention and naming an individual alleged to have derived such invention as the inventor or joint inventor.''.

(2) CONFORMING AMENDMENT.—The item relating to section 291 in the table of sections for chapter 29 of title 35, United States Code, is amended to read as follows:

''291. Derived patents.''.

(i) DERIVATION PROCEEDINGS.—Section 135 of title 35, United States Code, is amended to read as follows:

''§ 135. Derivation proceedings

''(a) INSTITUTION OF PROCEEDING.—An applicant for patent may file a petition to institute a derivation proceeding in the Office. The petition shall set forth with particularity the basis for finding that an inventor named in an earlier application derived the claimed invention from an inventor named in the petitioner's application and, without authorization, the earlier application claiming such invention was filed. Any such petition may be filed only within the 1-year period beginning on the date of the first publication of a claim to an invention that is the same or substantially the same as the earlier application's claim to the invention, shall be made under oath, and shall be supported by substantial evidence. Whenever the Director determines that a petition filed under this subsection demonstrates that the standards for instituting a derivation proceeding are met, the Director may institute a derivation proceeding. The determination by the Director whether to institute a derivation proceeding shall be final and nonappealable.

''(b) DETERMINATION BY PATENT TRIAL AND APPEAL BOARD.—In a derivation proceeding instituted under subsection (a), the Patent Trial and Appeal Board shall determine whether an inventor named in the earlier application derived the claimed invention from an inventor named in the petitioner's application and, without authorization, the earlier application claiming such invention was filed. The Director shall prescribe regulations setting forth standards for the conduct of derivation proceedings.

''(c) DEFERRAL OF DECISION.—The Patent Trial and Appeal Board may defer action on a petition for a derivation proceeding until the expiration of the 3-month period beginning on the date on which the Director issues a patent that includes the claimed invention that is the subject of the petition. The Patent Trial and Appeal Board also may defer action on a petition for a derivation proceeding, or stay the proceeding after it has been instituted, until the termination of a proceeding under chapter 30, 31, or 32 involving the patent of the earlier applicant.

''(d) EFFECT OF FINAL DECISION.—The final decision of the Patent Trial and Appeal Board, if adverse to claims in an application for patent, shall constitute the final refusal by the Office on those claims. The final decision of the Patent Trial and Appeal Board, if adverse to claims in a patent, shall, if no appeal or other review of the decision has been or can be taken or had, constitute cancellation of those claims, and notice of such cancellation shall be endorsed on copies of the patent distributed after such cancellation.

''(e) SETTLEMENT.—Parties to a proceeding instituted under subsection (a) may terminate the proceeding by filing a written statement reflecting the agreement of the parties as to the correct inventors of the claimed invention in dispute. Unless the Patent Trial and Appeal Board finds the agreement to be inconsistent with the evidence of record, if any, it shall take action consistent with the agreement. Any written settlement or understanding of the parties shall be filed with the Director. At the request of a party to the proceeding, the agreement or understanding shall be treated as business confidential information, shall be kept separate from the file of the involved patents or applications, and shall be made available only to Government agencies on written request, or to any person on a showing of good cause.

''(f) ARBITRATION.—Parties to a proceeding instituted under subsection (a) may, within such time as may be specified by the Director by regulation, determine such contest or any aspect thereof by arbitration. Such arbitration shall be governed by the provisions of title 9, to the extent such title is not inconsistent with this section. The parties shall give notice of any arbitration award to the Director, and such award shall, as between the parties to the arbitration, be dispositive of the issues to which it relates. The arbitration award shall be unenforceable until such notice is given. Nothing in this subsection shall preclude the Director from determining the patentability of the claimed inventions involved in the proceeding.''.

(j) ELIMINATION OF REFERENCES TO INTERFERENCES.—(1) Sections 134, 145, 146, 154, and 305 of title 35, United States Code, are each amended by striking ''Board of Patent Appeals and Interferences'' each place it appears and inserting ''Patent Trial and Appeal Board''.

(2)(A) Section 146 of title 35, United States Code, is amended—

(i) by striking ''an interference'' and inserting ''a derivation proceeding''; and

(ii) by striking ''the interference'' and inserting ''the derivation proceeding''.

(B) The subparagraph heading for section 154(b)(1)(C) of title 35, United States Code, is amended to read as follows:

''(C) GUARANTEE OF ADJUSTMENTS FOR DELAYS DUE TO DERIVATION PROCEEDINGS, SECRECY ORDERS, AND APPEALS.—''.

(3) The section heading for section 134 of title 35, United States Code, is amended to read as follows:

''§ 134. Appeal to the Patent Trial and Appeal Board''.

(4) The section heading for section 146 of title 35, United States Code, is amended to read as follows:

''§ 146. Civil action in case of derivation proceeding''.

(5) The items relating to sections 134 and 135 in the table of sections for chapter 12 of title 35, United States Code, are amended to read as follows:

''134. Appeal to the Patent Trial and Appeal Board.

''135. Derivation proceedings.''.

(6) The item relating to section 146 in the table of sections for chapter 13 of title 35, United States Code, is amended to read as follows:

''146. Civil action in case of derivation proceeding.''.

(k) STATUTE OF LIMITATIONS.—

(1) IN GENERAL.—Section 32 of title 35, United States Code, is amended by inserting between the third and fourth sentences the following: ''A proceeding under this section shall be commenced not later than the earlier of either the date that is 10 years after the date on which the misconduct forming the basis for the proceeding occurred, or 1 year after the date on which the misconduct forming the basis for the proceeding is made known to an officer or employee of the Office as prescribed in the regulations established under section 2(b)(2)(D).''.

(2) REPORT TO CONGRESS.—The Director shall provide on a biennial basis to the Judiciary Committees of the Senate and House of Representatives a report providing a short description of incidents made known to an officer or employee of the Office as prescribed in the regulations established under section 2(b)(2)(D) of title 35, United States Code, that reflect substantial evidence of misconduct before the Office but for which the Office was barred from commencing a proceeding under section 32 of title 35, United States Code, by the time limitation established by the fourth sentence of that section.

(3) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply in any case in which the time period for instituting a proceeding under section 32 of title 35, United States Code, had not lapsed before the date of the enactment of this Act.

(l) SMALL BUSINESS STUDY.—

(1) DEFINITIONS.—In this subsection—

(A) the term ''Chief Counsel'' means the Chief Counsel for Advocacy of the Small Business Administration;

(B) the term ''General Counsel'' means the General Counsel of the United States Patent and Trademark Office; and

(C) the term ''small business concern'' has the meaning given that term under section 3 of the Small Business Act (15 U.S.C. 632).

(2) STUDY.—

(A) IN GENERAL.—The Chief Counsel, in consultation with the General Counsel, shall conduct a study of the effects of eliminating the use of dates of invention in determining whether an applicant is entitled to a patent under title 35, United States Code.

(B) AREAS OF STUDY.—The study conducted under subparagraph (A) shall include examination of the effects of eliminating the use of invention dates, including examining—

(i) how the change would affect the ability of small business concerns to obtain patents and their costs of obtaining patents;

(ii) whether the change would create, mitigate, or exacerbate any disadvantages for applicants for patents that are small business concerns relative to applicants for patents that are not small business concerns, and whether the change would create any advantages for applicants for patents that are small business concerns relative to applicants for patents that are not small business concerns;

(iii) the cost savings and other potential benefits to small business concerns of the change; and

(iv) the feasibility and costs and benefits to small business concerns of alternative means of determining whether an applicant is entitled to a patent under title 35, United States Code.

(3) REPORT.—Not later than the date that is 1 year after the date of the enactment of this Act, the Chief Counsel shall submit to the Committee on Small Business and Entrepreneurship and the Committee on the Judiciary of the Senate and the Committee on Small Business and the Committee on the Judiciary of the House of Representatives a report on the results of the study under paragraph (2).

(m) REPORT ON PRIOR USER RIGHTS.—

(1) IN GENERAL.—Not later than the end of the 4-month period beginning on the date of the enactment of this Act, the Director shall report, to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives, the findings and recommendations of the Director on the operation of prior user rights in selected countries in the industrialized world. The report shall include the following:

(A) A comparison between patent laws of the United States and the laws of other industrialized countries, including members of the European Union and Japan, Canada, and Australia.

(B) An analysis of the effect of prior user rights on innovation rates in the selected countries.

(C) An analysis of the correlation, if any, between prior user rights and start-up enterprises and the ability to attract venture capital to start new companies.

(D) An analysis of the effect of prior user rights, if any, on small businesses, universities, and individual inventors.

(E) An analysis of legal and constitutional issues, if any, that arise from placing trade secret law in patent law.

(F) An analysis of whether the change to a first-to-file patent system creates a particular need for prior user rights.

(2) CONSULTATION WITH OTHER AGENCIES.—In preparing the report required under paragraph (1), the Director shall consult with the United States Trade Representative, the Secretary of State, and the Attorney General.

(n) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this section, the amendments made by this section shall take effect upon the expiration of the 18-month period beginning on the date of the enactment of this Act, and shall apply to any application for patent, and to any patent issuing thereon, that contains or contained at any time—

(A) a claim to a claimed invention that has an effective filing date as defined in section 100(i) of title 35, United States Code, that is on or after the effective date described in this paragraph; or

(B) a specific reference under section 120, 121, or 365(c) of title 35, United States Code, to any patent or application that contains or contained at any time such a claim.

(2) INTERFERING PATENTS.—The provisions of sections 102(g), 135, and 291 of title 35, United States Code, as in effect on the day before the effective date set forth in paragraph (1) of this subsection, shall apply to each claim of an application for patent, and any patent issued thereon, for which the amendments made by this section also apply, if such application or patent contains or contained at any time—

(A) a claim to an invention having an effective filing date as defined in section 100(i) of title 35, United States Code, that occurs before the effective date set forth in paragraph (1) of this subsection; or

(B) a specific reference under section 120, 121, or 365(c) of title 35, United States Code, to any patent or application that contains or contained at any time such a claim.

(o) STUDY OF PATENT LITIGATION.—

(1) GAO STUDY.—The Comptroller General of the United States shall conduct a study of the consequences of litigation by non-practicing entities, or by patent assertion entities, related to patent claims made under title 35, United States Code, and regulations authorized by that title.

(2) CONTENTS OF STUDY.—The study conducted under this subsection shall include the following:

(A) The annual volume of litigation described in paragraph (1) over the 20-year period ending on the date of the enactment of this Act.

(B) The volume of cases comprising such litigation that are found to be without merit after judicial review.

(C) The impacts of such litigation on the time required to resolve patent claims.

(D) The estimated costs, including the estimated cost of defense, associated with such litigation for patent holders, patent licensors, patent licensees, and inventors, and for users of alternate or competing innovations.

(E) The economic impact of such litigation on the economy of the United States, including the impact on inventors, job creation, employers, employees, and consumers.

(F) The benefit to commerce, if any, supplied by non-practicing entities or patent assertion entities that prosecute such litigation.

(3) REPORT TO CONGRESS.—The Comptroller General shall, not later than the date that is 1 year after the date of the enactment of this Act, submit to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate a report on the results of the study required under this subsection, including recommendations for any changes to laws and regulations that will minimize any negative impact of patent litigation that was the subject of such study.

(p) SENSE OF CONGRESS.—It is the sense of the Congress that converting the United States patent registration system from ''first inventor to use'' to a system of ''first inventor to file'' will promote the progress of science by securing for limited times to inventors the exclusive rights to their discoveries and provide inventors with greater certainty regarding the scope of protection granted by the exclusive rights to their discoveries.

(q) SENSE OF CONGRESS.—It is the sense of the Congress that converting the United States patent registration system from ''first inventor to use'' to a system of ''first inventor to file'' will harmonize the United States patent registration system with the patent registration systems commonly used in nearly all other countries throughout the world with whom the United States conducts trade and thereby promote a greater sense of international uniformity and certainty in the procedures used for securing the exclusive rights of inventors to their discoveries.

SEC. 4. INVENTOR'S OATH OR DECLARATION.

(a) INVENTOR'S OATH OR DECLARATION.—

(1) IN GENERAL.—Section 115 of title 35, United States Code, is amended to read as follows:

''§ 115. Inventor's oath or declaration

''(a) NAMING THE INVENTOR; INVENTOR'S OATH OR DECLARATION.—An application for patent that is filed under section 111(a) or commences the national stage under section 371 shall include, or be amended to include, the name of the inventor for any invention claimed in the application. Except as otherwise provided in this section, each individual who is the inventor or a joint inventor of a claimed invention in an application for patent shall execute an oath or declaration in connection with the application.

''(b) REQUIRED STATEMENTS.—An oath or declaration under subsection (a) shall contain statements that—

''(1) the application was made or was authorized to be made by the affiant or declarant; and

''(2) such individual believes himself or herself to be the original inventor or an original joint inventor of a claimed invention in the application.

''(c) ADDITIONAL REQUIREMENTS.—The Director may specify additional information relating to the inventor and the invention that is required to be included in an oath or declaration under subsection (a).

''(d) SUBSTITUTE STATEMENT.—

''(1) IN GENERAL.—In lieu of executing an oath or declaration under subsection (a), the applicant for patent may provide a substitute statement under the circumstances described in paragraph (2) and such additional circumstances that the Director may specify by regulation.

''(2) PERMITTED CIRCUMSTANCES.—A substitute statement under paragraph (1) is permitted with respect to any individual who—

''(A) is unable to file the oath or declaration under subsection (a) because the individual—

''(i) is deceased;

''(ii) is under legal incapacity; or

''(iii) cannot be found or reached after diligent effort; or

''(B) is under an obligation to assign the invention but has refused to make the oath or declaration required under subsection (a).

''(3) CONTENTS.—A substitute statement under this subsection shall—

''(A) identify the individual with respect to whom the statement applies;

''(B) set forth the circumstances representing the permitted basis for the filing of the substitute statement in lieu of the oath or declaration under subsection (a); and

''(C) contain any additional information, including any showing, required by the Director.

''(e) MAKING REQUIRED STATEMENTS IN ASSIGNMENT OF RECORD.—An individual who is under an obligation of assignment of an application for patent may include the required statements under subsections (b) and (c) in the assignment executed by the individual, in lieu of filing such statements separately.

''(f) TIME FOR FILING.—A notice of allowance under section 151 may be provided to an applicant for patent only if the applicant for patent has filed each required oath or declaration under subsection (a) or has filed a substitute statement under subsection (d) or recorded an assignment meeting the requirements of subsection (e).

''(g) EARLIER-FILED APPLICATION CONTAINING REQUIRED STATEMENTS OR SUBSTITUTE STATEMENT.—

''(1) EXCEPTION.—The requirements under this section shall not apply to an individual with respect to an application for patent in which the individual is named as the inventor or a joint inventor and who claims the benefit under section 120, 121, or 365(c) of the filing of an earlier-filed application, if—

''(A) an oath or declaration meeting the requirements of subsection (a) was executed by the individual and was filed in connection with the earlier-filed application;

''(B) a substitute statement meeting the requirements of subsection (d) was filed in connection with the earlier filed application with respect to the individual; or

''(C) an assignment meeting the requirements of subsection (e) was executed with respect to the earlier-filed application by the individual and was recorded in connection with the earlier-filed application.

''(2) COPIES OF OATHS, DECLARATIONS, STATEMENTS, OR ASSIGNMENTS.—Notwithstanding paragraph (1), the Director may require that a copy of the executed oath or declaration, the substitute statement, or the assignment filed in connection with the earlier-filed application be included in the later-filed application.

''(h) SUPPLEMENTAL AND CORRECTED STATEMENTS; FILING ADDITIONAL STATEMENTS.—

''(1) IN GENERAL.—Any person making a statement required under this section may withdraw, replace, or otherwise correct the statement at any time. If a change is made in the naming of the inventor requiring the filing of 1 or more additional statements under this section, the Director shall establish regulations under which such additional statements may be filed.

''(2) SUPPLEMENTAL STATEMENTS NOT REQUIRED.—If an individual has executed an oath or declaration meeting the requirements of subsection (a) or an assignment meeting the requirements of subsection (e) with respect to an application for patent, the Director may not thereafter require that individual to make any additional oath, declaration, or other statement equivalent to those required by this section in connection with the application for patent or any patent issuing thereon.

''(3) SAVINGS CLAUSE.—A patent shall not be invalid or unenforceable based upon the failure to comply with a requirement under this section if the failure is remedied as provided under paragraph (1).

''(i) ACKNOWLEDGMENT OF PENALTIES.—Any declaration or statement filed pursuant to this section shall contain an acknowledgment that any willful false statement made in such declaration or statement is punishable under section 1001 of title 18 by fine or imprisonment of not more than 5 years, or both.''.

(2) RELATIONSHIP TO DIVISIONAL APPLICATIONS.—Section 121 of title 35, United States Code, is amended by striking ''If a divisional application'' and all that follows through ''inventor.''.

(3) REQUIREMENTS FOR NONPROVISIONAL APPLICATIONS.—Section 111(a) of title 35, United States Code, is amended—

(A) in paragraph (2)(C), by striking ''by the applicant'' and inserting ''or declaration'';

(B) in the heading for paragraph (3), by inserting ''OR DECLARATION'' after ''AND OATH''; and

(C) by inserting ''or declaration'' after ''and oath'' each place it appears.

(4) CONFORMING AMENDMENT.—The item relating to section 115 in the table of sections for chapter 11 of title 35, United States Code, is amended to read as follows:

''115. Inventor's oath or declaration.''.

(b) FILING BY OTHER THAN INVENTOR.—

(1) IN GENERAL.—Section 118 of title 35, United States Code, is amended to read as follows:

''§ 118. Filing by other than inventor

''A person to whom the inventor has assigned or is under an obligation to assign the invention may make an application for patent. A person who otherwise shows sufficient proprietary interest in the matter may make an application for patent on behalf of and as agent for the inventor on proof of the pertinent facts and a showing that such action is appropriate to preserve the rights of the parties. If the Director grants a patent on an application filed under this section by a person other than the inventor, the patent shall be granted to the real party in interest and upon such notice to the inventor as the Director considers to be sufficient.''.

(2) CONFORMING AMENDMENT.—Section 251 of title 35, United States Code, is amended in the third undesignated paragraph by inserting ''or the application for the original patent was filed by the assignee of the entire interest'' after ''claims of the original patent''.

(c) SPECIFICATION.—Section 112 of title 35, United States Code, is amended—

(1) in the first undesignated paragraph—

(A) by striking ''The specification'' and inserting ''(a) IN GENERAL.—The specification''; and

(B) by striking ''of carrying out his invention'' and inserting ''or joint inventor of carrying out the invention'';

(2) in the second undesignated paragraph—

(A) by striking ''The specification'' and inserting ''(b) CONCLUSION.—The specification''; and

(B) by striking ''applicant regards as his invention'' and inserting ''inventor or a joint inventor regards as the invention'';

(3) in the third undesignated paragraph, by striking ''A claim'' and inserting ''(c) FORM.—A claim'';

(4) in the fourth undesignated paragraph, by striking ''Subject to the following paragraph,'' and inserting ''(d) REFERENCE IN DEPENDENT FORMS.—Subject to subsection (e),'';

(5) in the fifth undesignated paragraph, by striking ''A claim'' and inserting ''(e) REFERENCE IN MULTIPLE DEPENDENT FORM.—A claim''; and

(6) in the last undesignated paragraph, by striking ''An element'' and inserting ''(f) ELEMENT IN CLAIM FOR A COMBINATION.—An element''.

(d) CONFORMING AMENDMENTS.—

(1) Sections 111(b)(1)(A) of title 35, United States Code, is amended by striking ''the first paragraph of section 112 of this title'' and inserting ''section 112(a)''.

(2) Section 111(b)(2) of title 35, United States Code, is amended by striking ''the second through fifth paragraphs of section 112,'' and inserting ''subsections (b) through (e) of section 112,''.

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect upon the expiration of the 1-year period beginning on the date of the enactment of this Act and shall apply to any patent application that is filed on or after that effective date.

SEC. 5. DEFENSE TO INFRINGEMENT BASED ON EARLIER INVENTOR.

Section 273 of title 35, United States Code, is amended as follows:

(1) Subsection (a) is amended—

(A) in paragraph (1)—

(i) by striking ''use of a method in'' and inserting ''use of the subject matter of a patent in''; and

(ii) by adding ''and'' after the semicolon;

(B) in paragraph (2), by striking the semicolon at the end of subparagraph (B) and inserting a period; and

(C) by striking paragraphs (3) and (4).

(2) Subsection (b) is amended—

(A) in paragraph (1)—

(i) by striking ''for a method''; and

(ii) by striking ''at least 1 year'' and all that follows through the end and inserting ''and commercially used the subject matter at least 1 year before the effective filing date of the claimed invention that is the subject matter of the patent.'';

(B) in paragraph (2), by striking ''patented method'' and inserting ''patented process'';

(C) in paragraph (3)—

(i) by striking subparagraph (A);

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

''(A) DERIVATION AND PRIOR DISCLOSURE TO THE PUBLIC.—A person may not assert the defense under this section if—

''(i) the subject matter on which the defense is based was derived from the patentee or persons in privity with the patentee; or

''(ii) the claimed invention that is the subject of the defense was disclosed to the public in a manner that qualified for the exception from the prior art under section 102(b) and the commercialization date relied upon under paragraph (1) of this subsection for establishing entitlement to the defense is less than 1 year before the date of such disclosure to the public;'';

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

(iv) by adding at the end the following:

''(C) FUNDING.—

''(i) DEFENSE NOT AVAILABLE IN CERTAIN CASES.—A person may not assert the defense under this section if the subject matter of the patent on which the defense is based was developed pursuant to a funding agreement under chapter 18 or by a nonprofit institution of higher education, or a technology transfer organization affiliated with such an institution, that did not receive funding from a private business enterprise in support of that development.

''(ii) DEFINITIONS.—In this subparagraph—

''(I) the term 'institution of higher education' has the meaning given that term in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)); and

''(II) the term 'technology transfer organization' means an organization the primary purpose of which is to facilitate the commercialization of technologies developed by one or more institutions of higher education.''; and

(D) by amending paragraph (6) to read as follows:

''(6) PERSONAL DEFENSE.—

''(A) IN GENERAL.—The defense under this section may be asserted only by the person who performed or caused the performance of the acts necessary to establish the defense, as well as any other entity that controls, is controlled by, or is under common control with such person, and, except for any transfer to the patent owner, the right to assert the defense shall not be licensed or assigned or transferred to another person except as an ancillary and subordinate part of a good faith assignment or transfer for other reasons of the entire enterprise or line of business to which the defense relates.

''(B) EXCEPTION.—Notwithstanding subparagraph (A), any person may, on the person's own behalf, assert a defense based on the exhaustion of rights provided under paragraph (2), including any necessary elements thereof.''.

SEC. 6. POST-GRANT REVIEW PROCEEDINGS.

(a) INTER PARTES REVIEW.—Chapter 31 of title 35, United States Code, is amended to read as follows:

''CHAPTER 31—INTER PARTES REVIEW

''Sec.
''311. Inter partes review.
''312. Petitions.
''313. Preliminary response to petition.
''314. Institution of inter partes review.
''315. Relation to other proceedings or actions.
''316. Conduct of inter partes review.
''317. Settlement.
''318. Decision of the Board.
''319. Appeal.

''§ 311. Inter partes review

''(a) IN GENERAL.—Subject to the provisions of this chapter, a person who is not the owner of a patent may file with the Office a petition to institute an inter partes review of the patent. The Director shall establish, by regulation, fees to be paid by the person requesting the review, in such amounts as the Director determines to be reasonable, considering the aggregate costs of the review.

''(b) SCOPE.—A petitioner in an inter partes review may request to cancel as unpatentable 1 or more claims of a patent only on a ground that could be raised under section 102 or 103 and only on the basis of prior art consisting of patents or printed publications.

''(c) FILING DEADLINE.—A petition for inter partes review shall be filed after the later of either—

''(1) the date that is 1 year after the grant of a patent or issuance of a reissue of a patent; or

''(2) if a post-grant review is instituted under chapter 32, the date of the termination of such post-grant review.

''§ 312. Petitions

''(a) REQUIREMENTS OF PETITION.—A petition filed under section 311 may be considered only if—

''(1) the petition is accompanied by payment of the fee established by the Director under section 311;

''(2) the petition identifies all real parties in interest;

''(3) the petition identifies, in writing and with particularity, each claim challenged, the grounds on which the challenge to each claim is based, and the evidence that supports the grounds for the challenge to each claim, including—

''(A) copies of patents and printed publications that the petitioner relies upon in support of the petition; and

''(B) affidavits or declarations of supporting evidence and opinions, if the petitioner relies on expert opinions;

''(4) the petition provides such other information as the Director may require by regulation; and

''(5) the petitioner provides copies of any of the documents required under paragraphs (2), (3), and (4) to the patent owner or, if applicable, the designated representative of the patent owner.

''(b) PUBLIC AVAILABILITY.—As soon as practicable after the receipt of a petition under section 311, the Director shall make the petition available to the public.

''§ 313. Preliminary response to petition

''If an inter partes review petition is filed under section 311, the patent owner shall have the right to file a preliminary response to the petition, within a time period set by the Director, that sets forth reasons why no inter partes review should be instituted based upon the failure of the petition to meet any requirement of this chapter.

''§ 314. Institution of inter partes review

''(a) THRESHOLD.—The Director may not authorize an inter partes review to commence unless the Director determines that the information

presented in the petition filed under section 311 and any response filed under section 313 shows that there is a reasonable likelihood that the petitioner would prevail with respect to at least 1 of the claims challenged in the petition.

''(b) TIMING.—The Director shall determine whether to institute an inter partes review under this chapter pursuant to a petition filed under section 311 within 3 months after—

''(1) receiving a preliminary response to the petition under section 313; or

''(2) if no such preliminary response is filed, the last date on which such response may be filed.

''(c) NOTICE.—The Director shall notify the petitioner and patent owner, in writing, of the Director's determination under subsection (a), and shall make such notice available to the public as soon as is practicable. Such notice shall include the date on which the review shall commence.

''(d) NO APPEAL.—The determination by the Director whether to institute an inter partes review under this section shall be final and nonappealable.

''§ 315. Relation to other proceedings or actions

''(a) INFRINGER'S CIVIL ACTION.—

''(1) INTER PARTES REVIEW BARRED BY CIVIL ACTION.—An inter partes review may not be instituted if, before the date on which the petition for such a review is filed, the petitioner, real party in interest, or privy of the petitioner filed a civil action challenging the validity of a claim of the patent.

''(2) STAY OF CIVIL ACTION.—If the petitioner, real party in interest, or privy of the petitioner files a civil action challenging the validity of a claim of the patent on or after the date on which the petitioner files a petition for inter partes review of the patent, that civil action shall be automatically stayed until either—

''(A) the patent owner moves the court to lift the stay;

''(B) the patent owner files a civil action or counterclaim alleging that the petitioner, real party in interest, or privy of the petitioner has infringed the patent; or

''(C) the petitioner, real party in interest, or privy of the petitioner moves the court to dismiss the civil action.

''(3) TREATMENT OF COUNTERCLAIM.—A counterclaim challenging the validity of a claim of a patent does not constitute a civil action challenging the validity of a claim of a patent for purposes of this subsection.

''(b) PATENT OWNER'S ACTION.—An inter partes review may not be instituted if the petition requesting the proceeding is filed more than 1 year after the date on which the petitioner, real party in interest, or privy of the petitioner is served with a complaint alleging infringement of the patent. The time limitation set forth in the preceding sentence shall not apply to a request for joinder under subsection (c).

''(c) JOINDER.—If the Director institutes an inter partes review, the Director, in his or her discretion, may join as a party to that inter partes review any person who properly files a petition under section 311 that the Director, after receiving a preliminary response under section 313 or the expiration of the time for filing such a response, determines warrants the institution of an inter partes review under section 314.

''(d) MULTIPLE PROCEEDINGS.—Notwithstanding sections 135(a), 251, and 252, and chapter 30, during the pendency of an inter partes review, if another proceeding or matter involving the patent is before the Office, the Director may determine the manner in which the inter partes review or other proceeding or matter may proceed, including providing for stay, transfer, consolidation, or termination of any such matter or proceeding.

''(e) ESTOPPEL.—

''(1) PROCEEDINGS BEFORE THE OFFICE.—The petitioner in an inter partes review of a claim in a patent under this chapter that results in a final written decision under section 318(a), or the real party in interest or privy of the petitioner, may not request or maintain a proceeding before the Office with respect to that claim on any ground that the petitioner raised or reasonably could have raised during that inter partes review.

''(2) CIVIL ACTIONS AND OTHER PROCEEDINGS.—The petitioner in an inter partes review of a claim in a patent under this chapter that results in a final written decision under section 318(a), or the real party in interest or privy of the petitioner, may not assert either in a civil action arising in whole or in part under section 1338 of title 28 or in a proceeding before the International Trade Commission under section 337 of the Tariff Act of 1930 that the claim is invalid on any ground that the petitioner raised or reasonably could have raised during that inter partes review.

''§ 316. Conduct of inter partes review

''(a) REGULATIONS.—The Director shall prescribe regulations—

''(1) providing that the file of any proceeding under this chapter shall be made available to the public, except that any petition or document filed with the intent that it be sealed shall, if accompanied by a motion to seal, be treated as sealed pending the outcome of the ruling on the motion;

''(2) setting forth the standards for the showing of sufficient grounds to institute a review under section 314(a);

''(3) establishing procedures for the submission of supplemental information after the petition is filed;

''(4) establishing and governing inter partes review under this chapter and the relationship of such review to other proceedings under this title;

''(5) setting forth standards and procedures for discovery of relevant evidence, including that such discovery shall be limited to—

''(A) the deposition of witnesses submitting affidavits or declarations; and

''(B) what is otherwise necessary in the interest of justice;

''(6) prescribing sanctions for abuse of discovery, abuse of process, or any other improper use of the proceeding, such as to harass or to cause unnecessary delay or an unnecessary increase in the cost of the proceeding;

''(7) providing for protective orders governing the exchange and submission of confidential information;

''(8) providing for the filing by the patent owner of a response to the petition under section 313 after an inter partes review has been instituted, and requiring that the patent owner file with such response, through affidavits or declarations, any additional factual evidence and expert opinions on which the patent owner relies in support of the response;

''(9) setting forth standards and procedures for allowing the patent owner to move to amend the patent under subsection (d) to cancel a challenged claim or propose a reasonable number of substitute claims, and ensuring that any information submitted by the patent owner in support of any amendment entered under subsection (d) is made available to the public as part of the prosecution history of the patent;

''(10) providing either party with the right to an oral hearing as part of the proceeding;

''(11) requiring that the final determination in an inter partes review be issued not later than 1 year after the date on which the Director notices the institution of a review under this chapter, except that the Director may, for good cause shown, extend the 1-year period by not more than 6 months, and may adjust the time periods in this paragraph in the case of joinder under section 315(c);

''(12) setting a time period for requesting joinder under section 315(c); and

''(13) providing the petitioner with at least 1 opportunity to file written comments within a time period established by the Director.

''(b) CONSIDERATIONS.—In prescribing regulations under this section, the Director shall consider the effect of any such regulation on the economy, the integrity of the patent system, the efficient administration of the Office, and the ability of the Office to timely complete proceedings instituted under this chapter.

''(c) PATENT TRIAL AND APPEAL BOARD.—The Patent Trial and Appeal Board shall, in accordance with section 6, conduct each inter partes review instituted under this chapter.

''(d) AMENDMENT OF THE PATENT.—

''(1) IN GENERAL.—During an inter partes review instituted under this chapter, the patent owner may file 1 motion to amend the patent in 1 or more of the following ways:

''(A) Cancel any challenged patent claim.

''(B) For each challenged claim, propose a reasonable number of substitute claims.

''(2) ADDITIONAL MOTIONS.—Additional motions to amend may be permitted upon the joint request of the petitioner and the patent owner to materially advance the settlement of a proceeding under section 317, or as permitted by regulations prescribed by the Director.

''(3) SCOPE OF CLAIMS.—An amendment under this subsection may not enlarge the scope of the claims of the patent or introduce new matter.

''(e) EVIDENTIARY STANDARDS.—In an inter partes review instituted under this chapter, the petitioner shall have the burden of proving a proposition of unpatentability by a preponderance of the evidence.

''§ 317. Settlement

''(a) IN GENERAL.—An inter partes review instituted under this chapter shall be terminated with respect to any petitioner upon the joint request of the petitioner and the patent owner, unless the Office has decided the merits of the proceeding before the request for termination is filed. If the inter partes review is terminated with respect to a petitioner under this section, no estoppel under section 315(e) shall attach to the petitioner, or to the real party in interest or privy of the petitioner, on the basis of that petitioner's institution of that inter partes review. If no petitioner remains in the inter partes review, the Office may terminate the review or proceed to a final written decision under section 318(a).

''(b) AGREEMENTS IN WRITING.—Any agreement or understanding between the patent owner and a petitioner, including any collateral agreements referred to in such agreement or understanding, made in connection with, or in contemplation of, the termination of an inter partes review under this section shall be in writing and a true copy of such agreement or understanding shall be filed in the Office before the termination of the inter partes review as between the parties. At the request of a party to the proceeding, the agreement or understanding shall be treated as business confidential information, shall be kept separate from the file of the involved patents, and shall be made available only to Federal Government agencies on written request, or to any person on a showing of good cause.

''§ 318. Decision of the Board

''(a) FINAL WRITTEN DECISION.—If an inter partes review is instituted and not dismissed under this chapter, the Patent Trial and Appeal Board shall issue a final written decision with respect to the patentability of any patent claim challenged by the petitioner and any new claim added under section 316(d).

''(b) CERTIFICATE.—If the Patent Trial and Appeal Board issues a final written decision under subsection (a) and the time for appeal has expired or any appeal has terminated, the Director shall issue and publish a certificate canceling any claim of the patent finally determined to be unpatentable, confirming any claim of the patent determined to be patentable, and incorporating in the patent by operation of the certificate any new or amended claim determined to be patentable.

''(c) AMENDED OR NEW CLAIM.—Any proposed amended or new claim determined to be patentable and incorporated into a patent following an inter partes review under this chapter shall have the same effect as that specified in section 252 for reissued patents on the right of any person who made, purchased, or used within the United States, or imported into the United States, anything patented by such proposed amended or new claim, or who made substantial preparation therefor, before the issuance of a certificate under subsection (b).

''(d) DATA ON LENGTH OF REVIEW.—The Office shall make available to the public data describing the length of time between the institution of, and the issuance of a final written decision under subsection (a) for, each inter partes review.

''§ 319. Appeal

''A party dissatisfied with the final written decision of the Patent Trial and Appeal Board under section 318(a) may appeal the decision pursuant to sections 141 through 144. Any party to the inter partes review shall have the right to be a party to the appeal.''.

(b) CONFORMING AMENDMENT.—The table of chapters for part III of title 35, United States Code, is amended by striking the item relating to chapter 31 and inserting the following:

''31. Inter Partes Review ..... 311''.

(c) REGULATIONS AND EFFECTIVE DATE.—

(1) REGULATIONS.—The Director shall, not later than the date that is 1 year after the date of the enactment of this Act, issue regulations to carry out chapter 31 of title 35, United States Code, as amended by subsection (a) of this section.

(2) APPLICABILITY.—

(A) IN GENERAL.—The amendments made by subsection (a) shall take effect upon the expiration of the 1-year period beginning on the date of the enactment of this Act and shall apply to any patent issued before, on, or after that effective date.

(B) GRADUATED IMPLEMENTATION.—The Director may impose a limit on the number of inter partes reviews that may be instituted under chapter 31 of title 35, United States Code, during each of the first 4 1-year periods in which the amendments made by subsection (a) are in effect, if such number in each year equals or exceeds the number of inter partes reexaminations that are ordered under chapter 31 of title 35, United States Code, in the last fiscal year ending before the effective date of the amendments made by subsection (a).

(d) POST-GRANT REVIEW.—Part III of title 35, United States Code, is amended by adding at the end the following:

''CHAPTER 32—POST-GRANT REVIEW

''Sec.
''321. Post-grant review.
''322. Petitions.
''323. Preliminary response to petition.
''324. Institution of post-grant review.
''325. Relation to other proceedings or actions.
''326. Conduct of post-grant review.
''327. Settlement.
''328. Decision of the Board.
''329. Appeal.

''§ 321. Post-grant review

''(a) IN GENERAL.—Subject to the provisions of this chapter, a person who is not the patent owner may file with the Office a petition to institute a post-grant review of a patent. The Director shall establish, by regulation, fees to be paid by the person requesting the review, in such amounts as the Director determines to be reasonable, considering the aggregate costs of the post-grant review.

''(b) SCOPE.—A petitioner in a post-grant review may request to cancel as unpatentable 1 or more claims of a patent on any ground that could be raised under paragraph (2) or (3) of section 282(b) (relating to invalidity of the patent or any claim).

''(c) FILING DEADLINE.—A petition for a post-grant review may only be filed not later than the date that is 1 year after the date of the grant of the patent or of the issuance of a reissue patent (as the case may be).

''§ 322. Petitions

''(a) REQUIREMENTS OF PETITION.—A petition filed under section 321 may be considered only if—

''(1) the petition is accompanied by payment of the fee established by the Director under section 321;

''(2) the petition identifies all real parties in interest;

''(3) the petition identifies, in writing and with particularity, each claim challenged, the grounds on which the challenge to each claim is based, and the evidence that supports the grounds for the challenge to each claim, including—

''(A) copies of patents and printed publications that the petitioner relies upon in support of the petition; and

''(B) affidavits or declarations of supporting evidence and opinions, if the petitioner relies on other factual evidence or on expert opinions;

''(4) the petition provides such other information as the Director may require by regulation; and

''(5) the petitioner provides copies of any of the documents required under paragraphs (2), (3), and (4) to the patent owner or, if applicable, the designated representative of the patent owner.

''(b) PUBLIC AVAILABILITY.—As soon as practicable after the receipt of a petition under section 321, the Director shall make the petition available to the public.

''§ 323. Preliminary response to petition

''If a post-grant review petition is filed under section 321, the patent owner shall have the right to file a preliminary response to the petition, within a time period set by the Director, that sets forth reasons why no post-grant review should be instituted based upon the failure of the petition to meet any requirement of this chapter.

''§ 324. Institution of post-grant review

''(a) THRESHOLD.—The Director may not authorize a post-grant review to commence unless the Director determines that the information presented in the petition filed under section 321, if such information is not rebutted, would demonstrate that it is more likely than not that at least 1 of the claims challenged in the petition is unpatentable.

''(b) ADDITIONAL GROUNDS.—The determination required under subsection (a) may also be satisfied by a showing that the petition raises a novel or unsettled legal question that is important to other patents or patent applications.

''(c) TIMING.—The Director shall determine whether to institute a post-grant review under this chapter pursuant to a petition filed under section 321 within 3 months after—

''(1) receiving a preliminary response to the petition under section 323; or

''(2) if no such preliminary response is filed, the last date on which such response may be filed.

''(d) NOTICE.—The Director shall notify the petitioner and patent owner, in writing, of the Director's determination under subsection (a) or (b), and shall make such notice available to the public as soon as is practicable. The Director shall make each notice of the institution of a post-grant review available to the public. Such notice shall include the date on which the review shall commence.

''(e) NO APPEAL.—The determination by the Director whether to institute a post-grant review under this section shall be final and nonappealable.

''§ 325. Relation to other proceedings or actions

''(a) INFRINGER'S CIVIL ACTION.—

''(1) POST-GRANT REVIEW BARRED BY CIVIL ACTION.—A post-grant review may not be instituted under this chapter if, before the date on which the petition for such a review is filed, the petitioner, real party in interest, or privy of the petitioner filed a civil action challenging the validity of a claim of the patent.

''(2) STAY OF CIVIL ACTION.—If the petitioner, real party in interest, or privy of the petitioner files a civil action challenging the validity of a claim of the patent on or after the date on which the petitioner files a petition for post-grant review of the patent, that civil action shall be automatically stayed until either—

''(A) the patent owner moves the court to lift the stay;

''(B) the patent owner files a civil action or counterclaim alleging that the petitioner, real party in interest, or privy of the petitioner has infringed the patent; or

''(C) the petitioner, real party in interest, or privy of the petitioner moves the court to dismiss the civil action.

''(3) TREATMENT OF COUNTERCLAIM.—A counterclaim challenging the validity of a claim of a patent does not constitute a civil action challenging the validity of a claim of a patent for purposes of this subsection.

''(b) PRELIMINARY INJUNCTIONS.—If a civil action alleging infringement of a patent is filed within 3 months after the date on which the patent is granted, the court may not stay its consideration of the patent owner's motion for a preliminary injunction against infringement of the patent on the basis that a petition for post-grant review has been filed under this chapter or that such a post-grant review has been instituted under this chapter.

''(c) JOINDER.—If more than 1 petition for a post-grant review under this chapter is properly filed against the same patent and the Director determines that more than 1 of these petitions warrants the institution of a post-grant review under section 324, the Director may consolidate such reviews into a single post-grant review.

''(d) MULTIPLE PROCEEDINGS.—Notwithstanding sections 135(a), 251, and 252, and chapter 30, during the pendency of any post-grant review under this chapter, if another proceeding or matter involving the patent is before the Office, the Director may determine the manner in which the post-grant review or other proceeding or matter may proceed, including providing for the stay, transfer, consolidation, or termination of any such matter or proceeding. In determining whether to institute or order a proceeding under this chapter, chapter 30, or chapter 31, the Director may take into account whether, and reject the petition or request because, the same or substantially the same prior art or arguments previously were presented to the Office.

''(e) ESTOPPEL.—

''(1) PROCEEDINGS BEFORE THE OFFICE.—The petitioner in a post-grant review of a claim in a patent under this chapter that results in a final written decision under section 328(a), or the real party in interest or privy of the petitioner, may not request or maintain a proceeding before the Office with respect to that claim on any ground that the petitioner raised or reasonably could have raised during that post-grant review.

''(2) CIVIL ACTIONS AND OTHER PROCEEDINGS.—The petitioner in a post-grant review of a claim in a patent under this chapter that results in a final written decision under section 328(a), or the real party in interest or privy of the petitioner, may not assert either in a civil action arising in whole or in part under section 1338 of title 28 or in a proceeding before the International Trade Commission under section 337 of the Tariff Act of 1930 that the claim is invalid on any ground that the petitioner raised or reasonably could have raised during that post-grant review.

''(f) REISSUE PATENTS.—A post-grant review may not be instituted under this chapter if the petition requests cancellation of a claim in a reissue patent that is identical to or narrower

than a claim in the original patent from which the reissue patent was issued, and the time limitations in section 321(c) would bar filing a petition for a post-grant review for such original patent.

"§ 326. Conduct of post-grant review

''(a) REGULATIONS.—The Director shall prescribe regulations—

''(1) providing that the file of any proceeding under this chapter shall be made available to the public, except that any petition or document filed with the intent that it be sealed shall, if accompanied by a motion to seal, be treated as sealed pending the outcome of the ruling on the motion;

''(2) setting forth the standards for the showing of sufficient grounds to institute a review under subsections (a) and (b) of section 324;

''(3) establishing procedures for the submission of supplemental information after the petition is filed;

''(4) establishing and governing a post-grant review under this chapter and the relationship of such review to other proceedings under this title;

''(5) setting forth standards and procedures for discovery of relevant evidence, including that such discovery shall be limited to evidence directly related to factual assertions advanced by either party in the proceeding;

''(6) prescribing sanctions for abuse of discovery, abuse of process, or any other improper use of the proceeding, such as to harass or to cause unnecessary delay or an unnecessary increase in the cost of the proceeding;

''(7) providing for protective orders governing the exchange and submission of confidential information;

''(8) providing for the filing by the patent owner of a response to the petition under section 323 after a post-grant review has been instituted, and requiring that the patent owner file with such response, through affidavits or declarations, any additional factual evidence and expert opinions on which the patent owner relies in support of the response;

''(9) setting forth standards and procedures for allowing the patent owner to move to amend the patent under subsection (d) to cancel a challenged claim or propose a reasonable number of substitute claims, and ensuring that any information submitted by the patent owner in support of any amendment entered under subsection (d) is made available to the public as part of the prosecution history of the patent;

''(10) providing either party with the right to an oral hearing as part of the proceeding; and

''(11) requiring that the final determination in any post-grant review be issued not later than 1 year after the date on which the Director notices the institution of a proceeding under this chapter, except that the Director may, for good cause shown, extend the 1-year period by not more than 6 months, and may adjust the time periods in this paragraph in the case of joinder under section 325(c).

''(b) CONSIDERATIONS.—In prescribing regulations under this section, the Director shall consider the effect of any such regulation on the economy, the integrity of the patent system, the efficient administration of the Office, and the ability of the Office to timely complete proceedings instituted under this chapter.

''(c) PATENT TRIAL AND APPEAL BOARD.—The Patent Trial and Appeal Board shall, in accordance with section 6, conduct each post-grant review instituted under this chapter.

''(d) AMENDMENT OF THE PATENT.—

''(1) IN GENERAL.—During a post-grant review instituted under this chapter, the patent owner may file 1 motion to amend the patent in 1 or more of the following ways:

''(A) Cancel any challenged patent claim.

''(B) For each challenged claim, propose a reasonable number of substitute claims.

''(2) ADDITIONAL MOTIONS.—Additional motions to amend may be permitted upon the joint request of the petitioner and the patent owner to materially advance the settlement of a proceeding under section 327, or upon the request of the patent owner for good cause shown.

''(3) SCOPE OF CLAIMS.—An amendment under this subsection may not enlarge the scope of the claims of the patent or introduce new matter.

''(e) EVIDENTIARY STANDARDS.—In a post-grant review instituted under this chapter, the petitioner shall have the burden of proving a proposition of unpatentability by a preponderance of the evidence.

"§ 327. Settlement

''(a) IN GENERAL.—A post-grant review instituted under this chapter shall be terminated with respect to any petitioner upon the joint request of the petitioner and the patent owner, unless the Office has decided the merits of the proceeding before the request for termination is filed. If the post-grant review is terminated with respect to a petitioner under this section, no estoppel under section 325(e) shall attach to the petitioner, or to the real party in interest or privy of the petitioner, on the basis of that petitioner's institution of that post-grant review. If no petitioner remains in the post-grant review, the Office may terminate the post-grant review or proceed to a final written decision under section 328(a).

''(b) AGREEMENTS IN WRITING.—Any agreement or understanding between the patent owner and a petitioner, including any collateral agreements referred to in such agreement or understanding, made in connection with, or in contemplation of, the termination of a post-grant review under this section shall be in writing, and a true copy of such agreement or understanding shall be filed in the Office before the termination of the post-grant review as between the parties. At the request of a party to the proceeding, the agreement or understanding shall be treated as business confidential information, shall be kept separate from the file of the involved patents, and shall be made available only to Federal Government agencies on written request, or to any person on a showing of good cause.

"§ 328. Decision of the Board

''(a) FINAL WRITTEN DECISION.—If a post-grant review is instituted and not dismissed under this chapter, the Patent Trial and Appeal Board shall issue a final written decision with respect to the patentability of any patent claim challenged by the petitioner and any new claim added under section 326(d).

''(b) CERTIFICATE.—If the Patent Trial and Appeal Board issues a final written decision under subsection (a) and the time for appeal has expired or any appeal has terminated, the Director shall issue and publish a certificate canceling any claim of the patent finally determined to be unpatentable, confirming any claim of the patent determined to be patentable, and incorporating in the patent by operation of the certificate any new or amended claim determined to be patentable.

''(c) AMENDED OR NEW CLAIM.—Any proposed amended or new claim determined to be patentable and incorporated into a patent following a post-grant review under this chapter shall have the same effect as that specified in section 252 of this title for reissued patents on the right of any person who made, purchased, or used within the United States, or imported into the United States, anything patented by such proposed amended or new claim, or who made substantial preparation therefor, before the issuance of a certificate under subsection (b).

''(d) DATA ON LENGTH OF REVIEW.—The Office shall make available to the public data describing the length of time between the institution of, and the issuance of a final written decision under subsection (a) for, each post-grant review.

"§ 329. Appeal

''A party dissatisfied with the final written decision of the Patent Trial and Appeal Board under section 328(a) may appeal the decision pursuant to sections 141 through 144. Any party to the post-grant review shall have the right to be a party to the appeal.''.

(e) CONFORMING AMENDMENT.—The table of chapters for part III of title 35, United States Code, is amended by adding at the end the following:

''32. Post-Grant Review ..... 321''.

(f) REGULATIONS AND EFFECTIVE DATE.—

(1) REGULATIONS.—The Director shall, not later than the date that is 1 year after the date of the enactment of this Act, issue regulations to carry out chapter 32 of title 35, United States Code, as added by subsection (d) of this section.

(2) APPLICABILITY.—

(A) IN GENERAL.—The amendments made by subsection (d) shall take effect upon the expiration of the 1-year period beginning on the date of the enactment of this Act and, except as provided in section 18 and in paragraph (3), shall apply to any patent that is described in section 3(n)(1).

(B) LIMITATION.—The Director may impose a limit on the number of post-grant reviews that may be instituted under chapter 32 of title 35, United States Code, during each of the first 4 1-year periods in which the amendments made by subsection (d) are in effect.

(3) PENDING INTERFERENCES.—

(A) PROCEDURES IN GENERAL.—The Director shall determine, and include in the regulations issued under paragraph (1), the procedures under which an interference commenced before the effective date set forth in paragraph (2)(A) is to proceed, including whether such interference—

(i) is to be dismissed without prejudice to the filing of a petition for a post-grant review under chapter 32 of title 35, United States Code; or

(ii) is to proceed as if this Act had not been enacted.

(B) PROCEEDINGS BY PATENT TRIAL AND APPEAL BOARD.—For purposes of an interference that is commenced before the effective date set forth in paragraph (2)(A), the Director may deem the Patent Trial and Appeal Board to be the Board of Patent Appeals and Interferences, and may allow the Patent Trial and Appeal Board to conduct any further proceedings in that interference.

(C) APPEALS.—The authorization to appeal or have remedy from derivation proceedings in sections 141(d) and 146 of title 35, United States Code, as amended by this Act, and the jurisdiction to entertain appeals from derivation proceedings in section 1295(a)(4)(A) of title 28, United States Code, as amended by this Act, shall be deemed to extend to any final decision in an interference that is commenced before the effective date set forth in paragraph (2)(A) of this subsection and that is not dismissed pursuant to this paragraph.

(g) CITATION OF PRIOR ART AND WRITTEN STATEMENTS.—

(1) IN GENERAL.—Section 301 of title 35, United States Code, is amended to read as follows:

"§ 301. Citation of prior art and written statements

''(a) IN GENERAL.—Any person at any time may cite to the Office in writing—

''(1) prior art consisting of patents or printed publications which that person believes to have a bearing on the patentability of any claim of a particular patent; or

''(2) statements of the patent owner filed in a proceeding before a Federal court or the Office in which the patent owner took a position on the scope of any claim of a particular patent.

''(b) OFFICIAL FILE.—If the person citing prior art or written statements pursuant to subsection (a) explains in writing the pertinence and manner of applying the prior art or written statements to at least 1 claim of the patent, the citation of the prior art or written statements and the explanation thereof shall become a part of the official file of the patent.

''(c) ADDITIONAL INFORMATION.—A party that submits a written statement pursuant to subsection (a)(2) shall include any other documents, pleadings, or evidence from the proceeding in which the statement was filed that addresses the written statement.

''(d) LIMITATIONS.—A written statement submitted pursuant to subsection (a)(2), and additional information submitted pursuant to subsection (c), shall not be considered by the Office for any purpose other than to determine the proper meaning of a patent claim in a proceeding that is ordered or instituted pursuant to section 304, 314, or 324. If any such written statement or additional information is subject to an applicable protective order, such statement or information shall be redacted to exclude information that is subject to that order.

''(e) CONFIDENTIALITY.—Upon the written request of the person citing prior art or written statements pursuant to subsection (a), that person's identity shall be excluded from the patent file and kept confidential.''.

(2) CONFORMING AMENDMENT.—The item relating to section 301 in the table of sections for chapter 30 of title 35, United States Code, is amended to read as follows:

''301. Citation of prior art and written statements.''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect upon the expiration of the 1-year period beginning on the date of the enactment of this Act and shall apply to any patent issued before, on, or after that effective date.

(h) REEXAMINATION.—

(1) DETERMINATION BY DIRECTOR.—

(A) IN GENERAL.—Section 303(a) of title 35, United States Code, is amended by striking ''section 301 of this title'' and inserting ''section 301 or 302''.

(B) EFFECTIVE DATE.—The amendment made by this paragraph shall take effect upon the expiration of the 1-year period beginning on the date of the enactment of this Act and shall apply to any patent issued before, on, or after that effective date.

(2) APPEAL.—

(A) IN GENERAL.—Section 306 of title 35, United States Code, is amended by striking ''145'' and inserting ''144''.

(B) EFFECTIVE DATE.—The amendment made by this paragraph shall take effect on the date of the enactment of this Act and shall apply to any appeal of a reexamination before the Board of Patent Appeals and Interferences or the Patent Trial and Appeal Board that is pending on, or brought on or after, the date of the enactment of this Act.

SEC. 7. PATENT TRIAL AND APPEAL BOARD.

(a) COMPOSITION AND DUTIES.—

(1) IN GENERAL.—Section 6 of title 35, United States Code, is amended to read as follows:

''§ 6. Patent Trial and Appeal Board

''(a) IN GENERAL.—There shall be in the Office a Patent Trial and Appeal Board. The Director, the Deputy Director, the Commissioner for Patents, the Commissioner for Trademarks, and the administrative patent judges shall constitute the Patent Trial and Appeal Board. The administrative patent judges shall be persons of competent legal knowledge and scientific ability who are appointed by the Secretary, in consultation with the Director. Any reference in any Federal law, Executive order, rule, regulation, or delegation of authority, or any document of or pertaining to the Board of Patent Appeals and Interferences is deemed to refer to the Patent Trial and Appeal Board.

''(b) DUTIES.—The Patent Trial and Appeal Board shall—

''(1) on written appeal of an applicant, review adverse decisions of examiners upon applications for patents pursuant to section 134(a);

''(2) review appeals of reexaminations pursuant to section 134(b);

''(3) conduct derivation proceedings pursuant to section 135; and

''(4) conduct inter partes reviews and post-grant reviews pursuant to chapters 31 and 32.

''(c) 3-MEMBER PANELS.—Each appeal, derivation proceeding, post-grant review, and inter partes review shall be heard by at least 3 members of the Patent Trial and Appeal Board, who shall be designated by the Director. Only the Patent Trial and Appeal Board may grant rehearings.

''(d) TREATMENT OF PRIOR APPOINTMENTS.—The Secretary of Commerce may, in the Secretary's discretion, deem the appointment of an administrative patent judge who, before the date of the enactment of this subsection, held office pursuant to an appointment by the Director to take effect on the date on which the Director initially appointed the administrative patent judge. It shall be a defense to a challenge to the appointment of an administrative patent judge on the basis of the judge's having been originally appointed by the Director that the administrative patent judge so appointed was acting as a de facto officer.''.

(2) CONFORMING AMENDMENT.—The item relating to section 6 in the table of sections for chapter 1 of title 35, United States Code, is amended to read as follows:

''6. Patent Trial and Appeal Board.''.

(b) ADMINISTRATIVE APPEALS.—Section 134 of title 35, United States Code, is amended—

(1) in subsection (b), by striking ''any reexamination proceeding'' and inserting ''a reexamination''; and

(2) by striking subsection (c).

(c) CIRCUIT APPEALS.—

(1) IN GENERAL.—Section 141 of title 35, United States Code, is amended to read as follows:

''§ 141. Appeal to Court of Appeals for the Federal Circuit

''(a) EXAMINATIONS.—An applicant who is dissatisfied with the final decision in an appeal to the Patent Trial and Appeal Board under section 134(a) may appeal the Board's decision to the United States Court of Appeals for the Federal Circuit. By filing such an appeal, the applicant waives his or her right to proceed under section 145.

''(b) REEXAMINATIONS.—A patent owner who is dissatisfied with the final decision in an appeal of a reexamination to the Patent Trial and Appeal Board under section 134(b) may appeal the Board's decision only to the United States Court of Appeals for the Federal Circuit.

''(c) POST-GRANT AND INTER PARTES REVIEWS.—A party to an inter partes review or a post-grant review who is dissatisfied with the final written decision of the Patent Trial and Appeal Board under section 318(a) or 328(a) (as the case may be) may appeal the Board's decision only to the United States Court of Appeals for the Federal Circuit.

''(d) DERIVATION PROCEEDINGS.—A party to a derivation proceeding who is dissatisfied with the final decision of the Patent Trial and Appeal Board in the proceeding may appeal the decision to the United States Court of Appeals for the Federal Circuit, but such appeal shall be dismissed if any adverse party to such derivation proceeding, within 20 days after the appellant has filed notice of appeal in accordance with section 142, files notice with the Director that the party elects to have all further proceedings conducted as provided in section 146. If the appellant does not, within 30 days after the filing of such notice by the adverse party, file a civil action under section 146, the Board's decision shall govern the further proceedings in the case.''.

(2) JURISDICTION.—Section 1295(a)(4)(A) of title 28, United States Code, is amended to read as follows:

''(A) the Patent Trial and Appeal Board of the United States Patent and Trademark Office with respect to a patent application, derivation proceeding, reexamination, post-grant review, or inter partes review under title 35, at the instance of a party who exercised that party's right to participate in the applicable proceeding before or appeal to the Board, except that an applicant or a party to a derivation proceeding may also have remedy by civil action pursuant to section 145 or 146 of title 35; an appeal under this subparagraph of a decision of the Board with respect to an application or derivation proceeding shall waive the right of such applicant or party to proceed under section 145 or 146 of title 35;''.

(3) PROCEEDINGS ON APPEAL.—Section 143 of title 35, United States Code, is amended—

(A) by striking the third sentence and inserting the following: ''In an ex parte case, the Director shall submit to the court in writing the grounds for the decision of the Patent and Trademark Office, addressing all of the issues raised in the appeal. The Director shall have the right to intervene in an appeal from a decision entered by the Patent Trial and Appeal Board in a derivation proceeding under section 135 or in an inter partes or post-grant review under chapter 31 or 32.''; and

(B) by striking the last sentence.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect upon the expiration of the 1-year period beginning on the date of the enactment of this Act and shall apply to proceedings commenced on or after that effective date, except that—

(1) the extension of jurisdiction to the United States Court of Appeals for the Federal Circuit to entertain appeals of decisions of the Patent Trial and Appeal Board in reexaminations under the amendment made by subsection (c)(2) shall be deemed to take effect on the date of the enactment of this Act and shall extend to any decision of the Board of Patent Appeals and Interferences with respect to a reexamination that is entered before, on, or after the date of the enactment of this Act;

(2) the provisions of sections 6, 134, and 141 of title 35, United States Code, as in effect on the day before the effective date of the amendments made by this section shall continue to apply to inter partes reexaminations that are requested under section 311 of such title before such effective date;

(3) the Patent Trial and Appeal Board may be deemed to be the Board of Patent Appeals and Interferences for purposes of appeals of inter partes reexaminations that are requested under section 311 of title 35, United States Code, before the effective date of the amendments made by this section; and

(4) the Director's right under the fourth sentence of section 143 of title 35, United States Code, as amended by subsection (c)(3) of this section, to intervene in an appeal from a decision entered by the Patent Trial and Appeal Board shall be deemed to extend to inter partes reexaminations that are requested under section 311 of such title before the effective date of the amendments made by this section.

SEC. 8. PREISSUANCE SUBMISSIONS BY THIRD PARTIES.

(a) IN GENERAL.—Section 122 of title 35, United States Code, is amended by adding at the end the following:

''(e) PREISSUANCE SUBMISSIONS BY THIRD PARTIES.—

''(1) IN GENERAL.—Any third party may submit for consideration and inclusion in the record of a patent application, any patent, published patent application, or other printed publication of potential relevance to the examination of the application, if such submission is made in writing before the earlier of—

''(A) the date a notice of allowance under section 151 is given or mailed in the application for patent; or

''(B) the later of—

''(i) 6 months after the date on which the application for patent is first published under section 122 by the Office, or

''(ii) the date of the first rejection under section 132 of any claim by the examiner during the examination of the application for patent.

''(2) OTHER REQUIREMENTS.—Any submission under paragraph (1) shall—

''(A) set forth a concise description of the asserted relevance of each submitted document;

''(B) be accompanied by such fee as the Director may prescribe; and

''(C) include a statement by the person making such submission affirming that the submission was made in compliance with this section.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect upon the expiration of the 1-year period beginning on the date of the enactment of this Act and shall apply to any patent application filed before, on, or after that effective date.

SEC. 9. VENUE.

(a) TECHNICAL AMENDMENTS RELATING TO VENUE.—Sections 32, 145, 146, 154(b)(4)(A), and 293 of title 35, United States Code, and section 21(b)(4) of the Trademark Act of 1946 (15 U.S.C. 1071(b)(4)), are each amended by striking ''United States District Court for the District of Columbia'' each place that term appears and inserting ''United States District Court for the Eastern District of Virginia''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act and shall apply to any civil action commenced on or after that date.

SEC. 10. FEE SETTING AUTHORITY.

(a) FEE SETTING.—

(1) IN GENERAL.—The Director may set or adjust by rule any fee established, authorized, or charged under title 35, United States Code, or the Trademark Act of 1946 (15 U.S.C. 1051 et seq.), for any services performed by or materials furnished by, the Office, subject to paragraph (2).

(2) FEES TO RECOVER COSTS.—Fees may be set or adjusted under paragraph (1) only to recover the aggregate estimated costs to the Office for processing, activities, services, and materials relating to patents (in the case of patent fees) and trademarks (in the case of trademark fees), including administrative costs of the Office with respect to such patent or trademark fees (as the case may be).

(b) SMALL AND MICRO ENTITIES.—The fees set or adjusted under subsection (a) for filing, searching, examining, issuing, appealing, and maintaining patent applications and patents shall be reduced by 50 percent with respect to the application of such fees to any small entity that qualifies for reduced fees under section 41(h)(1) of title 35, United States Code, and shall be reduced by 75 percent with respect to the application of such fees to any micro entity as defined in section 123 of that title (as added by subsection (g) of this section).

(c) REDUCTION OF FEES IN CERTAIN FISCAL YEARS.—In each fiscal year, the Director—

(1) shall consult with the Patent Public Advisory Committee and the Trademark Public Advisory Committee on the advisability of reducing any fees described in subsection (a); and

(2) after the consultation required under paragraph (1), may reduce such fees.

(d) ROLE OF THE PUBLIC ADVISORY COMMITTEE.—The Director shall—

(1) not less than 45 days before publishing any proposed fee under subsection (a) in the Federal Register, submit the proposed fee to the Patent Public Advisory Committee or the Trademark Public Advisory Committee, or both, as appropriate;

(2)(A) provide the relevant advisory committee described in paragraph (1) a 30-day period following the submission of any proposed fee, in which to deliberate, consider, and comment on such proposal;

(B) require that, during that 30-day period, the relevant advisory committee hold a public hearing relating to such proposal; and

(C) assist the relevant advisory committee in carrying out that public hearing, including by offering the use of the resources of the Office to notify and promote the hearing to the public and interested stakeholders;

(3) require the relevant advisory committee to make available to the public a written report setting forth in detail the comments, advice, and recommendations of the committee regarding the proposed fee; and

(4) consider and analyze any comments, advice, or recommendations received from the relevant advisory committee before setting or adjusting (as the case may be) the fee.

(e) PUBLICATION IN THE FEDERAL REGISTER.—

(1) PUBLICATION AND RATIONALE.—The Director shall—

(A) publish any proposed fee change under this section in the Federal Register;

(B) include, in such publication, the specific rationale and purpose for the proposal, including the possible expectations or benefits resulting from the proposed change; and

(C) notify, through the Chair and Ranking Member of the Committees on the Judiciary of the Senate and the House of Representatives, the Congress of the proposed change not later than the date on which the proposed change is published under subparagraph (A).

(2) PUBLIC COMMENT PERIOD.—The Director shall, in the publication under paragraph (1), provide the public a period of not less than 45 days in which to submit comments on the proposed change in fees.

(3) PUBLICATION OF FINAL RULE.—The final rule setting or adjusting a fee under this section shall be published in the Federal Register and in the Official Gazette of the Patent and Trademark Office.

(4) CONGRESSIONAL COMMENT PERIOD.—A fee set or adjusted under subsection (a) may not become effective—

(A) before the end of the 45-day period beginning on the day after the date on which the Director publishes the final rule adjusting or setting the fee under paragraph (3); or

(B) if a law is enacted disapproving such fee.

(5) RULE OF CONSTRUCTION.—Rules prescribed under this section shall not diminish—

(A) the rights of an applicant for a patent under title 35, United States Code, or for a mark under the Trademark Act of 1946; or

(B) any rights under a ratified treaty.

(f) RETENTION OF AUTHORITY.—The Director retains the authority under subsection (a) to set or adjust fees only during such period as the Patent and Trademark Office remains an agency within the Department of Commerce.

(g) MICRO ENTITY DEFINED.—

(1) IN GENERAL.—Chapter 11 of title 35, United States Code, is amended by adding at the end the following new section:

''§ 123. Micro entity defined

''(a) IN GENERAL.—For purposes of this title, the term 'micro entity' means an applicant who makes a certification that the applicant—

''(1) qualifies as a small entity, as defined in regulations issued by the Director;

''(2) has not been named as an inventor on more than 4 previously filed patent applications, other than applications filed in another country, provisional applications under section 111(b), or international applications filed under the treaty defined in section 351(a) for which the basic national fee under section 41(a) was not paid;

''(3) did not, in the calendar year preceding the calendar year in which the examination fee for the application is being paid, have a gross income, as defined in section 61(a) of the Internal Revenue Code of 1986, exceeding 3 times the median household income for that preceding calendar year, as reported by the Bureau of the Census; and

''(4) has not assigned, granted, or conveyed, and is not under an obligation by contract or law to assign, grant, or convey, a license or other ownership interest in the application concerned to an entity that, in the calendar year preceding the calendar year in which the examination fee for the application is being paid, had a gross income, as defined in section 61(a) of the Internal Revenue Code of 1986, exceeding 3 times the median household income for that preceding calendar year, as reported by the Bureau of the Census.

''(b) APPLICATIONS RESULTING FROM PRIOR EMPLOYMENT.—An applicant is not considered to be named on a previously filed application for purposes of subsection (a)(2) if the applicant has assigned, or is under an obligation by contract or law to assign, all ownership rights in the application as the result of the applicant's previous employment.

''(c) FOREIGN CURRENCY EXCHANGE RATE.—If an applicant's or entity's gross income in the preceding calendar year is not in United States dollars, the average currency exchange rate, as reported by the Internal Revenue Service, during that calendar year shall be used to determine whether the applicant's or entity's gross income exceeds the threshold specified in paragraphs (3) or (4) of subsection (a).

''(d) PUBLIC INSTITUTIONS OF HIGHER EDUCATION.—

''(1) IN GENERAL.—For purposes of this section, a micro entity shall include an applicant who certifies that—

''(A) the applicant's employer, from which the applicant obtains the majority of the applicant's income, is an institution of higher education, as defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001), that is a public institution; or

''(B) the applicant has assigned, granted, conveyed, or is under an obligation by contract or law to assign, grant, or convey, a license or other ownership interest in the particular application to such public institution.

''(2) DIRECTOR'S AUTHORITY.—The Director may, in the Director's discretion, impose income limits, annual filing limits, or other limits on who may qualify as a micro entity pursuant to this subsection if the Director determines that such additional limits are reasonably necessary to avoid an undue impact on other patent applicants or owners or are otherwise reasonably necessary and appropriate. At least 3 months before any limits proposed to be imposed pursuant to this paragraph take effect, the Director shall inform the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate of any such proposed limits.''.

(2) CONFORMING AMENDMENT.—Chapter 11 of title 35, United States Code, is amended by adding at the end the following new item:

''123. Micro entity defined.''.

(h) ELECTRONIC FILING INCENTIVE.—

(1) IN GENERAL.—Notwithstanding any other provision of this section, a fee of $400 shall be established for each application for an original patent, except for a design, plant, or provisional application, that is not filed by electronic means as prescribed by the Director. The fee established by this subsection shall be reduced by 50 percent for small entities that qualify for reduced fees under section 41(h)(1) of title 35, United States Code. All fees paid under this subsection shall be deposited in the Treasury as an offsetting receipt that shall not be available for obligation or expenditure.

(2) EFFECTIVE DATE.—This subsection shall take effect upon the expiration of the 60-day period beginning on the date of the enactment of this Act.

(i) EFFECTIVE DATE; SUNSET.—

(1) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on the date of the enactment of this Act.

(2) SUNSET.—The authority of the Director to set or adjust any fee under subsection (a) shall terminate upon the expiration of the 6-year period beginning on the date of the enactment of this Act.

SEC. 11. FEES FOR PATENT SERVICES.

(a) GENERAL PATENT SERVICES.—Subsections (a) and (b) of section 41 of title 35, United States Code, are amended to read as follows:

''(a) GENERAL FEES.—The Director shall charge the following fees:

''(1) FILING AND BASIC NATIONAL FEES.—

''(A) On filing each application for an original patent, except for design, plant, or provisional applications, $330.

''(B) On filing each application for an original design patent, $220.

''(C) On filing each application for an original plant patent, $220.

''(D) On filing each provisional application for an original patent, $220.

''(E) On filing each application for the reissue of a patent, $330.

''(F) The basic national fee for each international application filed under the treaty defined in section 351(a) entering the national stage under section 371, $330.

''(G) In addition, excluding any sequence listing or computer program listing filed in an electronic medium as prescribed by the Director, for any application the specification and drawings of which exceed 100 sheets of paper (or equivalent as prescribed by the Director if filed in an electronic medium), $270 for each additional 50 sheets of paper (or equivalent as prescribed by the Director if filed in an electronic medium) or fraction thereof.

''(2) EXCESS CLAIMS FEES.—

''(A) IN GENERAL.—In addition to the fee specified in paragraph (1)—

''(i) on filing or on presentation at any other time, $220 for each claim in independent form in excess of 3;

''(ii) on filing or on presentation at any other time, $52 for each claim (whether dependent or independent) in excess of 20; and

''(iii) for each application containing a multiple dependent claim, $390.

''(B) MULTIPLE DEPENDENT CLAIMS.—For the purpose of computing fees under subparagraph (A), a multiple dependent claim referred to in section 112 or any claim depending therefrom shall be considered as separate dependent claims in accordance with the number of claims to which reference is made.

''(C) REFUNDS; ERRORS IN PAYMENT.—The Director may by regulation provide for a refund of any part of the fee specified in subparagraph (A) for any claim that is canceled before an examination on the merits, as prescribed by the Director, has been made of the application under section 131. Errors in payment of the additional fees under this paragraph may be rectified in accordance with regulations prescribed by the Director.

''(3) EXAMINATION FEES.—

''(A) IN GENERAL.—

''(i) For examination of each application for an original patent, except for design, plant, provisional, or international applications, $220.

''(ii) For examination of each application for an original design patent, $140.

''(iii) For examination of each application for an original plant patent, $170.

''(iv) For examination of the national stage of each international application, $220.

''(v) For examination of each application for the reissue of a patent, $650.

''(B) APPLICABILITY OF OTHER FEE PROVISIONS.—The provisions of paragraphs (3) and (4) of section 111(a) relating to the payment of the fee for filing the application shall apply to the payment of the fee specified in subparagraph (A) with respect to an application filed under section 111(a). The provisions of section 371(d) relating to the payment of the national fee shall apply to the payment of the fee specified in subparagraph (A) with respect to an international application.

''(4) ISSUE FEES.—

''(A) For issuing each original patent, except for design or plant patents, $1,510.

''(B) For issuing each original design patent, $860.

''(C) For issuing each original plant patent, $1,190.

''(D) For issuing each reissue patent, $1,510.

''(5) DISCLAIMER FEE.—On filing each disclaimer, $140.

''(6) APPEAL FEES.—

''(A) On filing an appeal from the examiner to the Patent Trial and Appeal Board, $540.

''(B) In addition, on filing a brief in support of the appeal, $540, and on requesting an oral hearing in the appeal before the Patent Trial and Appeal Board, $1,080.

''(7) REVIVAL FEES.—On filing each petition for the revival of an unintentionally abandoned application for a patent, for the unintentionally delayed payment of the fee for issuing each patent, or for an unintentionally delayed response by the patent owner in any reexamination proceeding, $1,620, unless the petition is filed under section 133 or 151, in which case the fee shall be $540.

''(8) EXTENSION FEES.—For petitions for 1-month extensions of time to take actions required by the Director in an application—

''(A) on filing a first petition, $130;

''(B) on filing a second petition, $360; and

''(C) on filing a third or subsequent petition, $620.

''(b) MAINTENANCE FEES.—

''(1) IN GENERAL.—The Director shall charge the following fees for maintaining in force all patents based on applications filed on or after December 12, 1980:

''(A) Three years and 6 months after grant, $980.

''(B) Seven years and 6 months after grant, $2,480.

''(C) Eleven years and 6 months after grant, $4,110.

''(2) GRACE PERIOD; SURCHARGE.—Unless payment of the applicable maintenance fee under paragraph (1) is received in the Office on or before the date the fee is due or within a grace period of 6 months thereafter, the patent shall expire as of the end of such grace period. The Director may require the payment of a surcharge as a condition of accepting within such 6-month grace period the payment of an applicable maintenance fee.

''(3) NO MAINTENANCE FEE FOR DESIGN OR PLANT PATENT.—No fee may be established for maintaining a design or plant patent in force.''.

(b) DELAYS IN PAYMENT.—Subsection (c) of section 41 of title 35, United States Code, is amended—

(1) by striking ''(c)(1) The Director'' and inserting:

''(c) DELAYS IN PAYMENT OF MAINTENANCE FEES.—

''(1) ACCEPTANCE.—The Director''; and

(2) by striking ''(2) A patent'' and inserting:

''(2) EFFECT ON RIGHTS OF OTHERS.—A patent''.

(c) PATENT SEARCH FEES.—Subsection (d) of section 41 of title 35, United States Code, is amended to read as follows:

''(d) PATENT SEARCH AND OTHER FEES.—

''(1) PATENT SEARCH FEES.—

''(A) IN GENERAL.—The Director shall charge the fees specified under subparagraph (B) for the search of each application for a patent, except for provisional applications. The Director shall adjust the fees charged under this paragraph to ensure that the fees recover an amount not to exceed the estimated average cost to the Office of searching applications for patent either by acquiring a search report from a qualified search authority, or by causing a search by Office personnel to be made, of each application for patent.

''(B) SPECIFIC FEES.—The fees referred to in subparagraph (A) are—

''(i) $540 for each application for an original patent, except for design, plant, provisional, or international applications;

''(ii) $100 for each application for an original design patent;

''(iii) $330 for each application for an original plant patent;

''(iv) $540 for the national stage of each international application; and

''(v) $540 for each application for the reissue of a patent.

''(C) APPLICABILITY OF OTHER PROVISIONS.—The provisions of paragraphs (3) and (4) of section 111(a) relating to the payment of the fee for filing the application shall apply to the payment of the fee specified in this paragraph with respect to an application filed under section 111(a). The provisions of section 371(d) relating to the payment of the national fee shall apply to the payment of the fee specified in this paragraph with respect to an international application.

''(D) REFUNDS.—The Director may by regulation provide for a refund of any part of the fee specified in this paragraph for any applicant who files a written declaration of express abandonment as prescribed by the Director before an examination has been made of the application under section 131.

''(E) APPLICATIONS SUBJECT TO SECRECY ORDER.—A search of an application that is the subject of a secrecy order under section 181 or otherwise involves classified information may be conducted only by Office personnel.

''(F) CONFLICTS OF INTEREST.—A qualified search authority that is a commercial entity may not conduct a search of a patent application if the entity has any direct or indirect financial interest in any patent or in any pending or imminent application for patent filed or to be filed in the Office.

''(2) OTHER FEES.—

''(A) IN GENERAL.—The Director shall establish fees for all other processing, services, or materials relating to patents not specified in this section to recover the estimated average cost to the Office of such processing, services, or materials, except that the Director shall charge the following fees for the following services:

''(i) For recording a document affecting title, $40 per property.

''(ii) For each photocopy, $.25 per page.

''(iii) For each black and white copy of a patent, $3.

''(B) COPIES FOR LIBRARIES.—The yearly fee for providing a library specified in section 12 with uncertified printed copies of the specifications and drawings for all patents in that year shall be $50.''.

(d) FEES FOR SMALL ENTITIES.—Subsection (h) of section 41 of title 35, United States Code, is amended to read as follows:

''(h) FEES FOR SMALL ENTITIES.—

''(1) REDUCTIONS IN FEES.—Subject to paragraph (3), fees charged under subsections (a), (b), and (d)(1) shall be reduced by 50 percent with respect to their application to any small business concern as defined under section 3 of the Small Business Act, and to any independent inventor or nonprofit organization as defined in regulations issued by the Director.

''(2) SURCHARGES AND OTHER FEES.—With respect to its application to any entity described in paragraph (1), any surcharge or fee charged under subsection (c) or (d) shall not be higher than the surcharge or fee required of any other entity under the same or substantially similar circumstances.

''(3) REDUCTION FOR ELECTRONIC FILING.—The fee charged under subsection (a)(1)(A) shall be reduced by 75 percent with respect to its application to any entity to which paragraph (1) applies, if the application is filed by electronic means as prescribed by the Director.''.

(e) TECHNICAL AMENDMENTS.—Section 41 of title 35, United States Code, is amended—

(1) in subsection (e), in the first sentence, by striking ''The Director'' and inserting ''WAIVER OF FEES; COPIES REGARDING NOTICE.—The Director'';

(2) in subsection (f), by striking ''The fees'' and inserting ''ADJUSTMENT OF FEES.—The fees'';

(3) by repealing subsection (g); and

(4) in subsection (i)—

(A) by striking ''(i)(1) The Director'' and inserting the following:

''(i) ELECTRONIC PATENT AND TRADEMARK DATA.—

''(1) MAINTENANCE OF COLLECTIONS.—The Director'';

(B) by striking ''(2) The Director'' and inserting the following:

''(2) AVAILABILITY OF AUTOMATED SEARCH SYSTEMS.—The Director'';

(C) by striking ''(3) The Director'' and inserting the following:

''(3) ACCESS FEES.—The Director''; and

(D) by striking ''(4) The Director'' and inserting the following:

''(4) ANNUAL REPORT TO CONGRESS.—The Director''.

(f) ADJUSTMENT OF TRADEMARK FEES.—Section 802(a) of division B of the Consolidated Appropriations Act, 2005 (Public Law 108–447) is amended—

(1) in the first sentence, by striking ''During fiscal years 2005, 2006, and 2007,'', and inserting ''Until such time as the Director sets or adjusts the fees otherwise,''; and

(2) in the second sentence, by striking ''During fiscal years 2005, 2006, and 2007, the'' and inserting ''The''.

(g) EFFECTIVE DATE, APPLICABILITY, AND TRANSITION PROVISIONS.—Section 803(a) of division B of the Consolidated Appropriations Act, 2005 (Public Law 108–447) is amended by striking ''and shall apply only with respect to the remaining portion of fiscal year 2005 and fiscal year 2006''.

(h) REDUCTION IN FEES FOR SMALL ENTITY PATENTS.—The Director shall reduce fees for providing prioritized examination of utility and plant patent applications by 50 percent for small entities that qualify for reduced fees under section 41(h)(1) of title 35, United States Code, so long as the fees of the prioritized examination program are set to recover the estimated cost of the program.

(i) EFFECTIVE DATE.—Except as provided in subsection (h), this section and the amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 12. SUPPLEMENTAL EXAMINATION.

(a) IN GENERAL.—Chapter 25 of title 35, United States Code, is amended by adding at the end the following:

''§257. Supplemental examinations to consider, reconsider, or correct information

''(a) REQUEST FOR SUPPLEMENTAL EXAMINATION.—A patent owner may request supplemental examination of a patent in the Office to consider, reconsider, or correct information believed to be relevant to the patent, in accordance with such requirements as the Director may establish. Within 3 months after the date a request for supplemental examination meeting the requirements of this section is received, the Director shall conduct the supplemental examination and shall conclude such examination by issuing a certificate indicating whether the information presented in the request raises a substantial new question of patentability.

''(b) REEXAMINATION ORDERED.—If the certificate issued under subsection (a) indicates that a substantial new question of patentability is raised by 1 or more items of information in the request, the Director shall order reexamination of the patent. The reexamination shall be conducted according to procedures established by chapter 30, except that the patent owner shall not have the right to file a statement pursuant to section 304. During the reexamination, the Director shall address each substantial new question of patentability identified during the supplemental examination, notwithstanding the limitations in chapter 30 relating to patents and printed publication or any other provision of such chapter.

''(c) EFFECT.—

''(1) IN GENERAL.—A patent shall not be held unenforceable on the basis of conduct relating to information that had not been considered, was inadequately considered, or was incorrect in a prior examination of the patent if the information was considered, reconsidered, or corrected during a supplemental examination of the patent. The making of a request under subsection (a), or the absence thereof, shall not be relevant to enforceability of the patent under section 282.

''(2) EXCEPTIONS.—

''(A) PRIOR ALLEGATIONS.—Paragraph (1) shall not apply to an allegation pled with particularity in a civil action, or set forth with particularity in a notice received by the patent owner under section 505(j)(2)(B)(iv)(II) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(j)(2)(B)(iv)(II)), before the date of a supplemental examination request under subsection (a) to consider, reconsider, or correct information forming the basis for the allegation.

''(B) PATENT ENFORCEMENT ACTIONS.—In an action brought under section 337(a) of the Tariff Act of 1930 (19 U.S.C. 1337(a)), or section 281 of this title, paragraph (1) shall not apply to any defense raised in the action that is based upon information that was considered, reconsidered, or corrected pursuant to a supplemental examination request under subsection (a), unless the supplemental examination, and any reexamination ordered pursuant to the request, are concluded before the date on which the action is brought.

''(C) FRAUD.—No supplemental examination may be commenced by the Director on, and any pending supplemental examination shall be immediately terminated regarding, an application or patent in connection with which fraud on the Office was practiced or attempted. If the Director determines that such a fraud on the Office was practiced or attempted, the Director shall also refer the matter to the Attorney General for such action as the Attorney General may deem appropriate.

''(d) FEES AND REGULATIONS.—

''(1) FEES.—The Director shall, by regulation, establish fees for the submission of a request for supplemental examination of a patent, and to consider each item of information submitted in the request. If reexamination is ordered under subsection (b), fees established and applicable to ex parte reexamination proceedings under chapter 30 shall be paid, in addition to fees applicable to supplemental examination.

''(2) REGULATIONS.—The Director shall issue regulations governing the form, content, and other requirements of requests for supplemental examination, and establishing procedures for reviewing information submitted in such requests.

''(e) RULE OF CONSTRUCTION.—Nothing in this section shall be construed—

''(1) to preclude the imposition of sanctions based upon criminal or antitrust laws (including section 1001(a) of title 18, the first section of the Clayton Act, and section 5 of the Federal Trade Commission Act to the extent that section relates to unfair methods of competition);

''(2) to limit the authority of the Director to investigate issues of possible misconduct and impose sanctions for misconduct in connection with matters or proceedings before the Office; or

''(3) to limit the authority of the Director to issue regulations under chapter 3 relating to sanctions for misconduct by representatives practicing before the Office.''.

(b) CONFORMING AMENDMENT.—The table of sections for chapter 25 of title 35, United States Code, is amended by adding at the end the following new item:

''257. Supplemental examinations to consider, reconsider, or correct information.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect upon the expiration of the 1-year period beginning on the date of the enactment of this Act and shall apply to any patent issued before, on, or after that effective date.

SEC. 13. FUNDING AGREEMENTS.

(a) IN GENERAL.—Section 202(c)(7)(E)(i) of title 35, United States Code, is amended—

(1) by striking ''75 percent'' and inserting ''15 percent'';

(2) by striking ''25 percent'' and inserting ''85 percent''; and

(3) by striking ''as described above in this clause (D);'' and inserting ''described above in this clause;''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act and shall apply to any patent issued before, on, or after that date.

SEC. 14. TAX STRATEGIES DEEMED WITHIN THE PRIOR ART.

(a) IN GENERAL.—For purposes of evaluating an invention under section 102 or 103 of title 35, United States Code, any strategy for reducing, avoiding, or deferring tax liability, whether known or unknown at the time of the invention or application for patent, shall be deemed insufficient to differentiate a claimed invention from the prior art.

(b) DEFINITION.—For purposes of this section, the term ''tax liability'' refers to any liability for a tax under any Federal, State, or local law, or the law of any foreign jurisdiction, including any statute, rule, regulation, or ordinance that levies, imposes, or assesses such tax liability.

(c) EXCLUSIONS.—This section does not apply to that part of an invention that—

(1) is a method, apparatus, technology, computer program product, or system, that is used solely for preparing a tax or information return or other tax filing, including one that records, transmits, transfers, or organizes data related to such filing; or

(2) is a method, apparatus, technology, computer program product, or system used solely for financial management, to the extent that it is severable from any tax strategy or does not limit the use of any tax strategy by any taxpayer or tax advisor.

(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to imply that other business methods are patentable or that other business method patents are valid.

(e) EFFECTIVE DATE; APPLICABILITY.—This section shall take effect on the date of the enactment of this Act and shall apply to any patent application that is pending on, or filed on or after, that date, and to any patent that is issued on or after that date.

SEC. 15. BEST MODE REQUIREMENT.

(a) IN GENERAL.—Section 282 of title 35, United States Code, is amended in the second undesignated paragraph by striking paragraph (3) and inserting the following:

''(3) Invalidity of the patent or any claim in suit for failure to comply with—

''(A) any requirement of section 112, except that the failure to disclose the best mode shall not be a basis on which any claim of a patent may be canceled or held invalid or otherwise unenforceable; or

''(B) any requirement of section 251.''.

(b) CONFORMING AMENDMENT.—Sections 119(e)(1) and 120 of title 35, United States Code, are each amended by striking ''the first paragraph of section 112 of this title'' and inserting ''section 112(a) (other than the requirement to disclose the best mode)''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect upon the date of the enactment of this Act and shall apply to proceedings commenced on or after that date.

SEC. 16. MARKING.

(a) VIRTUAL MARKING.—

(1) IN GENERAL.—Section 287(a) of title 35, United States Code, is amended by striking ''or when,'' and inserting ''or by fixing thereon the word 'patent' or the abbreviation 'pat.' together with an address of a posting on the Internet, accessible to the public without charge for accessing the address, that associates the patented article with the number of the patent, or when,''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to any case that is pending on, or commenced on or after, the date of the enactment of this Act.

(3) REPORT.—Not later than the date that is 3 years after the date of the enactment of this Act, the Director shall submit a report to Congress that provides—

(A) an analysis of the effectiveness of ''virtual marking'', as provided in the amendment made by paragraph (1) of this subsection, as an alternative to the physical marking of articles;

(B) an analysis of whether such virtual marking has limited or improved the ability of the general public to access information about patents;

(C) an analysis of the legal issues, if any, that arise from such virtual marking; and

(D) an analysis of the deficiencies, if any, of such virtual marking.

(b) FALSE MARKING.—

(1) CIVIL PENALTY.—Section 292(a) of title 35, United States, Code, is amended by adding at the end the following: ''Only the United States may sue for the penalty authorized by this subsection.''.

(2) CIVIL ACTION FOR DAMAGES.—Subsection (b) of section 292 of title 35, United States Code, is amended to read as follows:

''(b) A person who has suffered a competitive injury as a result of a violation of this section may file a civil action in a district court of the United States for recovery of damages adequate to compensate for the injury.''.

(3) EXPIRED PATENTS.—Section 292 of title 35, United States Code, is amended by adding at the end the following:

''(c) Whoever engages in an activity under subsection (a) for which liability would otherwise be imposed shall not be liable for such activity—

''(1) that is engaged in during the 3-year period beginning on the date on which the patent at issue expires; or

''(2) that is engaged in after the end of that 3-year period if the word 'expired' is placed before the word 'patent', 'patented', the abbreviation 'pat', or the patent number, either on the article or through a posting on the Internet, as provided in section 287(a).''.

(4) EFFECTIVE DATE.—The amendments made by this subsection shall apply to any case that is pending on, or commenced on or after, the date of the enactment of this Act.

SEC. 17. ADVICE OF COUNSEL.

(a) IN GENERAL.—Chapter 29 of title 35, United States Code, is amended by adding at the end the following:

''§ 298. Advice of counsel

''The failure of an infringer to obtain the advice of counsel with respect to any allegedly infringed patent, or the failure of the infringer to present such advice to the court or jury, may not be used to prove that the accused infringer willfully infringed the patent or that the infringer intended to induce infringement of the patent.''.

(b) CONFORMING AMENDMENT.—The table of sections for chapter 29 of title 35, United States Code, is amended by adding at the end the following:

''298. Advice of counsel.''.

SEC. 18. TRANSITIONAL PROGRAM FOR COVERED BUSINESS METHOD PATENTS.

(a) TRANSITIONAL PROGRAM.—

(1) ESTABLISHMENT.—Not later than the date that is 1 year after the date of the enactment of this Act, the Director shall issue regulations establishing and implementing a transitional post-grant review proceeding for review of the validity of covered business method patents. The transitional proceeding implemented pursuant to this subsection shall be regarded as, and shall employ the standards and procedures of, a post-grant review under chapter 32 of title 35, United States Code, subject to the following:

(A) Section 321(c) of title 35, United States Code, and subsections (b), (e)(2), and (f) of section 325 of such title shall not apply to a transitional proceeding.

(B) A person may not file a petition for a transitional proceeding with respect to a covered business method patent unless the person or the person's real party in interest has been sued for infringement of the patent or has been charged with infringement under that patent.

(C) A petitioner in a transitional proceeding who challenges the validity of 1 or more claims in a covered business method patent on a ground raised under section 102 or 103 of title 35, United States Code, as in effect on the day before the effective date set forth in section 3(n)(1), may support such ground only on the basis of—

(i) prior art that is described by section 102(a) of such title of such title (as in effect on the day before such effective date); or

(ii) prior art that—

(I) discloses the invention more than 1 year before the date of the application for patent in the United States; and

(II) would be described by section 102(a) of such title (as in effect on the day before the effective date set forth in section 3(n)(1)) if the disclosure had been made by another before the invention thereof by the applicant for patent.

(D) The petitioner in a transitional proceeding, or the petitioner's real party in interest, may not assert, either in a civil action arising in whole or in part under section 1338 of title 28, United States Code, or in a proceeding before the International Trade Commission under section 337 of the Tariff Act of 1930 (19 U.S.C. 1337), that a claim in a patent is invalid on any ground that the petitioner raised during a transitional proceeding that resulted in a final written decision.

(E) The Director may institute a transitional proceeding only for a patent that is a covered business method patent.

(2) EFFECTIVE DATE.—The regulations issued under paragraph (1) shall take effect upon the expiration of the 1-year period beginning on the date of the enactment of this Act and shall apply to any covered business method patent issued before, on, or after that effective date, except that the regulations shall not apply to a patent described in section 6(f)(2)(A) of this Act during the period in which a petition for post-grant review of that patent would satisfy the requirements of section 321(c) of title 35, United States Code.

(3) SUNSET.—

(A) IN GENERAL.—This subsection, and the regulations issued under this subsection, are repealed effective upon the expiration of the 10-year period beginning on the date that the regulations issued under to paragraph (1) take effect.

(B) APPLICABILITY.—Notwithstanding subparagraph (A), this subsection and the regulations issued under this subsection shall continue to apply, after the date of the repeal under subparagraph (A), to any petition for a transitional proceeding that is filed before the date of such repeal.

(b) REQUEST FOR STAY.—

(1) IN GENERAL.—If a party seeks a stay of a civil action alleging infringement of a patent under section 281 of title 35, United States Code, relating to a transitional proceeding for that patent, the court shall decide whether to enter a stay based on—

(A) whether a stay, or the denial thereof, will simplify the issues in question and streamline the trial;

(B) whether discovery is complete and whether a trial date has been set;

(C) whether a stay, or the denial thereof, would unduly prejudice the nonmoving party or present a clear tactical advantage for the moving party; and

(D) whether a stay, or the denial thereof, will reduce the burden of litigation on the parties and on the court.

(2) REVIEW.—A party may take an immediate interlocutory appeal from a district court's decision under paragraph (1). The United States Court of Appeals for the Federal Circuit shall review the district court's decision to ensure consistent application of established precedent, and such review may be de novo.

(c) ATM EXEMPTION FOR VENUE PURPOSES.—In an action for infringement under section 281 of title 35, United States Code, of a covered business method patent, an automated teller machine shall not be deemed to be a regular and established place of business for purposes of section 1400(b) of title 28, United States Code.

(d) DEFINITION.—

(1) IN GENERAL.—For purposes of this section, the term ''covered business method patent'' means a patent that claims a method or corresponding apparatus for performing data processing or other operations used in the practice, administration, or management of a financial product or service, except that the term does not include patents for technological inventions.

(2) REGULATIONS.—To assist in implementing the transitional proceeding authorized by this subsection, the Director shall issue regulations for determining whether a patent is for a technological invention.

(e) RULE OF CONSTRUCTION.—Nothing in this section shall be construed as amending or interpreting categories of patent-eligible subject matter set forth under section 101 of title 35, United States Code.

SEC. 19. JURISDICTION AND PROCEDURAL MATTERS.

(a) STATE COURT JURISDICTION.—Section 1338(a) of title 28, United States Code, is amended by striking the second sentence and inserting the following: ''No State court shall have jurisdiction over any claim for relief arising under any Act of Congress relating to patents, plant variety protection, or copyrights. For purposes of this subsection, the term 'State' includes any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands.''.

(b) COURT OF APPEALS FOR THE FEDERAL CIRCUIT.—Section 1295(a)(1) of title 28, United States Code, is amended to read as follows:

''(1) of an appeal from a final decision of a district court of the United States, the District Court of Guam, the District Court of the Virgin Islands, or the District Court of the Northern Mariana Islands, in any civil action arising under, or in any civil action in which a party has asserted a compulsory counterclaim arising under, any Act of Congress relating to patents or plant variety protection;''.

(c) REMOVAL.—

(1) IN GENERAL.—Chapter 89 of title 28, United States Code, is amended by adding at the end the following new section:

''§ 1454. Patent, plant variety protection, and copyright cases

''(a) IN GENERAL.—A civil action in which any party asserts a claim for relief arising under any Act of Congress relating to patents, plant variety protection, or copyrights may be removed to the district court of the United States for the district and division embracing the place where the action is pending.

''(b) SPECIAL RULES.—The removal of an action under this section shall be made in accordance with section 1446, except that if the removal is based solely on this section—

''(1) the action may be removed by any party; and

''(2) the time limitations contained in section 1446(b) may be extended at any time for cause shown.

''(c) CLARIFICATION OF JURISDICTION IN CERTAIN CASES.—The court to which a civil action is removed under this section is not precluded from hearing and determining any claim in the civil action because the State court from which the civil action is removed did not have jurisdiction over that claim.

''(d) REMAND.—If a civil action is removed solely under this section, the district court—

''(1) shall remand all claims that are neither a basis for removal under subsection (a) nor within the original or supplemental jurisdiction of the district court under any Act of Congress; and

''(2) may, under the circumstances specified in section 1367(c), remand any claims within the supplemental jurisdiction of the district court under section 1367.''.

(2) CONFORMING AMENDMENT.—The table of sections for chapter 89 of title 28, United States Code, is amended by adding at the end the following new item:

''1454. Patent, plant variety protection, and copyright cases.''.

(d) TRANSFER BY COURT OF APPEALS FOR THE FEDERAL CIRCUIT.—

(1) IN GENERAL.—Chapter 99 of title 28, United States Code, is amended by adding at the end the following new section:

''§ 1632. Transfer by the Court of Appeals for the Federal Circuit

''When a case is appealed to the Court of Appeals for the Federal Circuit under section 1295(a)(1), and no claim for relief arising under any Act of Congress relating to patents or plant variety protection is the subject of the appeal by any party, the Court of Appeals for the Federal Circuit shall transfer the appeal to the court of appeals for the regional circuit embracing the district from which the appeal has been taken.''.

(2) CONFORMING AMENDMENT.—The table of sections for chapter 99 of title 28, United States Code, is amended by adding at the end the following new item:

''1632. Transfer by the Court of Appeals for the Federal Circuit.''.

(e) PROCEDURAL MATTERS IN PATENT CASES.—

(1) JOINDER OF PARTIES AND STAY OF ACTIONS.—Chapter 29 of title 35, United States Code, as amended by this Act, is further amended by adding at the end the following new section:

''§ 299. Joinder of parties

''(a) JOINDER OF ACCUSED INFRINGERS.—In any civil action arising under any Act of Congress relating to patents, other than an action or trial in which an act of infringement under section 271(e)(2) has been pled, parties that are accused infringers may be joined in one action as defendants or counterclaim defendants only if—

''(1) any right to relief is asserted against the parties jointly, severally, or in the alternative with respect to or arising out of the same transaction, occurrence, or series of transactions or occurrences relating to the making, using, importing into the United States, offering for sale, or selling of the same accused product or process; and

''(2) questions of fact common to all defendants or counterclaim defendants will arise in the action.

''(b) ALLEGATIONS INSUFFICIENT FOR JOINDER.—For purposes of this subsection, accused infringers may not be joined in one action or trial as defendants or counterclaim defendants based solely on allegations that they each have infringed the patent or patents in suit.''.

(2) CONFORMING AMENDMENT.—The table of sections for chapter 29 of title 35, United States Code, as amended by this Act, is further amended by adding at the end the following new item:

''299. Joinder of parties.''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to any civil action commenced on or after the date of the enactment of this Act.

SEC. 20. TECHNICAL AMENDMENTS.

(a) JOINT INVENTIONS.—Section 116 of title 35, United States Code, is amended—

(1) in the first undesignated paragraph, by striking ''When'' and inserting ''(a) JOINT INVENTIONS.—When'';

(2) in the second undesignated paragraph, by striking ''If a joint inventor'' and inserting ''(b) OMITTED INVENTOR.—If a joint inventor''; and

(3) in the third undesignated paragraph—

(A) by striking ''Whenever'' and inserting ''(c) CORRECTION OF ERRORS IN APPLICATION.—Whenever''; and

(B) by striking ''and such error arose without any deceptive intention on his part,''.

(b) FILING OF APPLICATION IN FOREIGN COUNTRY.—Section 184 of title 35, United States Code, is amended—

(1) in the first undesignated paragraph—

(A) by striking ''Except when'' and inserting ''(a) FILING IN FOREIGN COUNTRY.—Except when''; and

(B) by striking ''and without deceptive intent'';

(2) in the second undesignated paragraph, by striking ''The term'' and inserting ''(b) APPLICATION.—The term''; and

(3) in the third undesignated paragraph, by striking ''The scope'' and inserting ''(c) SUBSEQUENT MODIFICATIONS, AMENDMENTS, AND SUPPLEMENTS.—The scope''.

(c) FILING WITHOUT A LICENSE.—Section 185 of title 35, United States Code, is amended by striking ''and without deceptive intent''.

(d) REISSUE OF DEFECTIVE PATENTS.—Section 251 of title 35, United States Code, is amended—

(1) in the first undesignated paragraph—

(A) by striking ''Whenever'' and inserting ''(a) IN GENERAL.—Whenever''; and

(B) by striking ''without any deceptive intention'';

(2) in the second undesignated paragraph, by striking ''The Director'' and inserting ''(b) MULTIPLE REISSUED PATENTS.—The Director'';

(3) in the third undesignated paragraph, by striking ''The provisions'' and inserting ''(c) APPLICABILITY OF THIS TITLE.—The provisions''; and

(4) in the last undesignated paragraph, by striking ''No reissued patent'' and inserting ''(d) REISSUE PATENT ENLARGING SCOPE OF CLAIMS.—No reissued patent''.

(e) EFFECT OF REISSUE.—Section 253 of title 35, United States Code, is amended—

(1) in the first undesignated paragraph, by striking ''Whenever, without any deceptive intention,'' and inserting ''(a) IN GENERAL.—Whenever''; and

(2) in the second undesignated paragraph, by striking ''In like manner'' and inserting ''(b) ADDITIONAL DISCLAIMER OR DEDICATION.—In the manner set forth in subsection (a),''.

(f) CORRECTION OF NAMED INVENTOR.—Section 256 of title 35, United States Code, is amended—

(1) in the first undesignated paragraph—

(A) by striking ''Whenever'' and inserting ''(a) CORRECTION.—Whenever''; and

(B) by striking ''and such error arose without any deceptive intention on his part''; and

(2) in the second undesignated paragraph, by striking ''The error'' and inserting ''(b) PATENT VALID IF ERROR CORRECTED.—The error''.

(g) PRESUMPTION OF VALIDITY.—Section 282 of title 35, United States Code, is amended—

(1) in the first undesignated paragraph—

(A) by striking ''A patent'' and inserting ''(a) IN GENERAL.—A patent''; and

(B) by striking the third sentence;

(2) in the second undesignated paragraph—

(A) by striking ''The following'' and inserting ''(b) DEFENSES.—The following'';

(B) in paragraph (1), by striking ''uneforceability,'' and inserting ''unenforceability.''; and

(C) in paragraph (2), by striking ''patentability,'' and inserting ''patentability.'' ; and

(3) in the third undesignated paragraph—

(A) by striking ''In actions involving the validity or infringement of a patent'' and inserting ''(c) NOTICE OF ACTIONS; ACTIONS DURING EXTENSION OF PATENT TERM.—In an action involving the validity or infringement of patent, the party asserting infringement shall identify, in the pleadings or otherwise in writing to the adverse party, all of its real parties in interest, and''; and

(B) by striking ''Claims Court'' and inserting ''Court of Federal Claims''.

(h) ACTION FOR INFRINGEMENT.—Section 288 of title 35, United States Code, is amended by striking '', without deceptive intention,''.

(i) REVISER'S NOTES.—

(1) Section 3(e)(2) of title 35, United States Code, is amended by striking ''this Act,'' and inserting ''that Act,''.

(2) Section 202 of title 35, United States Code, is amended—

(A) in subsection (b)(3), by striking ''the section 203(b)'' and inserting ''section 203(b)''; and

(B) in subsection (c)(7)(D), by striking ''except where it proves'' and all that follows through ''small business firms; and'' and inserting: ''except where it is determined to be infeasible following a reasonable inquiry, a preference in the licensing of subject inventions shall be given to small business firms; and''.

(3) Section 209(d)(1) of title 35, United States Code, is amended by striking ''nontransferrable'' and inserting ''nontransferable''.

(4) Section 287(c)(2)(G) of title 35, United States Code, is amended by striking ''any state'' and inserting ''any State''.

(5) Section 371(b) of title 35, United States Code, is amended by striking ''of the treaty'' and inserting ''of the treaty.''.

(j) UNNECESSARY REFERENCES.—

(1) IN GENERAL.—Title 35, United States Code, is amended by striking ''of this title'' each place that term appears.

(2) EXCEPTION.—The amendment made by paragraph (1) shall not apply to the use of such term in the following sections of title 35, United States Code:

(A) Section 1(c).

(B) Section 101.

(C) Subsections (a) and (b) of section 105.

(D) The first instance of the use of such term in section 111(b)(8).

(E) Section 161.

(F) Section 164.

(G) Section 171.

(H) Section 251(c), as so designated by this section.

(I) Section 261.

(J) Subsections (g) and (h) of section 271.

(K) Section 287(b)(1).

(L) Section 289.

(M) The first instance of the use of such term in section 375(a).

(k) EFFECTIVE DATE.—The amendments made by this section shall take effect upon the expiration of the 1-year period beginning on the date of the enactment of this Act and shall apply to proceedings commenced on or after that effective date.

SEC. 21. TRAVEL EXPENSES AND PAYMENT OF ADMINISTRATIVE JUDGES.

(a) AUTHORITY TO COVER CERTAIN TRAVEL RELATED EXPENSES.—Section 2(b)(11) of title 35, United States Code, is amended by inserting '', and the Office is authorized to expend funds to cover the subsistence expenses and travel-related expenses, including per diem, lodging costs, and transportation costs, of persons attending such programs who are not Federal employees'' after ''world''.

(b) PAYMENT OF ADMINISTRATIVE JUDGES.—Section 3(b) of title 35, United States Code, is amended by adding at the end the following:

''(6) ADMINISTRATIVE PATENT JUDGES AND ADMINISTRATIVE TRADEMARK JUDGES.—The Director may fix the rate of basic pay for the administrative patent judges appointed pursuant to section 6 and the administrative trademark judges appointed pursuant to section 17 of the Trademark Act of 1946 (15 U.S.C. 1067) at not greater than the rate of basic pay payable for level III of the Executive Schedule under section 5314 of title 5. The payment of a rate of basic pay under this paragraph shall not be subject to the pay limitation under section 5306(e) or 5373 of title 5.''.

SEC. 22. PATENT AND TRADEMARK OFFICE FUNDING.

(a) DEFINITION.—In this section, the term ''Fund'' means the United States Patent and

Trademark Office Public Enterprise Fund established under subsection (c).

(b) FUNDING.—

(1) IN GENERAL.—Section 42 of title 35, United States Code, is amended—

(A) in subsection (b), by striking ''Patent and Trademark Office Appropriation Account'' and inserting ''United States Patent and Trademark Office Public Enterprise Fund''; and

(B) in subsection (c), in the first sentence—

(i) by striking ''To the extent'' and all that follows through ''fees'' and inserting ''Fees''; and

(ii) by striking ''shall be collected by and shall be available to the Director'' and inserting ''shall be collected by the Director and shall be available until expended''.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on the later of—

(A) October 1, 2011; or

(B) the first day of the first fiscal year that begins after the date of the enactment of this Act.

(c) USPTO REVOLVING FUND.—

(1) ESTABLISHMENT.—There is established in the Treasury of the United States a revolving fund to be known as the ''United States Patent and Trademark Office Public Enterprise Fund''. Any amounts in the Fund shall be available for use by the Director without fiscal year limitation.

(2) DERIVATION OF RESOURCES.—There shall be deposited into the Fund and recorded as offsetting receipts, on and after the effective date set forth in subsection (b)(2)—

(A) any fees collected under sections 41, 42, and 376 of title 35, United States Code, except that—

(i) notwithstanding any other provision of law, if such fees are collected by, and payable to, the Director, the Director shall transfer such amounts to the Fund; and

(ii) no funds collected pursuant to section 10(h) of this Act or section 1(a)(2) of Public Law 111–45 shall be deposited in the Fund; and

(B) any fees collected under section 31 of the Trademark Act of 1946 (15 U.S.C. 1113).

(3) EXPENSES.—Amounts deposited into the Fund under paragraph (2) shall be available, without fiscal year limitation, to cover—

(A) all expenses to the extent consistent with the limitation on the use of fees set forth in section 42(c) of title 35, United States Code, including all administrative and operating expenses, determined in the discretion of the Director to be ordinary and reasonable, incurred by the Director for the continued operation of all services, programs, activities, and duties of the Office relating to patents and trademarks, as such services, programs, activities, and duties are described under—

(i) title 35, United States Code; and

(ii) the Trademark Act of 1946; and

(B) all expenses incurred pursuant to any obligation, representation, or other commitment of the Office.

(d) ANNUAL REPORT.—Not later than 60 days after the end of each fiscal year, the Director shall submit a report to Congress which shall—

(1) summarize the operations of the Office for the preceding fiscal year, including financial details and staff levels broken down by each major activity of the Office;

(2) detail the operating plan of the Office, including specific expense and staff needs for the upcoming fiscal year;

(3) describe the long-term modernization plans of the Office;

(4) set forth details of any progress towards such modernization plans made in the previous fiscal year; and

(5) include the results of the most recent audit carried out under subsection (f).

(e) ANNUAL SPENDING PLAN.—

(1) IN GENERAL.—Not later than 30 days after the beginning of each fiscal year, the Director shall notify the Committees on Appropriations of both Houses of Congress of the plan for the obligation and expenditure of the total amount of the funds for that fiscal year in accordance with section 605 of the Science, State, Justice, Commerce, and Related Agencies Appropriations Act, 2006 (Public Law 109–108; 119 Stat. 2334).

(2) CONTENTS.—Each plan under paragraph (1) shall—

(A) summarize the operations of the Office for the current fiscal year, including financial details and staff levels with respect to major activities; and

(B) detail the operating plan of the Office, including specific expense and staff needs, for the current fiscal year.

(f) AUDIT.—The Director shall, on an annual basis, provide for an independent audit of the financial statements of the Office. Such audit shall be conducted in accordance with generally acceptable accounting procedures.

(g) BUDGET.—The Director shall prepare and submit each year to the President a business-type budget for the Fund in a manner, and before a date, as the President prescribes by regulation for the Federal budget.

SEC. 23. SATELLITE OFFICES.

(a) ESTABLISHMENT.—Subject to available resources, the Director shall, by not later than the date that is 3 years after the date of the enactment of this Act, establish 3 or more satellite offices in the United States to carry out the responsibilities of the Office.

(b) PURPOSES.—The purposes of the satellite offices established under subsection (a) are to—

(1) increase outreach activities to better connect patent filers and innovators with the Office;

(2) enhance patent examiner retention;

(3) improve recruitment of patent examiners;

(4) decrease the number of patent applications waiting for examination; and

(5) improve the quality of patent examination.

(c) REQUIRED CONSIDERATIONS.—

(1) IN GENERAL.—In selecting the location of each satellite office to be established under subsection (a), the Director—

(A) shall ensure geographic diversity among the offices, including by ensuring that such offices are established in different States and regions throughout the Nation;

(B) may rely upon any previous evaluations by the Office of potential locales for satellite offices, including any evaluations prepared as part of the Office's Nationwide Workforce Program that resulted in the 2010 selection of Detroit, Michigan, as the first satellite office of the Office.

(2) OPEN SELECTION PROCESS.—Nothing in paragraph (1) shall constrain the Office to only consider its evaluations in selecting the Detroit, Michigan, satellite office.

(d) REPORT TO CONGRESS.—Not later than the end of the third fiscal year that begins after the date of the enactment of this Act, the Director shall submit a report to Congress on—

(1) the rationale of the Director in selecting the location of any satellite office required under subsection (a);

(2) the progress of the Director in establishing all such satellite offices; and

(3) whether the operation of existing satellite offices is achieving the purposes under subsection (b).

SEC. 24. DESIGNATION OF DETROIT SATELLITE OFFICE.

(a) DESIGNATION.—The satellite office of the United States Patent and Trademark Office to be located in Detroit, Michigan, shall be known and designated as the ''Elijah J. McCoy United States Patent and Trademark Office''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the satellite office of the United States Patent and Trademark Office to be located in Detroit, Michigan, referred to in subsection (a) shall be deemed to be a reference to the ''Elijah J. McCoy United States Patent and Trademark Office''.

SEC. 25. PATENT OMBUDSMAN PROGRAM FOR SMALL BUSINESS CONCERNS.

Using available resources, the Director shall establish and maintain in the Office a Patent Ombudsman Program. The duties of the Program's staff shall include providing support and services relating to patent filings to small business concerns.

SEC. 26. PRIORITY EXAMINATION FOR TECHNOLOGIES IMPORTANT TO AMERICAN COMPETITIVENESS.

Section 2(b)(2) of title 35, United States Code, is amended—

(1) in subparagraph (E), by striking ''and'' after the semicolon;

(2) in subparagraph (F), by inserting ''and'' after the semicolon; and

(3) by adding at the end the following:

''(G) may, subject to any conditions prescribed by the Director and at the request of the patent applicant, provide for prioritization of examination of applications for products, processes, or technologies that are important to the national economy or national competitiveness without recovering the aggregate extra cost of providing such prioritization, notwithstanding section 41 or any other provision of law;''.

SEC. 27. CALCULATION OF 60-DAY PERIOD FOR APPLICATION OF PATENT TERM EXTENSION.

(a) IN GENERAL.—Section 156(d)(1) of title 35, United States Code, is amended by adding at the end the following flush sentence:

''For purposes of determining the date on which a product receives permission under the second sentence of this paragraph, if such permission is transmitted after 4:30 P.M., Eastern Time, on a business day, or is transmitted on a day that is not a business day, the product shall be deemed to receive such permission on the next business day. For purposes of the preceding sentence, the term 'business day' means any Monday, Tuesday, Wednesday, Thursday, or Friday, excluding any legal holiday under section 6103 of title 5.''.

(b) APPLICABILITY.—The amendment made by subsection (a) shall apply to any application for extension of a patent term under section 156 of title 35, United States Code, that is pending on, that is filed after, or as to which a decision regarding the application is subject to judicial review on, the date of the enactment of this Act.

SEC. 28. STUDY ON IMPLEMENTATION.

(a) PTO STUDY.—The Director shall conduct a study on the manner in which this Act and the amendments made by this Act are being implemented by the Office, and on such other aspects of the patent policies and practices of the Federal Government with respect to patent rights, innovation in the United States, competitiveness of United States markets, access by small businesses to capital for investment, and such other issues, as the Director considers appropriate.

(b) REPORT TO CONGRESS.—The Director shall, not later than the date that is 4 years after the date of the enactment of this Act, submit to the Committees on the Judiciary of the House of Representatives and the Senate a report on the results of the study conducted under subsection (a), including recommendations for any changes to laws and regulations that the Director considers appropriate.

SEC. 29. PRO BONO PROGRAM.

(a) IN GENERAL.—The Director shall work with and support intellectual property law associations across the country in the establishment of pro bono programs designed to assist financially under-resourced independent inventors and small businesses.

(b) EFFECTIVE DATE.—This section shall take effect on the date of the enactment of this Act.

SEC. 30. EFFECTIVE DATE.

Except as otherwise provided in this Act, the provisions of this Act shall take effect upon the expiration of the 1-year period beginning on the date of the enactment of this Act and shall apply to any patent issued on or after that effective date.

SEC. 31. BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled ''Budgetary Effects of PAYGO Legislation'' for this Act, submitted for printing in the Congressional Record by the Chairman of the House Budget Committee, provided that such statement has been submitted prior to the vote on passage.

The Acting CHAIR. No amendment to the committee amendment is in order except those printed in part B of House Report 112–111. Each such amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

AMENDMENT NO. 1 OFFERED BY MR. SMITH OF TEXAS

The Acting CHAIR. It is now in order to consider amendment No. 1 printed in part B of House Report 112–111.

Mr. SMITH of Texas. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 3, line 5, strike ''America Invents Act'' and insert ''Leahy-Smith America Invents Act''.

Page 4, lines 10 and 22, strike ''5(a)(1)'' and insert ''5(a)''.

Page 16, line 1, insert after the period the following: ''In appropriate circumstances, the Patent Trial and Appeal Board may correct the naming of the inventor in any application or patent at issue.''.

Page 25, strike line 13 and all that follows through page 27, line 2, and redesignate the succeeding subsections accordingly.

Page 27, line 4, strike ''registration''.

Page 27, line 5, strike ''inventor to use'' and insert ''to invent''.

Page 27, line 6, insert ''and the useful arts'' after ''science''.

Page 27, line 9, strike ''granted by the'' and insert ''provided by the grant of''.

Page 27, line 12, strike ''registration''.

Page 27, line 13, strike ''inventor to use'' and insert ''to invent''.

Page 27, lines 14 and 15, strike ''harmonize the United States patent registration system with the patent registration systems'' and insert ''improve the United States patent system and promote harmonization of the United States patent system with the patent systems''.

Page 27, line 18, strike ''a greater sense of'' and insert ''greater''.

Page 36, strike line 10 and all that follows through page 40, line 5, and insert the following (and conform the table of contents) accordingly:

SEC. 5. DEFENSE TO INFRINGEMENT BASED ON PRIOR COMMERCIAL USE.

(a) IN GENERAL.—Section 273 of title 35, United States Code, is amended to read as follows:

''§ 273. Defense to infringement based on prior commercial use

''(a) IN GENERAL.—A person shall be entitled to a defense under section 282(b) with respect to subject matter consisting of a process, or consisting of a machine, manufacture, or composition of matter used in a manufacturing or other commercial process, that would otherwise infringe a claimed invention being asserted against the person if—

''(1) such person, acting in good faith, commercially used the subject matter in the United States, either in connection with an internal commercial use or an actual arm's length sale or other arm's length commercial transfer of a useful end result of such commercial use; and

''(2) such commercial use occurred at least 1 year before the earlier of either—

''(A) the effective filing date of the claimed invention; or

''(B) the date on which the claimed invention was disclosed to the public in a manner that qualified for the exception from prior art under section 102(b).

''(b) BURDEN OF PROOF.—A person asserting a defense under this section shall have the burden of establishing the defense by clear and convincing evidence.

''(c) ADDITIONAL COMMERCIAL USES.—

''(1) PREMARKETING REGULATORY REVIEW.—Subject matter for which commercial marketing or use is subject to a premarketing regulatory review period during which the safety or efficacy of the subject matter is established, including any period specified in section 156(g), shall be deemed to be commercially used for purposes of subsection (a)(1) during such regulatory review period.

''(2) NONPROFIT LABORATORY USE.—A use of subject matter by a nonprofit research laboratory or other nonprofit entity, such as a university or hospital, for which the public is the intended beneficiary, shall be deemed to be a commercial use for purposes of subsection (a)(1), except that a defense under this section may be asserted pursuant to this paragraph only for continued and noncommercial use by and in the laboratory or other nonprofit entity.

''(d) EXHAUSTION OF RIGHTS.—Notwithstanding subsection (e)(1), the sale or other disposition of a useful end result by a person entitled to assert a defense under this section in connection with a patent with respect to that useful end result shall exhaust the patent owner's rights under the patent to the extent that such rights would have been exhausted had such sale or other disposition been made by the patent owner.

''(e) LIMITATIONS AND EXCEPTIONS.—

''(1) PERSONAL DEFENSE.—

''(A) IN GENERAL.—A defense under this section may be asserted only by the person who performed or directed the performance of the commercial use described in subsection (a), or by an entity that controls, is controlled by, or is under common control with such person.

''(B) TRANSFER OF RIGHT.—Except for any transfer to the patent owner, the right to assert a defense under this section shall not be licensed or assigned or transferred to another person except as an ancillary and subordinate part of a good-faith assignment or transfer for other reasons of the entire enterprise or line of business to which the defense relates.

''(C) RESTRICTION ON SITES.—A defense under this section, when acquired by a person as part of an assignment or transfer described in subparagraph (B), may only be asserted for uses at sites where the subject matter that would otherwise infringe a claimed invention is in use before the later of the effective filing date of the claimed invention or the date of the assignment or transfer of such enterprise or line of business.

''(2) DERIVATION.—A person may not assert a defense under this section if the subject matter on which the defense is based was derived from the patentee or persons in privity with the patentee.

''(3) NOT A GENERAL LICENSE.—The defense asserted by a person under this section is not a general license under all claims of the patent at issue, but extends only to the specific subject matter for which it has been established that a commercial use that qualifies under this section occurred, except that the defense shall also extend to variations in the quantity or volume of use of the claimed subject matter, and to improvements in the claimed subject matter that do not infringe additional specifically claimed subject matter of the patent.

''(4) ABANDONMENT OF USE.—A person who has abandoned commercial use (that qualifies under this section) of subject matter may not rely on activities performed before the date of such abandonment in establishing a defense under this section with respect to actions taken on or after the date of such abandonment.

''(5) UNIVERSITY EXCEPTION.—

''(A) IN GENERAL.—A person commercially using subject matter to which subsection (a) applies may not assert a defense under this section if the claimed invention with respect to which the defense is asserted was, at the time the invention was made, owned or subject to an obligation of assignment to either an institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)), or a technology transfer organization whose primary purpose is to facilitate the commercialization of technologies developed by one or more such institutions of higher education.

''(B) EXCEPTION.—Subparagraph (A) shall not apply if any of the activities required to reduce to practice the subject matter of the claimed invention could not have been undertaken using funds provided by the Federal Government.

''(f) UNREASONABLE ASSERTION OF DEFENSE.—If the defense under this section is pleaded by a person who is found to infringe the patent and who subsequently fails to demonstrate a reasonable basis for asserting the defense, the court shall find the case exceptional for the purpose of awarding attorney fees under section 285.

''(g) INVALIDITY.—A patent shall not be deemed to be invalid under section 102 or 103 solely because a defense is raised or established under this section.''.

(b) CONFORMING AMENDMENT.—The item relating to section 273 in the table of sections for chapter 28 of title 35, United States Code, is amended to read as follows:

''273. Defense to infringement based on prior commercial use.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to any patent issued on or after the date of the enactment of this Act.

Page 41, line 5, strike ''1 year'' and insert ''9 months''.

Page 42, line 22, strike ''commence'' and insert ''be instituted''.

Page 43, line 24, and page 44, line 1, strike ''petitioner, real party in interest, or privy of the petitioner'' and insert ''petitioner or real party in interest''.

Page 44, lines 3 and 4, strike ''petitioner, real party in interest, or privy of the petitioner'' and insert ''petitioner or real party in interest''.

Page 44, lines 13 and 14, strike ''petitioner, real party in interest, or privy of the petitioner'' and insert ''petitioner or real party in interest''.

Page 44, lines 16 and 17, strike ''petitioner, real party in interest, or privy of the petitioner'' and insert ''petitioner or real party in interest''.

Page 52, line 10, strike ''AMENDED OR NEW CLAIM'' and insert ''INTERVENING RIGHTS''.

Page 54, insert the following after line 10:

(3) TRANSITION.—

(A) IN GENERAL.—Chapter 31 of title 35, United States Code, is amended—

(i) in section 312—

(I) in subsection (a)—

(aa) in the first sentence, by striking ''a substantial new question of patentability affecting any claim of the patent concerned is raised by the request,'' and inserting ''the information presented in the request shows that there is a reasonable likelihood that the requester would prevail with respect to at least 1 of the claims challenged in the request,''; and

(bb) in the second sentence, by striking ''The existence of a substantial new question of patentability'' and inserting ''A showing that there is a reasonable likelihood that the requester would prevail with respect to at least 1 of the claims challenged in the request''; and

(II) in subsection (c), in the second sentence, by striking ''no substantial new question of patentability has been raised,'' and inserting ''the showing required by subsection (a) has not been made,''; and

(ii) in section 313, by striking ''a substantial new question of patentability affecting a claim of the patent is raised'' and inserting ''it has been shown that there is a reasonable likelihood that the requester would prevail with respect to at least 1 of the claims challenged in the request''.

(B) APPLICATION.—The amendments made by this paragraph—

(i) shall take effect on the date of the enactment of this Act; and

(ii) shall apply to requests for inter partes reexamination that are filed on or after such date of enactment, but before the effective date set forth in paragraph (2)(A) of this subsection.

(C) CONTINUED APPLICABILITY OF PRIOR PROVISIONS.—The provisions of chapter 31 of title 35, United States Code, as amended by this paragraph, shall continue to apply to requests for inter partes reexamination that are filed before the effective date set forth in paragraph (2)(A) as if subsection (a) had not been enacted.

Page 54, line 17, strike ''patent owner'' and insert ''owner of a patent''.

Page 54, line 18, strike ''of a'' and insert ''of the''.

Page 55, line 10, strike ''1 year'' and insert ''9 months''.

Page 57, line 3, strike ''commence'' and insert ''be instituted''.

Page 57, line 25, strike ''The'' and all that follows through ''public.'' on page 58, line 1.

Page 58, lines 11 and 12, strike ''petitioner, real party in interest, or privy of the petitioner'' and insert ''petitioner or real party in interest''.

Page 58, lines 15 and 16, strike ''petitioner, real party in interest, or privy of the petitioner'' and insert ''petitioner or real party in interest''.

Page 58, line 25 and page 59, line 1, strike ''petitioner, real party in interest, or privy of the petitioner'' and insert ''petitioner or real party in interest''.

Page 59, lines 3 and 4, strike ''petitioner, real party in interest, or privy of the petitioner'' and insert ''petitioner or real party in interest''.

Page 63, line 15, strike ''and''.

Page 63, line 23, strike the period and insert ''; and''.

Page 63, insert the following after line 23:

''(12) providing the petitioner with at least 1 opportunity to file written comments within a time period established by the Director.''.

Page 66, line 24, strike ''AMENDED OR NEW CLAIM'' and insert ''INTERVENING RIGHTS''.

Page 68, line 10, strike ''to any patent that is'' and insert ''only to patents''.

Page 78, insert the following after line 1 and redesignate the succeeding subsection accordingly:

(d) CONFORMING AMENDMENTS.—

(1) ATOMIC ENERGY ACT OF 1954.—Section 152 of the Atomic Energy Act of 1954 (42 U.S.C. 2182) is amended in the third undesignated paragraph—

(A) by striking ''Board of Patent Appeals and Interferences'' each place it appears and inserting ''Patent Trial and Appeal Board''; and

(B) by inserting ''and derivation'' after ''established for interference''.

(2) TITLE 51.—Section 20135 of title 51, United States Code, is amended—

(A) in subsections (e) and (f), by striking ''Board of Patent Appeals and Interferences'' each place it appears and inserting ''Patent Trial and Appeal Board''; and

(B) in subsection (e), by inserting ''and derivation'' after ''established for interference''.

Page 86, lines 11 and 12, strike ''examination fee for the application'' and insert ''applicable fee''.

Page 86, line 15, insert ''most recently'' after ''as''.

Page 86, line 22, strike ''examination fee for the application'' and insert ''applicable fee''.

Page 87, line 1, insert ''most recently'' after ''as''.

Page 87, strike line 18 and all that follows through page 88, line 8, and insert the following:

''(d) INSTITUTIONS OF HIGHER EDUCATION.—For purposes of this section, a micro entity shall include an applicant who certifies that—

''(1) the applicant's employer, from which the applicant obtains the majority of the applicant's income, is an institution of higher education as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)); or

''(2) the applicant has assigned, granted, conveyed, or is under an obligation by contract or law, to assign, grant, or convey, a license or other ownership interest in the particular applications to such an institution of higher education.

Page 88, line 9, strike ''(2) DIRECTOR'S AUTHORITY.—The Director'' and insert ''(e) DIRECTOR'S AUTHORITY.—In addition to the limits imposed by this section, the Director''.

Page 88, move the text of lines 9 through 21 2 ems to the left.

Page 88, line 12, strike ''subsection'' and insert ''section''.

Page 88, line 18, strike ''paragraph'' and insert ''subsection''.

Page 89, line 2, strike ''a fee'' and insert ''an additional fee''.

Page 89, line 17, strike ''This'' and insert ''Except as provided in subsection (h), this''.

Page 89, line 22, strike ''6-year'' and insert ''7-year''.

Page 89, add the following after line 23:

(3) PRIOR REGULATIONS NOT AFFECTED.—The termination of authority under this subsection shall not affect any regulations issued under this section before the effective date of such termination or any rulemaking proceeding for the issuance of regulations under this section that is pending on such date.

Page 96, line 15, strike ''either'' and all that follows through ''patent'' on line 19 and inserting ''by Office personnel''.

Page 98, strike lines 3 through 14.

Page 102, insert the following after line 7 and redesignate the succeeding subsection accordingly:

(i) APPROPRIATION ACCOUNT TRANSITION FEES.—

(1) SURCHARGE.—

(A) IN GENERAL.—There shall be a surcharge of 15 percent, rounded by standard arithmetic rules, on all fees charged or authorized by subsections (a), (b), and (d)(1) of section 41, and section 132(b), of title 35, United States Code. Any surcharge imposed under this subsection is, and shall be construed to be, separate from and in addition to any other surcharge imposed under this Act or any other provision of law.

(B) DEPOSIT OF AMOUNTS.—Amounts collected pursuant to the surcharge imposed under subparagraph (A) shall be credited to the United States Patent and Trademark Appropriation Account, shall remain available until expended, and may be used only for the purposes specified in section 42(c)(3)(A) of title 35, United States Code.

(2) EFFECTIVE DATE AND TERMINATION OF SURCHARGE.—The surcharge provided for in paragraph (1)—

(A) shall take effect on the date that is 10 days after the date of the enactment of this Act; and

(B) shall terminate, with respect to a fee to which paragraph (1)(A) applies, on the effective date of the setting or adjustment of that fee pursuant to the exercise of the authority under section 10 for the first time with respect to that fee.

Page 102, strike lines 1 through 7 and insert the following:

(h) PRIORITIZED EXAMINATION FEE.—

(1) IN GENERAL.—

(A) FEE.—

(i) PRIORITIZED EXAMINATION FEE.—A fee of $4,800 shall be established for filing a request, pursuant to section 2(b)(2)(G) of title 35, United States Code, for prioritized examination of a nonprovisional application for an original utility or plant patent.

(ii) ADDITIONAL FEES.—In addition to the prioritized examination fee under clause (i), the fees due on an application for which prioritized examination is being sought are the filing, search, and examination fees (including any applicable excess claims and application size fees), processing fee, and publication fee for that application.

(B) REGULATIONS; LIMITATIONS.—

(i) REGULATIONS.—The Director may by regulation prescribe conditions for acceptance of a request under subparagraph (A) and a limit on the number of filings for prioritized examination that may be accepted.

(ii) LIMITATION ON CLAIMS.— Until regulations are prescribed under clause (i), no application for which prioritized examination is requested may contain or be amended to contain more than 4 independent claims or more than 30 total claims.

(iii) LIMITATION ON TOTAL NUMBER OF REQUESTS.—The Director may not accept in any fiscal year more than 10,000 requests for prioritization until regulations are prescribed under this subparagraph setting another limit.

(2) REDUCTION IN FEES FOR SMALL ENTITIES.—The Director shall reduce fees for providing prioritized examination of nonprovisional applications for original utility and plant patents by 50 percent for small entities that qualify for reduced fees under section 41(h)(1) of title 35, United States Code.

(3) DEPOSIT OF FEES.—All fees paid under this subsection shall be credited to the United States Patent and Trademark Office Appropriation Account, shall remain available until expended, and may be used only for the purposes specified in section 42(c)(3)(A) of title 35, United States Code.

(4) EFFECTIVE DATE AND TERMINATION.—

(A) EFFECTIVE DATE.—This subsection shall take effect on the date that is 10 days after the date of the enactment of this Act.

(B) TERMINATION.—The fee imposed under paragraph (1)(A)(i), and the reduced fee under paragraph (2), shall terminate on the effective date of the setting or adjustment of

the fee under paragraph (1)(A)(i) pursuant to the exercise of the authority under section 10 for the first time with respect to that fee.

Page 102, lines 8 and 9, strike ''Except as provided in subsection (h),'' and insert ''Except as otherwise provided in this section,''.

Page 105, strike lines 1 through 11.

Page 105, add the following after line 25 and redesignate the succeeding subsection accordingly:

''(e) FRAUD.—If the Director becomes aware, during the course of a supplemental examination or reexamination proceeding ordered under this section, that a material fraud on the Office may have been committed in connection with the patent that is the subject of the supplemental examination, then in addition to any other actions the Director is authorized to take, including the cancellation of any claims found to be invalid under section 307 as a result of a reexamination ordered under this section, the Director shall also refer the matter to the Attorney General for such further action as the Attorney General may deem appropriate. Any such referral shall be treated as confidential, shall not be included in the file of the patent, and shall not be disclosed to the public unless the United States charges a person with a criminal offense in connection with such referral.

Page 111, strike lines 13 through 24 and insert the following:

''(c) The marking of a product, in a manner described in subsection (a), with matter relating to a patent that covered that product but has expired is not a violation of this section.''.

Page 112, line 2, strike ''any case that is'' and insert ''all cases, without exception, that are''.

Page 113, line 13, insert ''or privy'' after ''interest''.

Page 114, lines 15 and 16, strike ''The petitioner in a transitional proceeding,'' and insert the following: ''The petitioner in a transitional proceeding that results in a final written decision under section 328(a) of title 35, United States Code, with respect to a claim in a covered business method patent,''.

Page 114, line 22, strike ''a claim in a patent'' and insert ''the claim''.

Page 114, lines 23-25, strike ''a transitional proceeding that resulted in a final decision'' and insert ''that transitional proceeding''.

Page 115, line 18, strike ''10-'' and insert ''8-''.

Page 120, strike line 17 and all that follows through the matter following line 10 on page 121 and redesignate succeeding subsections accordingly.

Page 121, line 17, strike ''In any'' and insert ''With respect to any''.

Page 121, line 22, insert '', or have their actions consolidated for trial,'' after ''defendants''.

Page 122, line 9, strike ''or trial''.

Page 122, line 10, insert '', or have their actions consolidated for trial,'' after ''defendants''.

Page 122, line 11, strike the quotation marks and second period.

Page 122, insert the following after line 11:

''(c) WAIVER.—A party that is an accused infringer may waive the limitations set forth in this section with respect to that party.''.

Page 126, line 13, strike ''patent,'' and all that follows through the first appearance of ''and'' on line 17 and insert ''a patent,''.

Page 128, insert the following after line 23 and redesignate the succeeding subsection accordingly:

(k) ADDITIONAL TECHNICAL AMENDMENTS.—Sections 155 and 155A of title 35, United States Code, and the items relating to those sections in the table of sections for chapter 14 of such title, are repealed.

Page 130, strike line 3 and all that follows through page 134, line 17, and insert the following:

SEC. 22. PATENT AND TRADEMARK OFFICE FUNDING.

(a) IN GENERAL.—Section 42(c) of title 35, United States Code, is amended—

(1) by striking ''(c)'' and inserting ''(c)(1)'';

(2) in the first sentence, by striking ''shall be available'' and inserting ''shall, subject to paragraph (3), be available'';

(3) by striking the second sentence; and

(4) by adding at the end the following:

''(2) There is established in the Treasury a Patent and Trademark Fee Reserve Fund. If fee collections by the Patent and Trademark Office for a fiscal year exceed the amount appropriated to the Office for that fiscal year, fees collected in excess of the appropriated amount shall be deposited in the Patent and Trademark Fee Reserve Fund. To the extent and in the amounts provided in appropriations Acts, amounts in the Fund shall be made available until expended only for obligation and expenditure by the Office in accordance with paragraph (3).

''(3)(A) Any fees that are collected under sections 41, 42, and 376, and any surcharges on such fees, may only be used for expenses of the Office relating to the processing of patent applications and for other activities, services, and materials relating to patents and to cover a share of the administrative costs of the Office relating to patents.

''(B) Any fees that are collected under section 31 of the Trademark Act of 1946, and any surcharges on such fees, may only be used for expenses of the Office relating to the processing of trademark registrations and for other activities, services, and materials relating to trademarks and to cover a share of the administrative costs of the Office relating to trademarks.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2011.

Page 137, strike lines 1 through 7 and redesignate the succeeding sections (and conform the table of contents) accordingly.

Page 137, lines 8 and 9, strike ''**TECHNOLOGIES IMPORTANT TO AMERICAN COMPETITIVENESS**'' and insert ''**IMPORTANT TECHNOLOGIES**'' (and conform the table of contents accordingly).

Page 138, strike lines 1 through 21 and redesignate succeeding sections (and conform the table of contents) accordingly.

Page 139, insert the following after line 12 and redesignate the succeeding sections (and conform the table of contents) accordingly:

SEC. 27. STUDY ON GENETIC TESTING.

(a) IN GENERAL.—The Director shall conduct a study on effective ways to provide independent, confirming genetic diagnostic test activity where gene patents and exclusive licensing for primary genetic diagnostic tests exist.

(b) ITEMS INCLUDED IN STUDY.—The study shall include an examination of at least the following:

(1) The impact that the current lack of independent second opinion testing has had on the ability to provide the highest level of medical care to patients and recipients of genetic diagnostic testing, and on inhibiting innovation to existing testing and diagnoses.

(2) The effect that providing independent second opinion genetic diagnostic testing would have on the existing patent and license holders of an exclusive genetic test.

(3) The impact that current exclusive licensing and patents on genetic testing activity has on the practice of medicine, including but not limited to: the interpretation of testing results and performance of testing procedures.

(4) The role that cost and insurance coverage have on access to and provision of genetic diagnostic tests.

(c) CONFIRMING GENETIC DIAGNOSTIC TEST ACTIVITY DEFINED.—For purposes of this section, the term ''confirming genetic diagnostic test activity'' means the performance of a genetic diagnostic test, by a genetic diagnostic test provider, on an individual solely for the purpose of providing the individual with an independent confirmation of results obtained from another test provider's prior performance of the test on the individual.

(d) REPORT.—Not later than 9 months after the date of enactment of this Act, the Director shall report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives on the findings of the study and provide recommendations for establishing the availability of such independent confirming genetic diagnostic test activity.

SEC. 28. PATENT OMBUDSMAN PROGRAM FOR SMALL BUSINESS CONCERNS.

Using available resources, the Director shall establish and maintain in the Office a Patent Ombudsman Program. The duties of the Program's staff shall include providing support and services relating to patent filings to small business concerns and independent inventors.

Page 139, insert the following after line 20 and redesignate the succeeding sections (and conform the table of contents) accordingly:

SEC. 30. LIMITATION ON ISSUANCE OF PATENTS.

(a) LIMITATION.—Notwithstanding any other provision of law, no patent may issue on a claim directed to or encompassing a human organism.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—Subsection (a) shall apply to any application for patent that is pending on, or filed on or after, the date of the enactment of this Act.

(2) PRIOR APPLICATIONS.—Subsection (a) shall not affect the validity of any patent issued on an application to which paragraph (1) does not apply.

SEC. 31. STUDY OF PATENT LITIGATION.

(a) GAO STUDY.—The Comptroller General of the United States shall conduct a study of the consequences of litigation by non-practicing entities, or by patent assertion entities, related to patent claims made under title 35, United States Code, and regulations authorized by that title.

(b) CONTENTS OF STUDY.—The study conducted under this section shall include the following:

(1) The annual volume of litigation described in subsection (a) over the 20-year period ending on the date of the enactment of this Act.

(2) The volume of cases comprising such litigation that are found to be without merit after judicial review.

(3) The impacts of such litigation on the time required to resolve patent claims.

(4) The estimated costs, including the estimated cost of defense, associated with such litigation for patent holders, patent licensors, patent licensees, and inventors, and for users of alternate or competing innovations.

(5) The economic impact of such litigation on the economy of the United States, including the impact on inventors, job creation, employers, employees, and consumers.

(6) The benefit to commerce, if any, supplied by non-practicing entities or patent assertion entities that prosecute such litigation.

(c) REPORT TO CONGRESS.—The Comptroller General shall, not later than the date that is 1 year after the date of the enactment of this Act, submit to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate a report on the results of the study required under this section, including recommendations for any changes to laws and regulations that will minimize any negative impact of patent litigation that was the subject of such study.

The Acting CHAIR. Pursuant to House Resolution 316, the gentleman from Texas (Mr. SMITH) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. SMITH of Texas. I yield myself such time as I may consume.

Madam Chair, the manager's amendment consists of numerous technical edits and other improvements to the bill. Some of the highlights include the following provisions:

Expansion and clarification of prior-user rights under section 273 of the Patent Act.

Institutions of higher education qualify for ''micro-entity'' status when paying fees. In other words, an inventor who works for a university or who assigns or conveys an invention to a university qualifies for lower micro-entity fee status.

Consolidation of numerous PTO reporting requirements.

Inclusion of ''Weldon amendment'' language that forbids the patenting of inventions ''directed to or encompassing a human organism.'' This language has been part of the CJS appropriations legislation for years. It's directed as preventing the PTO from approving inventions related to human cloning.

And deletion of a provision that provides special treatment to one company that wants to get additional patent term protection from the PTO.

These and other changes in the manager's amendment smooth out a few rough edges and improve the overall bill.

I reserve the balance of my time.

Mr. WATT. Madam Chair, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from North Carolina is recognized for 5 minutes.

Mr. WATT. I yield 2 minutes to the gentleman from Wisconsin (Mr. SENSENBRENNER).

Mr. SENSENBRENNER. Madam Chair, this manager's amendment is substantive. It contains provisions that should not be buried in a manager's amendment, and it should be defeated.

First of all, it does maintain the fee diversion. It maintains the fee diversion because of an alleged lock box. We've heard about this before, and I have in my hand the CONGRESSIONAL RECORD of June 23, 2000, where the chairman, at the time, of the State, Justice, Commerce Subcommittee stated that the fees that are generated by the Patent Office are not to be used by any other agency or any other purpose. They remain in that account to be used in succeeding years. We are not siphoning off Patent Office fees for other expenditures.

Well, guess what? It happened. And it's happened in the last 10 to 12 years to the tune of $1 billion. And this is exactly the same promise that they're making now. Fool us once, shame on them. Fool us twice, shame on us.

Now, this change relative to the reported bill to what is in the manager's amendment is the thing that is subject to the waiver of CutGo to the tune of $717 million over the next 5 years. The proponents of this amendment say this is a mere technical waiver of CutGo.

□ 2110

$717 million is no mere technical waiver of CutGo.

If you believe in CutGo, you've got to vote down the manager's amendment where this change was protected by the waiver granted for the Rules Committee. The amendment is substantive, it ought to be defeated.

Mr. SMITH of Texas. Madam Chair, I continue to reserve the balance of my time.

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

Let me first say I agree with Mr. SENSENBRENNER. The Rules Committee says that this is a technical amendment, that it would make technical edits and a few necessary changes to more substantive issues. This is a very substantive manager's amendment; there is no question about that.

There are many good parts to this bill, and a broad coalition of people supported the bill which was reported out of committee. But the one and only necessary part of the bill is the ability to give the Patent and Trademark Office its full funding. That was the whole purpose for which we started off this process.

This whole reform process was conceived to address poor-quality patents and to reduce the backlog of patent applications, which now exceeds a 700,000 backlog of patent applications. And the reason it exceeds 700,000 is because the Patent and Trademark Office has not had the money because their fees that they have been charging have been diverted to the general fund. Without a clear path to access its own collection of fees, the PTO cannot properly plan or implement the other changes in the bill and fulfill its primary function of reducing the backlog and examining patent applications.

The compromise that this manager's amendment proposes has been described by a patent news blog as, it says, It's still Lucy—that's the appropriators—holding the football that it will never let Charlie Brown have. That's really what we see here.

This is a mirage, a promise that they are going to do something that, if they just did it in the bill the way we reported the bill out of the committee, you wouldn't need this subterfuge. There is no reason to be doing this. The Senate reported it out clean, no diversion, 95–4 they voted it out of the Senate.

I don't even know why we're here debating this at this point. If we believe that the one primary purpose of patent reform is to deal with the fee diversion, then we need to deal with that first, and that's exactly what we did in the Judiciary Committee.

I don't know why I'm here defending what we, on a broad, bipartisan basis, reported out of our committee. It ought to be the chairman of the committee that's defending what we reported out of the committee. Yet we are here, instead of defending what we reported out of the committee, the manager's amendment waters it down and makes it ineffective, and that's not what we should be doing here.

Now they said they got these letters of support, but the letters came supporting what came out of the committee, not the manager's amendment. The manager's amendment is going to destroy what came out of the committee. It is inconsistent with what came out of the committee.

So we've got to defeat the manager's amendment and go back to the bill that came out of the Judiciary Committee, and that's what I'm advocating.

Mr. SMITH of Texas. I yield myself the balance of my time.

Madam Chair, let me address some of the criticisms that have been made about the manager's amendment. There are some who want to make more changes to the business method patent provision in the bill. This topic is the primary reason the Judiciary Committee launched patent reform back in 2005.

In response to a number of poor-quality, business-method patents issued over the past decade, the bill creates a transitional program within PTO to evaluate these patents using the best prior art available. Bad patents will be weeded out, but good ones will become gold-plated based on their enhanced legal integrity.

There are others who have sought changes to the prior art provisions in the First-Inventor-to-File section. The language in our bill which replicates that in the Senate version has drawn support from a large cross-range of industries and investors.

Some colleagues have complained during this debate about the treatment of PTO funding in the manager's amendment. The bill that the House Judiciary Committee reported would allow the PTO to keep all the revenue it raises without having to request funding through the normal appropriations process. This is treated as mandatory spending and scored savings in excess of $700 million.

Because of concerns raised by the Appropriations Committee members, we worked with them to develop a compromise that eliminates fee diversion while permitting the appropriators to retain oversight through the traditional appropriations process. The manager's amendment accomplishes this goal, but it means that the mandatory spending provisions of the revolving fund become discretionary spending under the reserved fund. Because this change is contrary to CutGo requirements, we need a waiver for consideration of H.R. 1249.

I want to emphasize that the bill includes user fees paid by inventors and trademark filers to the PTO in return

for services. This isn't the same thing as using tax revenue from the general treasury to fund the agency, so I am not sure that the CutGo rules even apply.

Very importantly, there is no impact on the deficit. The manager's amendment is constitutionally sound, improves the base text of the bill, and incorporates a funding agreement approved by the leadership to get this bill to the floor. It's important to pass it and then move on to the other amendments.

I urge my colleagues to vote ''aye'' on the amendment.

Mr. RYAN of Wisconsin. Madam Chair, I rise today to provide an explanation of my support for a waiver of the Cut-go point of order on the Manager's Amendment to H.R. 1249, the America Invents Act. No matter how well-crafted a budget enforcement tool may be it can never be immune from all unintended consequences.

There are two reasons I support this waiver. First, the violation arises from an anomaly associated with converting this program from discretionary to mandatory. Second, the Manager's Amendment does not cause an increase in direct spending relative to current law.

With respect to the first point, CB0 currently records PTO fee collections on an annual basis with the enactment of the relevant appropriations bill. As a result, CBO shows no deficit impact from PTO for fiscal years after FY 2011 if the funding and fee collections remain subject to the appropriations process—what we call ''discretionary spending.''

The reported bill would have provided permanent authority to the PTO to collect fees and spend the fee collections. We call spending that is provided through permanent law ''mandatory spending.'' CBO estimated this permanent authority for FY 2012–2021 would reduce mandatory spending by $712 million. The savings, however, are the result of CBO's estimate that the agency will not be able to spend the fees as quickly as they are collected, not from spending reduction.

This should be obvious because the whole rationale of this bill was to ensure the expenditure of all PTO fee collections. If the reported bill was mandating that all PTO collections be spent, how can it produce budgetary savings? It doesn't. The only savings are paper savings, resulting from an accounting change and not an actual reduction in spending.

The Cut-go rule was designed to prevent the total amount of mandatory spending in the Federal Budget from increasing by requiring a corresponding spending reduction for any proposal to increase direct spending, and not offset with an increase in revenue as was common practice under Pay-Go.

Ironically, the Manager's Amendment would prevent a discretionary program from turning into mandatory spending, but because Cut-go is measured relative to the reported bill and not to the baseline, it triggers a Cut-go violation. Cut-go was not intended to favor mandatory spending over discretionary spending.

With respect to the second point, the Manager's Amendment maintains the same basic fee and spending structure as the underlying legislation but keeps the program discretionary. CBO estimates the bill, with the Manager's Amendment, would decrease the deficit by $5 million over ten years, unrelated to the PTO classification. The Committee could have avoided a Cut-go point of order if it reported out a separate bill that reflected the Manager's Amendment.

I do not take waiving budget points of order lightly, but in this case it is justified.

Mr. SMITH of Texas. Madam Chair, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Texas (Mr. SMITH).

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

Mr. SMITH of Texas. Madam Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Texas will be postponed.

Mr. SMITH of Texas. Madam Chair, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. GOODLATTE) having assumed the chair, Ms. FOXX, 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. 1249) to amend title 35, United States Code, to provide for patent reform, had come to no resolution thereon.

□ 2120

AMERICAN INVOLVEMENT IN LIBYA

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from Indiana (Mr. BURTON) is recognized for half the time before 10 p.m. as the designee of the majority leader.

Mr. BURTON of Indiana. Mr. Speaker, I am not going to take all of the time that is allocated for my Special Order tonight, but I did want to talk about the problem that we are facing in Libya right now.

The President of the United States has the authority under the Constitution to be the Commander in Chief in the event that we have to go into a military conflict. What the President does not have the right to do is to take us into a military conflict without consulting with the Congress of the United States, unless there is an imminent threat to the United States or an attack on the United States.

The Constitution is pretty clear on this subject. Unfortunately, during the Nixon administration there was some question about whether or not President Nixon exceeded his authority, so the Congress of the United States passed what was called the War Powers Act. The War Powers Act was designed to clarify very clearly for President Nixon and all future presidents the authority granted them under the Constitution in the event that there was to be a conflict.

The President vetoed that bill because he thought it was an infringement. I am talking about President Nixon now. He vetoed that bill because he thought it was an infringement of the constitutional powers of the President. The Congress overwhelmingly overrode the President's veto, and so the War Powers Act became law.

Now, there has been a lot of question from some of my colleagues about the constitutionality of the War Powers Act. I have heard some of my friends in the other body say it is not constitutional. I have heard friends of mine within the House of Representatives say that the War Powers Act is not constitutional. The fact of the matter is it has never been tested in court. It has never gone to the U.S. Supreme Court and, as a result, the War Powers Act is the law of the land. It is the law of the United States of America, and it is intended, as I said before, to clarify the constitutional powers of the President of the United States where war is concerned.

Now, the President of the United States, Mr. Obama, decided that we ought to go into Libya for humanitarian purposes. There is nothing in the Constitution or the War Powers Act that gives him the authority to do that unless he has the express approval and support of the Congress of the United States.

When President Bush was the President and he went into Iraq, he first consulted with the Congress. When he went into Afghanistan, he first consulted with Congress. But President Obama said because of the time elements and the time concerns about the humanitarian problems in Libya, that he had to act expeditiously, and he did not have the time to consult with Congress.

Well, for 2 weeks or thereabouts he had time to consult with the French, the English, the United Nations, NATO, and the Arab league, but he did not have the time to come and talk to the Congress of the United States. So I think that was a red herring. I think the President did have the time, but he chose to move of his own volition into Libya and to put the United States in effect at war again. They say it is not a war, but it is a war. They said it was a NATO operation, but if you look at the facts, you find that the United States is carrying the vast amount of the burden of this war.

Let me give you some figures. These figures are a couple of weeks old, so they could be a little outdated.

First of all, of the number of personnel that has been involved in the Libyan conflict, there are about almost 13,000 military personnel that have been involved. Of that 13,000, 8,500 of them are American military. That is over two-thirds.

When you talk about the number of aircraft involved, there is a total of 309, but 153 of those aircraft are United States aircraft.

When you talk about the number of sorties being flown, that is, military actions taken by aircraft, there have been 5,857 sorties, and over 2,000 of those are with American pilots and American planes. That is almost 35 percent.

Then when you talk about the number of cruise missiles that have been fired, the total is about 246, and of the 246, over 90 percent are America's, 228.

So the President has taken us into war in Libya for humanitarian purposes, he said, without consulting with the Congress of the United States, which in my opinion is a direct violation of the Constitution of the United States and the War Powers Act, and we have spent well over $1 billion conducting this war. They say it is NATO's war. We heard the other day that our NATO allies are running short on ammunition and other military equipment, and they are asking the United States to shoulder more of the burden.

One of my colleagues from Virginia, who sits in the Chair tonight, brought up today that many of the countries in Europe, many of the countries in NATO haven't been paying their fair share of the NATO burden, and it has been falling upon the United States to carry out these NATO operations. That just isn't right.

So this isn't a NATO war, in my opinion. This is an American war, and the President has taken us into this conflict without any consultation with the Congress of the United States.

We have talked about this in our conference, and I won't go into all the details of our conference because I think some of that, if not classified, is something that shouldn't be talked about in the public domain. But what I would say tonight is that we need to send a very strong message to the President that we don't want him to do this again.

Many, myself included, believe we ought to give him a timeline within which to withdraw forces from Libya. I am talking about the people flying the military aircraft, the people on the ships offshore, the classified security people that are inside Libya. They say there are no boots on the ground. I guarantee you there are intelligence officers on the ground directing some of the fire from the air and some of the missile targets.

The cruise missiles that are costing over $1 million per copy, we shouldn't be paying for those with taxpayer money to the tune of, I don't know how many million, but over $1 billion total for the military expenditures, at a time when this country is $1.5 trillion short this fiscal year in money to pay for the country's expenses and over $14 trillion in debt.

This is not the time during the history of the United States that we ought to be looking for a war. There is no question probably that there are humanitarian problems in Libya, but there are also humanitarian problems in the Ivory Coast and Syria and many other countries, and if you are looking for a war of opportunity, I am sure the President can find a lot of places to send our troops.

But the Congress of the United States I do not believe would have given him the authority to go into Libya unless it was a direct threat to the United States. So what did he do? He did it without consulting with Congress; not the Senate, not the House, not with any of us.

Now that we are in there, many people in the Congress feel like we can't summarily withdraw because we will be leaving our allies, the French and the English and others in NATO there, to carry the ball. But as one of my colleagues said today, when we take the oath of allegiance to the Constitution, we don't take the oath of allegiance to NATO. We don't take the oath of allegiance to any other country. It is to the Constitution of the United States, and the Constitution says the President does not have the authority to declare war and go into a combat situation without consulting with Congress.

I am very confident that all of the people in this country, if consulted, would overwhelmingly say the President should not have done that, and he didn't have the authority to do that. Now, I know tomorrow or Friday we are going to have some legislation on the floor that will say very clearly to the President that not only he shouldn't have done that, that it wasn't constitutional, but that he shouldn't do it again.

That is the thing that I am concerned about. The legislation that we are going to have on the floor will confront the President on his ability or his authority to go ahead and do what he did in Libya, but it doesn't say anything about any future expeditions that he may want to undertake.

□ 2130

I really hope that during the debate that takes place tomorrow or on Friday that we make it very clear to the White House and to the President and to anybody at the White House that may be listening to this Special Order tonight that we do not want the President—and if I were talking to him, I would say, Mr. President, we do not want you to take us into a military conflict without consulting with the Congress and without consulting with the American people because the American people and Congress have a right to be involved in the decision-making process. Once a war is started, you're the Commander in Chief and you must do whatever has to be done to win that conflict. But you do not have the authority, Mr. President, if I were talking to him, under the Constitution or the War Powers Act. And Friday or tomorrow we need to make that very clear to him so that he doesn't do it again.

There are problems right now in Syria, and a lot of people say there's humanitarian tragedies that are taking place. But that is not a direct threat to the United States. It's not an attack on the United States. And the Congress of the United States should be involved in the decisionmaking process if we were to do something like go into Syria.

And so I hope the President and the White House is getting this message tonight. They may say, Well, that's just DAN BURTON talking on the floor in a Special Order. But I have talked to my colleagues on both sides of the aisle, and I think overwhelmingly they do not agree with what the President has done; and overwhelmingly in the Senate I don't believe they support what the President has done in Libya. And I think very clearly they don't want this to happen again.

I believe that most of the Members of both the House and the Senate would like to see us extricate ourselves from Libya as quickly as possible.

With that, Madam Speaker, I would like to say that I have a letter to the editor that I wrote that was in The Wall Street Journal that I will put in the RECORD, as well as the statistical data that I just mentioned.

[From the Wall Street Journal, June 11, 2011]

THE GOP IS RIGHT TO CHALLENGE OBAMA ON WAR IN LIBYA

I am disappointed by your editorial ''The Kucinich Republicans'' (June 6) questioning the House of Representatives's rebuke of President Obama's actions in Libya. I cannot speak for my colleagues, but my opposition to President Obama's actions is motivated by the Constitution.

President Obama has the authority to manage a war but not the power to start a war. Article 1, Section 8 of the Constitution gives Congress the power to declare war, and the War Powers Resolution was enacted to fulfill that intent, unless there is: ''(1) a declaration of war, (2) specific authorization, or (3) a national emergency created by attack upon the United States, its territories or possessions, or its armed forces.'' None of these conditions existed with Libya.

Instead, the president argues he couldn't consult with Congress because immediate action was needed to protect civilians from massacre. If true, a surgical engagement in Libya might be justified. But the president's claim is false. He spent one month consulting with NATO, the Arab League and the U.N. Security Council. This fact is inescapable. The president sought permission from foreign leaders but not the U.S. Congress. Yet Congress is expected to pay for his folly even as we strive to cut spending to avoid defaulting on debts.

On September 11, 2001, our nation was attacked. President George W. Bush still sought authorization from Congress before going into Afghanistan. Similarly, President Bush sought congressional authorization before invading Iraq. President Bush respected

the authority of Congress and the limitations of the Constitution. President Obama does not.

The Constitution is not a list of suggestions; it is the law of the land. If members of Congress do not stand up for Congress's right to declare war, as enumerated in the Constitution, who will?

REP. DAN BURTON (R., Ind.),
Indianapolis.

You miss the point of the Kucinich and Boehner resolutions and misstate the Founders' intentions.

Our Founders did not expect Congress would ''run a war,'' but they did expect Congress (e.g., the people) would determine if we would go to war. Implicit in the constitutional provision that ''Congress shall have power to . . . declare war'' is that the people would become informed on why the war was necessary and in the national interest, and thereby come to support the decision.

The War Powers Resolution and its reasonable attempt to allow our commander and chief to respond to emergencies is moot in this case because, after almost three patient months, we the people are still waiting for an explanation of why we are in Libya. Is it an emergency? If we are in Libya, why not Yemen or Syria? As our representatives, the people's house is asking for an answer. Not to demand an answer would continue the bad precedents of allowing our commander in chief to assume unilateral non-constitutional powers. If an answer is not appropriately vetted by Congress, then the logical conclusion is to withdraw.

CONWAY G. IVY,
Beaufort, S.C.

In case people haven't noticed, the U.S. government is broke, and Libya did not attack us. As long as Republicans remain the party of perpetual war, they will likely continue to lose elections. There appears to be a dawning awareness among some in Congress that the American people are fed up with these unending wars that have nothing to do with defending America. That is the reason some House Republicans supported the Kucinich resolution, and I applaud them. Congress should never have gone along with President Bush's war on Iraq, and Congress should not go along with President Obama's war on Libya. You cannot have limited government and unlimited war. The two are mutually exclusive.

SUSAN R. BERGE,
Johnston, R.I.

Your editorial fails to mention that each president since Richard Nixon could have taken the War Powers Resolution of 1973 to the Supreme Court, where the Founders set up a mechanism to decide matters like this.

We may not like some of the heads of other countries, and there are awful individuals ruling many countries, but that shouldn't cause us to ignore our own laws and Constitution to pound on them just because we can.

LARRY STEWART,
Vienna, Va.

NATO OPERATIONS IN LIBYA BY COUNTRY

Country	No. of personnel	No. of aircraft	Est No. of sorties flown, from beg of war until 5 May 2011	No. of cruise missiles fired	Main air base
Belgium	170	6	60		Araxos base in south-western Greece.
Bulgaria	160	0	0		
Canada	560	11	358		Trapani-Birgi and Signonella.
Denmark	120	4	161	0	Sigonella, Sicily.
France	800	29	1,200		currently operating from French Air Bases of Avord, Nancy, St. Dizier, Dijon and Istres, as well as Evreux and Orléans for planes engaged in logistics.
Greece		0	0	0	Aktion and Andravida military air fields in Crete.
Italy		12	600		Gioia del Colle, Trapani, Signonella, Decimomannu, Amendola, Aviano, Pantelleria.
Jordan	30	12			Cerenecia, Libya.
Netherlands	200	7			sardinian base, decimomannu.
Norway	140	6	100		Souda Bay, Crete.
Qatar	60	8			Souda Bay, Crete.
Romania	205				
Spain	500	7			
Sweden	122	8	78	0	Sigonella.
Turkey		6			Sigonella Air Base in Italy.
UAE	35	12			Decimomannu, Sardinia.
UK	1300	28	1,300	18	Gioia del Colle, Italy and RAF Akrotiri, Cyprus.
US	8507	153	2,000	228	
TOTALS	12,909	309	5,857	246	

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

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. GINGREY of Georgia (at the request of Mr. CANTOR) for today from 3:30 p.m. and for the balance of the week on account of a death in the family.

SENATE ENROLLED BILLS SIGNED

The Speaker announced his signature to enrolled bills of the Senate of the following titles:

S. 349. An act to designate the facility of the United States Postal Service located at 4865 Tallmadge Road in Rootstown, Ohio, as the ''Marine Sgt. Jeremy E. Murray Post Office''.

S. 655. An act to designate the facility of the United States Postal Service located at 95 Dogwood Street in Cary, Mississippi, as the ''Spencer Byrd Powers, Jr. Post Office''.

ADJOURNMENT

Mr. BURTON of Indiana. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 32 minutes p.m.), under its previous order, the House adjourned until tomorrow, Thursday, June 23, 2011, 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:

2126. A letter from the Under Secretary, Department of Defense, transmitting a report presenting the specific amount of staff-years of technical effort to be allocated for each defense Federally Funded Research and Development Center (FFRDC) during FY 2012, pursuant to Public Law 112-10, section 8026(e); to the Committee on Armed Services.

2127. A letter from the Secretary, Department of Health and Human Services, transmitting Report to Congress: 2006 National Estimates of the Number of Boarder Babies, Abandoned Infants, Discarded Infants and Infant Homicides; to the Committee on Education and the Workforce.

2128. A letter from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's final rule — Medical Devices; Reclassification of the Topical Oxygen Chamber for Extremities; Correction [Docket No.: FDA-2006-N-0045; Formerly Docket No. 2006N-0109] received June 7, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2129. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Determination of Attainment for the 1997 8-Hour Ozone Standard: States of Missouri and Illinois [EPA-R07-OAR-2010-0416; FRL-9317-4] received June 6, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2130. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Idaho [EPA-R10-OAR-2007-0406; FRL-9316-7] received June 6, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2131. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Oregon; Interstate Transport of Pollution; Significant Contribution to Nonattainment and Interference with Maintenance Requirements [EPA-R10-OAR-2011-0003; FRL-9316-9] received June 6, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2132. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Revisions and Additions to Motor Vehicle Fuel Economy Label [EPA-HQ-OAR-2009-0865; FRL-9315-1; NHTSA-2010-0087] (RIN: 2060-AQ09; RIN: 2127-AK73) received June 6, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2133. A letter from the Deputy Bureau Chief, Wireline Competition Bureau, Federal Communications Commission, transmitting the Commission's final rule — Jurisdictional Separations and Referral to the Federal-State Joint Board [CC Docket No.: 80-286] received May 25, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2134. A letter from the Deputy General Counsel, Federal Energy Regulatory Commission, transmitting the Commission's final rule — Natural Gas Pipelines; Project Cost and Annual Limits [Docket No.: RM81-19-000] received June 7, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2135. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — Administrative Practices in Radiation Surveys and Monitoring, Regulatory Guide 8.2, Revision 1 received May 26, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2136. A letter from the Secretary, Department of Transportation, transmitting the Semiannual Report of the Office of Inspector General for the period ending March 31, 2011, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Oversight and Government Reform.

2137. A letter from the Assistant General Counsel, General Law, Ethiccs, and Regulation, Department of the Treasury, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

2138. A letter from the Chairman, Merit Systems Protection Board, transmitting a report entitled ''Women in the Federal Government: Ambitions and Achievements''; to the Committee on Oversight and Government Reform.

2139. A letter from the Director, Office of Personnel Management, transmitting the Office's Federal Equal Opportunity Recruitment Program Report for Fiscal Year 2010, pursuant to 5 U.S.C. 7201(e); to the Committee on Oversight and Government Reform.

2140. A letter from the Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule — Wyoming Regulatory Program [STATS No.: WY-038-FOR; Docket ID: OSM-2009-0012] received June 7, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

2141. A letter from the Wildlife Biologist, U.S. Fish and Wildlife Service, Department of the Interior, transmitting the Department's final rule — Migratory Bird Subsistence Harvest in Alaska; Harvest Regulations for Migratory Birds in Alaska During the 2011 Season [Docket No.: FWS-R9-MB-2010-0082] (RIN: 1018-AX30) received June 3, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

2142. A letter from the Chief, Branch of Recovery and Delisting, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Reclassification of the Tulotoma Snail from Endangered to Threatened [Docket No.: FWS-R4-ES-2008-0119] (RIN: 1018-AX01) received June 2, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

2143. A letter from the Chief, Branch of Listing, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Final Revised Designation of Critical Habitat for Astragalus jaegerianus (Land Mountain milk-vetch) [Docket No.: FWS-R8-ES-2009-0078] (RIN: 1018-AW53) received June 2, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

2144. A letter from the Acting Chief, Branch of Listing, USFWS, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for Roswell Springsnail, Koster's Springsnail, Noel's Amphipod, and Pecos Assiminea [Docket No.: FWS-R2-ES-2009-0014] (RIN: 1018-AW50) received June 2, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

2145. A letter from the Clerk of the House of Representatives, transmitting the annual compilation of personal financial disclosure statements and amendments thereto required to be filed by Members of the House with the Clerk of the House of Representatives, pursuant to Rule XXVI, clause 1, of the House Rules; (H. Doc. No. 112-38); to the Committee on Ethics and ordered to be printed.

2146. A letter from the Clerk of the House of Representatives, transmitting annual compilation of financial disclosure statements of the members of the Office of Congressional Ethics; (H. Doc. No. 112-39); to the Committee on Ethics and ordered to be printed.

2147. A letter from the Chief, Border Security Regulations Branch, Department of Homeland Security, transmitting the Department's final rule — Technical Amendment to List of User Fee Airports: Addition of Dallas Love Field Municipal Airport, Dallas Texas (CBP Dec. 11-13) received May 27, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2148. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Regulations Governing Practice Before the Internal Revenue Service [TD 9527] (RIN: 1545-BH01) received June 8, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2149. A letter from the Inspector General, Department of Health and Human Services, transmitting a report entitled ''Part D Plans Generally Include Drugs Commonly Used By Dual Eligibles''; jointly to the Committees on Energy and Commerce and Ways and Means.

2150. A letter from the Director, Federal Bureau of Investigation, Department of Justice, transmitting a letter regarding the funding of the Foreign Intelligence Surveillance Act; jointly to the Committees on the Judiciary and Intelligence (Permanent Select).

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HALL: Committee on Science, Space, and Technology. First Semiannual Report of Activities (Rept. 112–112). Referred to the Committee of the Whole House on the State of the Union.

Mr. NUGENT: Committee on Rules. House Resolution 320. Resolution providing for consideration of the bill (H.R. 2219) making appropriations for the Department of Defense for the fiscal year ending September 30, 2012, and for other purposes (Rept. 112–113). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Ms. EDDIE BERNICE JOHNSON of Texas (for herself, Mr. PASCRELL, Mr. KING of New York, Mr. REICHERT, Mr. HOYER, Mr. LATOURETTE, Mr. ANDREWS, Mr. CRITZ, Mr. WU, Mr. LUJÁN, Mr. LIPINSKI, Mr. CLARKE of Michigan, Mr. SARBANES, Mr. MICHAUD, and Mr. GRIMM):

H.R. 2269. A bill to amend sections 33 and 34 of the Federal Fire Prevention and Control Act of 1974, and for other purposes; to the Committee on Science, Space, and Technology, and in addition to the Committee on Homeland Security, 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. ROS-LEHTINEN:

H.R. 2270. A bill to amend section 1605A of title 28, United States Code, to provide that the statute of limitations must be raised as an affirmative defense; to the Committee on the Judiciary.

By Mr. ROYCE (for himself and Mr. CONNOLLY of Virginia):

H.R. 2271. A bill to prohibit the awarding of contracts by the Federal Government to Chinese entities until the People's Republic of China signs the WTO Agreement on Government Procurement; to the Committee on Oversight and Government Reform.

By Mr. YARMUTH (for himself, Mr. POLIS, Ms. BERKLEY, Mr. SABLAN, Mr. BRADY of Pennsylvania, Mr. GRIJALVA, Mr. CONNOLLY of Virginia, Mr. BERMAN, Mr. COHEN, and Ms. HIRONO):

H.R. 2272. A bill to establish a comprehensive literacy program, and for other purposes; to the Committee on Education and the Workforce.

By Mr. MCKINLEY (for himself, Mr. WHITFIELD, Mr. RAHALL, Mrs. CAPITO, Mrs. MYRICK, Mr. OLSON, Mrs. LUMMIS, Mr. ROSS of Florida, Mr. BARTON of Texas, Mr. JOHNSON of Ohio, Mr. PITTS, Mr. ROGERS of Kentucky, Mrs. MCMORRIS RODGERS, Mr. WOMACK, Mr. SULLIVAN, Mr. PALAZZO, and Mr. BUCSHON):

H.R. 2273. A bill to amend subtitle D of the Solid Waste Disposal Act to facilitate recovery and beneficial use, and provide for the proper management and disposal, of materials generated by the combustion of coal and other fossil fuels; to the Committee on Energy and Commerce.

By Mr. BILIRAKIS:

H.R. 2274. A bill to amend title 38, United States Code, to direct the Secretary of Veterans Affairs and the Secretary of Defense to submit to Congress annual reports on the Post-9/11 Educational Assistance Program, and for other purposes; to the Committee on Veterans' Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PRICE of North Carolina (for himself and Mr. COBLE):

H.R. 2275. A bill to support innovation and research in the United States textile and fiber products industry; to the Committee on Science, Space, and Technology, and in addition to the Committees on Ways and Means, and Foreign Affairs, 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. WASSERMAN SCHULTZ:

H.R. 2276. A bill to require the Director of the United States Patent and Trademark Office to conduct a study on effective ways to provide confirming genetic diagnostic test activity where gene patents and exclusive licensing exist, and for other purposes; to the

Committee on the Judiciary, 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. DOGGETT (for himself, Mr. LEVIN, Mr. LEWIS of Georgia, Ms. BERKLEY, Mr. MCDERMOTT, Mr. GENE GREEN of Texas, Ms. JACKSON LEE of Texas, Mr. REYES, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. AL GREEN of Texas, Mr. HINOJOSA, Mr. GONZALEZ, Mr. CUELLAR, Mr. GRIJALVA, and Mr. HASTINGS of Florida):

H.R. 2277. A bill to extend through the end of fiscal year 2011 the authority to make supplemental grants for population increases in certain States under the program of block grants to States for temporary assistance for needy families; to the Committee on Ways and Means.

By Mr. ROONEY:

H.R. 2278. A bill to limit the use of funds appropriated to the Department of Defense for United States Armed Forces in support of North Atlantic Treaty Organization Operation Unified Protector with respect to Libya, unless otherwise specifically authorized by law; to the Committee on Armed Services.

By Mr. MICA (for himself, Mr. CAMP, and Mr. PETRI):

H.R. 2279. A bill to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend the airport improvement program, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CICILLINE:

H.R. 2280. A bill to amend the Internal Revenue Code of 1986 to provide for the taxation of income of controlled foreign corporations attributable to imported property; to the Committee on Ways and Means.

By Ms. ESHOO:

H.R. 2281. A bill to require accurate disclosures to consumers of the terms and conditions of 4G service and other advanced wireless mobile broadband service; to the Committee on Energy and Commerce.

By Mr. FALEOMAVAEGA (for himself, Ms. NORTON, Mr. PIERLUISI, Ms. BORDALLO, Mr. SABLAN, and Mrs. CHRISTENSEN):

H.R. 2282. A bill to require the Secretary of the Interior to ensure that the flags of the several States, the District of Columbia, and the territories of the United States encircle the Washington Monument; to the Committee on Natural Resources.

By Mr. GOHMERT (for himself, Mr. PITTS, Mrs. SCHMIDT, Mr. MANZULLO, and Mr. WEST):

H.R. 2283. A bill to restrict funds for operations in Libya, and for other purposes; to the Committee on Foreign Affairs, and in addition to the Committees on Armed Services, 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 Mr. GENE GREEN of Texas (for himself, Mr. THOMPSON of California, Mr. LATOURETTE, and Mr. TERRY):

H.R. 2284. A bill to prohibit the export from the United States of certain electronic waste, and for other purposes; to the Committee on Energy and Commerce, 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. HASTINGS of Florida:

H.R. 2285. A bill to amend the War Powers Resolution to require the President to develop a post-deployment strategy when introducing the United States Armed Forces into hostilities, and for other purposes; to the Committee on Foreign Affairs.

By Mr. HERGER (for himself and Mr. THOMPSON of California):

H.R. 2286. A bill to amend the Internal Revenue Code of 1986 to provide tax credit parity for electricity produced from renewable resources; to the Committee on Ways and Means.

By Ms. KAPTUR:

H.R. 2287. A bill to assess the impact of the North American Free Trade Agreement (NAFTA), to require further negotiation of certain provisions of the NAFTA, and to provide for the withdrawal from the NAFTA unless certain conditions are met; to the Committee on Ways and Means.

By Mr. LARSON of Connecticut (for himself, Mr. JONES, and Mr. DOYLE):

H.R. 2288. A bill to amend title 10, United States Code, to provide for certain treatment of autism under TRICARE; to the Committee on Armed Services.

By Mr. LATTA:

H.R. 2289. A bill to amend the Communications Act of 1934 to reform the Federal Communications Commission by requiring an analysis of benefits and costs during the rule making process; to the Committee on Energy and Commerce.

By Mrs. LOWEY:

H.R. 2290. A bill to amend title II of the Social Security Act to credit prospectively individuals serving as caregivers of dependent relatives with deemed wages for up to five years of such service; to the Committee on Ways and Means.

By Mrs. LOWEY:

H.R. 2291. A bill to amend title II of the Social Security Act to repeal the 7-year restriction on eligibility for widow's and widower's insurance benefits based on disability; to the Committee on Ways and Means.

By Mrs. LOWEY:

H.R. 2292. A bill to amend title II of the Social Security Act to eliminate the two-year waiting period for divorced spouse's benefits following the divorce; to the Committee on Ways and Means.

By Mrs. LOWEY:

H.R. 2293. A bill to amend title II of the Social Security Act to provide for full benefits for disabled widows and widowers without regard to age; to the Committee on Ways and Means.

By Mrs. LOWEY:

H.R. 2294. A bill to amend title II of the Social Security Act to provide for increases in widow's and widower's insurance benefits by reason of delayed retirement; to the Committee on Ways and Means.

By Mr. MCKEON (for himself, Mr. GUTHRIE, Mr. ROE of Tennessee, and Mr. THOMPSON of Pennsylvania):

H.R. 2295. A bill to reform and strengthen the workforce investment system of the Nation to put Americans back to work and make the United States more competitive in the 21st Century; to the Committee on Education and the Workforce.

By Mr. MICHAUD (for himself, Mr. HINCHEY, Ms. PINGREE of Maine, and Mr. JACKSON of Illinois):

H.R. 2296. A bill to establish an America Rx program to establish fairer pricing for prescription drugs for individuals without access to prescription drugs at discounted prices; to the Committee on Energy and Commerce.

By Ms. NORTON:

H.R. 2297. A bill to promote the development of the Southwest waterfront in the District of Columbia, and for other purposes; to the Committee on Oversight and Government Reform.

By Mr. REYES (for himself, Mr. GENE GREEN of Texas, Mr. FILNER, Mr. CUELLAR, Mr. GRIJALVA, and Mr. HINOJOSA):

H.R. 2298. A bill to establish grant programs to improve the health of border area residents and for all hazards preparedness in the border area including bioterrorism and infectious disease, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Foreign Affairs, 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. ROS-LEHTINEN (for herself, Mr. KING of Iowa, Mr. BILIRAKIS, Mrs. SCHMIDT, Mr. BARTLETT, Mr. FRANKS of Arizona, Mr. ROE of Tennessee, Mr. BRADY of Texas, Mr. PETERSON, Mr. BUCHANAN, Mr. SMITH of New Jersey, Mr. CULBERSON, Mr. MCCAUL, Mr. ADERHOLT, Mr. AKIN, Mr. FORTENBERRY, Mr. JONES, Mr. MICA, Mr. POSEY, Mr. MCCOTTER, Mr. OLSON, Mr. PITTS, Mrs. HARTZLER, Mr. HENSARLING, Mr. RIVERA, Mr. NEUGEBAUER, Mr. LIPINSKI, Mr. WEST, Mr. DANIEL E. LUNGREN of California, Mr. SOUTHERLAND, Mrs. BACHMANN, Mr. DAVIS of Kentucky, Mr. CANSECO, Mr. JORDAN, Mr. SHUSTER, Mr. DIAZ-BALART, Mr. CARTER, Mr. FLEMING, Mrs. BLACKBURN, Mr. SMITH of Texas, Mr. TERRY, Mr. WOLF, Mr. CRENSHAW, Mr. PENCE, Mr. ROGERS of Michigan, Mr. LAMBORN, Mr. LATOURETTE, Mr. GARRETT, Mr. KINZINGER of Illinois, Mr. CRAWFORD, Mr. SULLIVAN, Mr. TIBERI, Mr. ROSKAM, Mr. DONNELLY of Indiana, Mr. SCALISE, Ms. FOXX, Mrs. MILLER of Michigan, Mr. SENSENBRENNER, Mr. SHIMKUS, Mr. COFFMAN of Colorado, Mr. BACHUS, Mr. CHABOT, Ms. BUERKLE, Mr. HUIZENGA of Michigan, Mr. JOHNSON of Ohio, Mrs. BLACK, Mr. BURTON of Indiana, Mr. GOWDY, Mr. WILSON of South Carolina, Mr. YOUNG of Florida, Mr. LATTA, Mrs. ADAMS, Mr. DESJARLAIS, Mr. BENISHEK, Mr. FINCHER, Mr. CONAWAY, Mrs. MCMORRIS RODGERS, Mr. ROGERS of Kentucky, Mrs. ELLMERS, Mr. AUSTRIA, Mr. FARENTHOLD, Mr. HERGER, Mr. BARLETTA, Mr. MANZULLO, Mr. KING of New York, Mr. MILLER of Florida, and Mr. STEARNS):

H.R. 2299. A bill to amend title 18, United States Code, to prohibit taking minors across State lines in circumvention of laws requiring the involvement of parents in abortion decisions; to the Committee on the Judiciary.

By Mr. STUTZMAN:

H.R. 2300. A bill 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; to the Committee on Veterans' Affairs.

By Mr. STUTZMAN:

H.R. 2301. A bill to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to make payments to educational institutions under the Post-9/11 Educational Assistance Program at the end of a quarter, semester, or term, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. STUTZMAN:

H.R. 2302. A bill to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to notify Congress of conferences sponsored by the Department of Veterans Affairs; to the Committee on Veterans' Affairs.

By Ms. WATERS (for herself, Mr. COHEN, Ms. JACKSON LEE of Texas, Mr. CARSON of Indiana, Ms. SCHAKOWSKY, Mr. PAYNE, Mr. SCOTT of Virginia, Mr. FRANK of Massachusetts, and Mr. FILNER):

H.R. 2303. A bill to concentrate Federal resources aimed at the prosecution of drug offenses on those offenses that are major; to the Committee on the Judiciary, 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. WITTMAN (for himself, Mr. MILLER of Florida, Mr. ROSS of Arkansas, Mr. LATTA, Mr. SHULER, Mr. LANDRY, Mr. SOUTHERLAND, Mr. CASSIDY, Mr. BOUSTANY, Mr. HEINRICH, Mr. BOREN, Mr. HUNTER, Mr. GUINTA, Mr. FLEMING, Mr. BONNER, Mr. RIGELL, Mr. DUNCAN of South Carolina, and Mr. HARRIS):

H.R. 2304. A bill to amend the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006 to provide the necessary scientific information to properly implement annual catch limits, and for other purposes; to the Committee on Natural Resources.

By Mr. HASTINGS of Florida:

H.J. Res. 68. A joint resolution authorizing the limited use of the United States Armed Forces in support of the NATO mission in Libya; to the Committee on Foreign Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MALONEY (for herself, Mrs. BIGGERT, Mr. JOHNSON of Georgia, Mr. RANGEL, Mr. SARBANES, Mr. ANDREWS, Mr. BACA, Ms. BALDWIN, Ms. BASS of California, Mr. BISHOP of New York, Ms. BROWN of Florida, Mr. BUTTERFIELD, Ms. CASTOR of Florida, Mr. CLARKE of Michigan, Ms. CLARKE of New York, Mr. CLYBURN, Mr. COHEN, Mr. CONYERS, Mr. COOPER, Mr. CROWLEY, Mr. CUELLAR, Mr. DAVIS of Illinois, Mrs. DAVIS of California, Ms. DEGETTE, Ms. DELAURO, Mr. DICKS, Mr. DINGELL, Mr. DOGGETT, Ms. EDWARDS, Mr. ENGEL, Mr. FARR, Mr. FATTAH, Mr. GONZALEZ, Mr. GRIJALVA, Ms. HANABUSA, Mr. HINCHEY, Mr. HINOJOSA, Ms. HIRONO, Mr. HOLT, Mr. HONDA, Mr. INSLEE, Ms. JACKSON LEE of Texas, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. KILDEE, Mr. LANGEVIN, Ms. LEE of California, Mr. LEVIN, Mr. LEWIS of Georgia, Mrs. LOWEY, Mr. MARKEY, Ms. MCCOLLUM, Mr. MCDERMOTT, Mr. MCGOVERN, Mr. MCNERNEY, Mr. MEEKS, Mr. MILLER of North Carolina, Mr. NADLER, Mrs. NAPOLITANO, Mr. PALLONE, Mr. PASCRELL, Mr. POLIS, Mr. REYES, Ms. RICHARDSON, Mr. RICHMOND, Mr. RUPPERSBERGER, Ms. LORETTA SANCHEZ of California, Ms. LINDA T. SÁNCHEZ of California, Mr. DAVID SCOTT of Georgia, Ms. SEWELL, Mr. STARK, Ms. SUTTON, Mr. THOMPSON of Mississippi, Mr. TONKO, Ms. TSONGAS, Mr. WATT, Mr. WELCH, Ms. WILSON of Florida, Ms. WOOLSEY, Mr. ACKERMAN, Mr. BECERRA, Ms. BERKLEY, Mr. BERMAN, Mr. BISHOP of Georgia, Mr. BLUMENAUER, Mr. BOSWELL, Mr. BRADY of Pennsylvania, Mr. BRALEY of Iowa, Mrs. CAPPS, Mr. CAPUANO, Mr. CARDOZA, Mr. CARSON of Indiana, Ms. CHU, Mr. CICILLINE, Mr. CLAY, Mr. CONNOLLY of Virginia, Mr. COSTA, Mr. COSTELLO, Mr. COURTNEY, Mr. CUMMINGS, Mr. DEFAZIO, Mr. DEUTCH, Mr. DOYLE, Mr. ELLISON, Ms. ESHOO, Mr. FILNER, Mr. FRANK of Massachusetts, Ms. FUDGE, Mr. GARAMENDI, Mr. AL GREEN of Texas, Mr. GENE GREEN of Texas, Mr. GUTIERREZ, Mr. HASTINGS of Florida, Mr. HIGGINS, Mr. HIMES, Ms. HOCHUL, Mr. HOLDEN, Mr. ISRAEL, Mr. JACKSON of Illinois, Ms. KAPTUR, Mr. KEATING, Mr. KIND, Mr. KUCINICH, Mr. LARSEN of Washington, Mr. LARSON of Connecticut, Mr. LOEBSACK, Ms. ZOE LOFGREN of California, Mr. LYNCH, Ms. MATSUI, Mrs. MCCARTHY of New York, Mr. GEORGE MILLER of California, Ms. MOORE, Mr. MORAN, Mr. MURPHY of Connecticut, Mr. OLVER, Mr. PASTOR of Arizona, Mr. PAYNE, Mr. PETERS, Mr. PETERSON, Ms. PINGREE of Maine, Mr. PRICE of North Carolina, Mr. QUIGLEY, Mr. ROTHMAN of New Jersey, Ms. ROYBAL-ALLARD, Ms. SCHAKOWSKY, Mr. SCHIFF, Ms. SCHWARTZ, Mr. SHERMAN, Mr. SMITH of Washington, Ms. SPEIER, Mr. THOMPSON of California, Mr. TIERNEY, Mr. TOWNS, Mr. VAN HOLLEN, Ms. VELÁZQUEZ, Ms. WASSERMAN SCHULTZ, Ms. WATERS, Mr. WAXMAN, Mr. WU, and Mr. YARMUTH):

H.J. Res. 69. A joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mr. LARSON of Connecticut:

H. Res. 321. A resolution Electing a Member to a certain standing committee of the House of Representatives; considered and agreed to.

By Mr. BRADY of Pennsylvania (for himself and Mr. GERLACH):

H. Res. 322. A resolution recognizing the National Center for the American Revolution for its role in telling the story of the American Revolution and its continuing impact on struggles for freedom, self-government, and the rule of law throughout the world and encouraging the Center in its efforts to build a new Museum of the American Revolution; to the Committee on Natural Resources.

By Mr. DAVIS of Illinois:

H. Res. 323. A resolution observing the historical significance of Juneteenth Independence Day; to the Committee on Oversight and Government Reform.

By Mr. HONDA (for himself, Ms. MCCOLLUM, Mr. COHEN, Mr. FALEOMAVAEGA, Mr. FILNER, Mr. ISRAEL, Mr. AL GREEN of Texas, Mr. BILBRAY, Mr. HINCHEY, Mr. NADLER, Mr. CICILLINE, Mr. YOUNG of Florida, Mr. MORAN, Mr. PLATTS, and Mrs. DAVIS of California):

H. Res. 324. A resolution welcoming and commending the Government of Japan for extending an official apology to all United States former prisoners of war from the Pacific War and moving forward in planning to invite surviving members to Japan; to the Committee on Foreign Affairs.

By Mr. LATOURETTE:

H. Res. 325. A resolution congratulating Hungary on the series of events commemorating the centennial anniversary of former U.S. President Ronald Reagan and welcoming the establishment of the Hungarian Freedom Dinner and the Hungarian Freedom Award to celebrate the lasting idea of freedom and the principle of responsible liberty cherished by Hungary and the United States alike; to the Committee on Foreign Affairs.

By Ms. WATERS:

H. Res. 326. A resolution honoring Bishop Noel Jones for his 17 years of service to the City of Refuge Church; to the Committee on Oversight and Government Reform.

MEMORIALS

Under clause 4 of Rule XXII, memorials were presented and referred as follows:

67. The SPEAKER presented a memorial of the Senate of the State of Michigan, relative to Senate Concurrent Resolution No. 7 urging the Department of Energy and the Nuclear Regulatory Commission to establish a permanent repository for high-level nuclear waste; to the Committee on Energy and Commerce.

68. Also, a memorial of the Senate of the State of California, relative to Senate Joint Resolution 5 that recognizes every Sunday, so long as it does not conflict with person beliefs, as ''Cooking with Kids Day''; to the Committee on Energy and Commerce.

69. Also, a memorial of the Senate of the State of New Hampshire, relative to Senate Resolution 10 declaring that the death of Osama bin Laden represents a measure of justice and relief for the families and friends of the nearly 3,000 people who lost their lives on September 11, 2001; jointly to the Committees on Armed Services and Intelligence (Permanent Select).

70. Also, a memorial of the Senate of the State of Michigan, relative to Senate Concurrent Resolution No. 6 urging the Congress to adopt legislation prohibiting the EPA from unilaterally regulating greenhouse gas emissions; jointly to the Committees on Energy and Commerce and Transportation and Infrastructure.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Ms. EDDIE BERNICE JOHNSON of Texas:

H.R. 2269.

Congress has the power to enact this legislation pursuant to the following:

Article I, section 8 of the Constitution of the United States.

By Ms. ROS-LEHTINEN:

H.R. 2270.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8.

By Mr. ROYCE:

H.R. 2271.

Congress has the power to enact this legislation pursuant to the following:

''Article 1, section 8, clauses 3 and 18 of the Constitution.''

By Mr. YARMUTH:

H.R. 2272.

Congress has the power to enact this legislation pursuant to the following:

Clause 3 of Section 8 of Article 1 of the Constitution.

By Mr. MCKINLEY:

H.R. 2273.

Congress has the power to enact this legislation pursuant to the following:

According to Article I, Section 8, Clause 3 of the Constitution: The Congress shall have power to enact this legislation to regulate commerce with foreign nations, and among the several states, and with the Indian tribes.

By Mr. BILIRAKIS:

H.R. 2274.

Congress has the power to enact this legislation pursuant to the following:

Article I, section 8 of the United States Constitution (clauses 12, 13, 14, and 16), which grants Congress the power to raise and support an Army; to provide and maintain a Navy; to make rules for the government and regulation of the land and naval forces; and to provide for organizing, arming, and disciplining the militia.

By Mr. PRICE of North Carolina:

H.R. 2275.

Congress has the power to enact this legislation pursuant to the following:

Congress has the power to enact this legislation under Article I, Section 8, clause 3 of the United States Constitution, ''to regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes.'' This authority is consistent with the bill's goal of promoting growth, innovation and research in the United States textile and fiber products industry.

By Ms. WASSERMAN SCHULTZ:

H.R. 2276.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I, Section 8, Clause 3 of the United States Constitution.

By Mr. DOGGETT:

H.R. 2277.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the Constitution that grants Congress the authority, ''To make all Laws which shall be necessary and proper for carrying into Execution the forgoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.''

By Mr. ROONEY:

H.R. 2278.

Congress has the power to enact this legislation pursuant to the following:

Article I, section 8, clauses 11 through 13, relating to Congress' authority to declare war, raise and support armies, and provide and maintain a Navy, respectively.

By Mr. MICA:

H.R. 2279.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the United States Constitution, specifically Clause 1, Clause 3, and Clause 18.

By Mr. CICILLINE:

H.R. 2280.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8.

By Ms. ESHOO:

H.R. 2281.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 18: To make all laws which shall be necessary and proper.

Article IV, Section 3: ''. . . Congress shall have the power to dispose of and make all needful Rules and Regulations respecting the . . . property belonging to the United States.''

By Mr. FALEOMAVAEGA:

H.R. 2282.

Congress has the power to enact this legislation pursuant to the following:

Article IV, Section 3, Clause 2—The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States; and nothing in this Constitution shall be so construed as to Prejudice any Claims of the United States, or of any particular State.

By Mr. GOHMERT:

H.R. 2283.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1.

''The Congress shall have Power to . . . provide for the common Defense and general Welfare a the United States . . .''

Article I, Section 8, Clause 11.

''The Congress shall have power . . . To declare War, grant Letters of Marque and Reprisal, and make Rules concerning Captures on Land and Water.''

Article I, Section 8, Clause 12.

''The Congress shall have power . . . To raise and support Armies . . .''

Article I, Section 8, Clause 18.

''Congress shall have the power . . . [t]o make all Laws which shall be necessary and proper for carrying into Execution . . . all other Powers vested by this Constitution in the Government of the United States.''

By Mr. GENE GREEN of Texas:

H.R. 2284.

Congress has the power to enact this legislation pursuant to the following:

The Commerce Clause (Art. I, §8, cl. 3) of the United States Constitution.

By Mr. HASTINGS of Florida:

H.R. 2285.

Congress has the power to enact this legislation pursuant to the following:

Section 8 of article I of the Constitution.

By Mr. HERGER:

H.R. 2286.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1.

By Ms. KAPTUR:

H.R. 2287.

Congress has the power to enact this legislation pursuant to the following:

Article I. Section 8. Clause 3. and Article I. Section 8. Clause 18.

By Mr. LARSON of Connecticut:

H.R. 2288.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 14

To make Rules for the Government and Regulation of the land and naval Forces.

By Mr. LATTA:

H.R. 2289.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3: Congress shall have the Power . . . ''to regulate Commerce with foreign Nations, and among the several States, and with the Indian tribes.''

By Mrs. LOWEY:

H.R. 2290.

Congress has the power to enact this legislation pursuant to the following:

Article I

By Mrs. LOWEY:

H.R. 2291.

Congress has the power to enact this legislation pursuant to the following:

Article I

By Mrs. LOWEY:

H.R. 2292.

Congress has the power to enact this legislation pursuant to the following:

Article I

By Mrs. LOWEY:

H.R. 2293.

Congress has the power to enact this legislation pursuant to the following:

Article I

By Mrs. LOWEY:

H.R. 2294.

Congress has the power to enact this legislation pursuant to the following:

Article I

By Mr. McKEON:

H.R. 2295.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the Constitution, which states ''The Congress shall have power to lay and collect taxes, duties, imposts, and excises, to pay the debts and provide for the common defense and general welfare of the United States;''

By Mr. MICHAUD:

H.R. 2296.

Congress has the power to enact this legislation pursuant to the following:

The Congress enacts this bill pursuant to Clause 3 of Section 8 of Article 1 of the United States Constitution.

By Ms. NORTON:

H.R. 2297.

Congress has the power to enact this legislation pursuant to the following:

Clause 17 of section 8 of article I of the Constitution.

By Mr. REYES:

H.R. 2298.

Congress has the power to enact this legislation pursuant to the following:

The Congress enacts this bill pursuant to Article I, Section 8 of the United States Constitution.

Text:

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;

Clause 2: To borrow Money on the credit of the United States;

Clause 3: To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes;

Clause 4: To establish an uniform Rule of Naturalization, and uniform Laws on the subject of Bankruptcies throughout the United States;

Clause 5: To coin Money, regulate the Value thereof, and of foreign Coin, and fix the Standard of Weights and Measures;

Clause 6: To provide for the Punishment of counterfeiting the Securities and current Coin of the United States;

Clause 7: To establish Post Offices and post Roads;

Clause 8: To promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries;

Clause 9: To constitute Tribunals inferior to the supreme Court;

Clause 10: To define and punish Piracies and Felonies committed on the high Seas, and Offences against the Law of Nations;

Clause 11: To declare War, grant Letters of Marque and Reprisal, and make Rules concerning Captures on Land and Water;

Clause 12: To raise and support Armies, but no Appropriation of Money to that Use shall be for a longer Term than two Years;

Clause 13: To provide and maintain a Navy;

Clause 14: To make Rules for the Government and Regulation of the land and naval Forces;

Clause 15: To provide for calling forth the Militia to execute the Laws of the Union, suppress Insurrections and repel Invasions;

Clause 16: To provide for organizing, arming, and disciplining, the Militia, and for governing such Part of them as may be employed in the Service of the United States, reserving to the States respectively, the Appointment of the Officers, and the Authority of training the Militia according to the discipline prescribed by Congress;

Clause 17: To exercise exclusive Legislation in all Cases whatsoever, over such District (not exceeding ten Miles square) as may, by Cession of particular States, and the Acceptance of Congress, become the Seat of the Government of the United States, and to exercise like Authority over all Places purchased by the Consent of the Legislature of the State in which the Same shall be, for the Erection of Forts, Magazines, Arsenals, dock-Yards, and other needful Buildings;—And

Clause 18: To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

By Ms. ROS-LEHTINEN:

H.R. 2299.

Congress has the power to enact this legislation pursuant to the following:

clause 3 of section 8 of article I of the Constitution

By Mr. STUTZMAN:

H.R. 2300.

Congress has the power to enact this legislation pursuant to the following:

Pursuant to clause 3(d)(1) of rule XIII of the Rules of the House of Representatives, the Committee finds that the Constitutional authority for H.R. XXX is provided by Article I, section 8 of the Constitution of the United States.

By Mr. STUTZMAN:

H.R. 2301.

Congress has the power to enact this legislation pursuant to the following:

Pursuant to clause 3(d)(1) of rule XIII of the Rules of the House of Representatives, the Committee finds that the Constitutional authority for H.R. XXX is provided by Article I, section 8 of the Constitution of the United States.

By Mr. STUTZMAN:

H.R. 2302.

Congress has the power to enact this legislation pursuant to the following:

Pursuant to clause 3(d)(1) of rule XIII of the Rules of the House of Representatives, the Committee finds that the Constitutional authority for H.R. XXX is provided by Article I, section 8 of the Constitution of the United States.

By Ms. WATERS:

H.R. 2303.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3

The Congress shall have Power . . . To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes.

Article I, Section 8, Clause 9

The Congress shall have Power . . . To constitute Tribunals inferior to the supreme Court.

Article III, Section 1

The judicial Power of the United States, shall be vested in one supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish. The Judges, both of the supreme and inferior Courts, shall hold their Offices during good Behaviour, and shall, at stated Times, receive for their Services, a Compensation, which shall not be diminished during their Continuance in Office.

Article III, Section 2

In all Cases affecting Ambassadors, other public Ministers and Consuls, and those in which a State shall be a Party, the Supreme Court shall have original Jurisdiction. In all other Cases before mentioned, the Supreme Court shall have appellate Jurisdiction, both as to Law and Fact, with such Exceptions, and under such Regulations as the Congress shall make.

Article IV, Section 1

Full Faith and Credit shall be given in each State to the public Acts, Records, and judicial Proceedings of every other State. And the Congress may by general Laws prescribe the Manner in which such Acts, Records, and Proceedings shall be proved, and the Effect thereof.

Article I, Section 9, Clause 2

The Privilege of the Writ of Habeas Corpus shall not be suspended, unless when in Cases of Rebellion or Invasion the public Safety may require it.

Article I, Section 8, Clause 18

The Congress shall have Power . . . To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by the Constitution in the Government of the United States, or in any Department or Officer thereof.

By Mr. WITTMAN:

H.R. 2304.

Congress has the power to enact this legislation pursuant to the following:

Article I, section 8 of the Constitution of the United States grants Congress the authority to enact this bill.

By Mr. HASTINGS of Florida:

H.J. Res. 68.

Congress has the power to enact this legislation pursuant to the following:

Article I, section 8, clauses 11 through 13, relating to Congress' authority to declare war, raise and support armies, and provide and maintain a Navy, respectively.

By Mrs. MALONEY:

H.J. Res. 69.

Congress has the power to enact this legislation pursuant to the following:

Article V—Amendment.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 21: Mr. BERG.

H.R. 23: Mr. PLATTS.

H.R. 27: Mr. WALDEN.

H.R. 298: Mr. HALL, Mr. HINOJOSA, and Mr. BARTON of Texas.

H.R. 300: Mr. COHEN.

H.R. 389: Mr. GOSAR.

H.R. 402: Mr. BISHOP of New York, Mr. HIGGINS, and Mr. DICKS.

H.R. 420: Mr. MCKINLEY, Mr. COSTELLO, and Mr. FINCHER.

H.R. 421: Mr. COBLE.

H.R. 436: Mr. AUSTRIA, Mr. BILIRAKIS, Mr. JONES, Mr. CRENSHAW, and Mr. SOUTHERLAND.

H.R. 459: Mr. WELCH and Mr. BONNER.

H.R. 547: Mr. GOODLATTE.

H.R. 605: Mr. LATHAM, Ms. BROWN of Florida, Mr. DAVIS of Kentucky, and Mr. WOMACK.

H.R. 645: Mrs. SCHMIDT, Ms. BUERKLE, Mr. HULTGREN, and Mr. COSTELLO.

H.R. 676: Mrs. LOWEY and Mr. FALEOMAVAEGA.

H.R. 711: Mr. DAVIS of Illinois.

H.R. 719: Mr. HECK, Mrs. MYRICK, Ms. HIRONO, Mr. WU, and Mr. ROSS of Arkansas.

H.R. 721: Mr. GARY G. MILLER of California, Mr. BROOKS, Mr. BARTLETT, Mr. NUNNELEE, Mr. STIVERS, Mr. BRALEY of Iowa, Mr. KING of Iowa, and Mr. PETERSON.

H.R. 735: Mr. MCCLINTOCK.

H.R. 743: Mr. WEST.

H.R. 750: Mr. LONG and Mr. FLAKE.

H.R. 756: Mr. LIPINSKI, Mrs. NAPOLITANO, Mr. TONKO, and Mr. CAPUANO.

H.R. 763: Mr. WALDEN.

H.R. 774: Mr. TOWNS.

H.R. 812: Mr. BLUMENAUER.

H.R. 831: Ms. ZOE LOFGREN of California.

H.R. 835: Mr. MEEHAN.

H.R. 860: Mr. WALBERG, Mr. CARNAHAN, Mr. WELCH, Mr. MURPHY of Pennsylvania, Mr. OLSON, and Mr. LYNCH.

H.R. 905: Mr. MARINO.

H.R. 912: Mr. ROTHMAN of New Jersey and Ms. MCCOLLUM.

H.R. 942: Mr. SAM JOHNSON of Texas.

H.R. 952: Mr. LIPINSKI.

H.R. 975: Mr. QUIGLEY.

H.R. 1041: Mr. GRAVES of Georgia.

H.R. 1058: Mr. MCCOTTER.

H.R. 1063: Mr. TIBERI and Mr. BRALEY of Iowa.

H.R. 1084: Mr. CAPUANO, Mr. RANGEL, and Mr. JACKSON of Illinois.

H.R. 1173: Mr. FLEMING, Mr. LAMBORN, and Mr. ISSA.

H.R. 1188: Mr. YOUNG of Indiana, Mr. GRIJALVA, and Mr. MICHAUD.

H.R. 1195: Mr. WOMACK and Mr. LATTA.

H.R. 1200: Ms. LEE of California.

H.R. 1206: Mr. CONAWAY and Mr. POE of Texas.

H.R. 1234: Mr. RANGEL.

H.R. 1256: Mr. FRANK of Massachusetts.

H.R. 1259: Mr. SCALISE, Mr. JOHNSON of Ohio, Mr. SCOTT of South Carolina, and Mr. NEUGEBAUER.

H.R. 1262: Mr. RUSH.

H.R. 1324: Mr. ROSS of Florida.

H.R. 1358: Mr. CRENSHAW.

H.R. 1370: Mr. POSEY, Mr. SHULER, Mr. FRANKS of Arizona, and Mr. BISHOP of Utah.

H.R. 1375: Mrs. MCCARTHY of New York, Mr. CLEAVER, Mr. DOGGETT, Mr. RANGEL, Mr. MEEKS, Mr. BUTTERFIELD, Mr. FATTAH, and Mr. BRALEY of Iowa.

H.R. 1394: Mr. BISHOP of Georgia, Mr. DAVID SCOTT of Georgia, Mr. TIERNEY, Ms. FUDGE, and Mr. CONYERS.

H.R. 1416: Mr. LATHAM.

H.R. 1418: Ms. RICHARDSON, Ms. WOOLSEY, Mrs. MILLER of Michigan, Mr. HONDA, and Mr. WU.

H.R. 1456: Ms. LEE of California, Ms. SCHAKOWSKY, and Ms. BORDALLO.

H.R. 1488: Mr. WU, Mr. BRADY of Pennsylvania, and Mr. FARR.

H.R. 1489: Ms. LEE of California and Mr. COFFMAN of Colorado.

H.R. 1505: Mr. JOHNSON of Ohio and Mr. POSEY.

H.R. 1543: Mr. LARSEN of Washington.

H.R. 1561: Ms. RICHARDSON.

H.R. 1564: Mr. ROTHMAN of New Jersey.

H.R. 1574: Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 1588: Mr. BOUSTANY.

H.R. 1620: Mr. BRALEY of Iowa.

H.R. 1639: Mr. WU and Mr. MICA.

H.R. 1645: Mr. CONNOLLY of Virginia and Mr. SABLAN.

H.R. 1656: Mr. MURPHY of Connecticut.

H.R. 1683: Mr. JOHNSON of Ohio.

H.R. 1735: Mr. LUJÁN, Ms. NORTON, and Ms. DELAURO.

H.R. 1739: Mr. PETRI.

H.R. 1742: Mr. BOSWELL, Mr. KISSELL, Mr. RYAN of Ohio, and Mr. WITTMAN.

H.R. 1744: Mr. CHAFFETZ.

H.R. 1749: Mr. MCGOVERN.

H.R. 1750: Mr. LAMBORN, Mr. FLEMING, Mr. THORNBERRY, Mr. ROGERS of Alabama, Mr. RIGELL, Mr. BROOKS, Mr. FRANKS of Arizona, and Mr. AUSTIN. SCOTT of Georgia.

H.R. 1755: Mr. OLSON.

H.R. 1792: Mr. PAUL, Mr. MICHAUD, and Mr. COSTELLO.

H.R. 1845: Mr. SESSIONS and Mr. WEST.

H.R. 1856: Mr. PITTS.

H.R. 1864: Mr. ROONEY and Mr. JORDAN.

H.R. 1880: Mr. HINCHEY.

H.R. 1897: Mr. ELLISON, Mr. TURNER, Mr. KISSELL, Mr. CARTER, Mr. SESSIONS, Mr. ROTHMAN of New Jersey, and Mr. BISHOP of New York.

H.R. 1912: Mr. MCGOVERN.
H.R. 1941: Mr. MURPHY of Pennsylvania.
H.R. 1946: Mr. JONES.
H.R. 1980: Mr. FORBES, Mr. MICHAUD, Mr. SIMPSON, Mr. DANIEL E. LUNGREN of California, Mr. CARTER, and Mr. CANSECO.
H.R. 2005: Mr. STIVERS, Mr. SIRES, Mr. ROTHMAN of New Jersey, Mr. ELLISON, Mr. RICHMOND, Ms. LEE of California, Mr. BISHOP of Georgia, Mr. BURTON of Indiana, Mr. PAYNE, Mr. RUSH, Ms. BASS of California, Ms. EDWARDS, Ms. RICHARDSON, Mr. HASTINGS of Florida, Mr. MEEKS, Mr. LEWIS of Georgia, Mr. CLEAVER, Ms. NORTON, Mrs. CHRISTENSEN, and Mr. RANGEL.
H.R. 2010: Mr. GOSAR and Mr. SESSIONS.
H.R. 2014: Mr. GALLEGLY, Mr. SHULER, and Mr. CRITZ.
H.R. 2016: Ms. DELAURO, Mr. MORAN, Mr. ROTHMAN of New Jersey, and Mr. MICHAUD.
H.R. 2018: Mr. HULTGREN.
H.R. 2020: Mrs. CAPPS, Mrs. BLACKBURN, Mr. González, Mr. BOSWELL, Mrs. MILLER of Michigan, Ms. CASTOR of Florida, Mrs. ELLMERS, Mr. PASCRELL, and Mr. OLVER.
H.R. 2030: Ms. RICHARDSON, Mr. GARAMENDI, and Mrs. NAPOLITANO.
H.R. 2032: Mr. NEAL, Mr. RANGEL, Ms. SLAUGHTER, Mr. COBLE, Ms. CLARKE of New York, and Mr. CAPUANO.
H.R. 2036: Mr. BARTON of Texas and Mr. ROGERS of Kentucky.
H.R. 2068: Mr. BARTON of Texas.
H.R. 2082: Mr. PAUL.
H.R. 2104: Mr. WITTMAN.
H.R. 2115: Ms. SCHAKOWSKY.
H.R. 2146: Mr. KELLY.
H.R. 2150: Mr. RIVERA and Mr. LANDRY.
H.R. 2152: Ms. SCHAKOWSKY and Mr. BISHOP of Georgia.
H.R. 2164: Mr. WEST and Mr. WOMACK.
H.R. 2170: Mr. MCCLINTOCK, Mr. LANDRY, and Mr. DUNCAN of South Carolina.
H.R. 2171: Mr. DUNCAN of South Carolina.
H.R. 2173: Mr. LANDRY and Mr. DUNCAN of South Carolina.
H.R. 2190: Mr. HINCHEY.
H.R. 2193: Mr. BISHOP of Georgia, Mr. LEWIS of Georgia, Mr. RICHMOND, Ms. NORTON, and Mr. JOHNSON of Georgia.
H.R. 2194: Ms. NORTON.
H.R. 2198: Mr. PENCE.
H.R. 2206: Mr. PAUL.
H.R. 2214: Mr. PLATTS.
H.R. 2215: Ms. BERKLEY, Mr. ROTHMAN of New Jersey, Mr. BURTON of Indiana, and Mr. GRIMM.
H.R. 2218: Mr. GOWDY.
H.R. 2236: Mr. MICHAUD and Mr. YOUNG of Indiana.
H.R. 2238: Mr. LATHAM, Mr. BOSWELL, and Mr. BRALEY of Iowa.
H.R. 2248: Mr. OWENS.
H.R. 2250: Mr. KINZINGER of Illinois, Mr. HERGER, Mr. BOREN, Mr. HOLDEN, and Mr. RIBBLE.
H.R. 2259: Mr. FINCHER, Mr. GRIFFIN of Arkansas, Mr. WEST, Mr. RIBBLE, Mr. CHAFFETZ, and Mr. LONG.
H.R. 2268: Mr. PETRI, Mr. WITTMAN, Mr. GOHMERT, and Mr. COBLE.
H.J. Res. 47: Mr. MICHAUD and Mr. JACKSON of Illinois.
H. Con. Res. 25: Mr. WOLF and Mrs. EMERSON.
H. Con. Res. 38: Mr. SOUTHERLAND.
H. Con. Res. 60: Mr. BERMAN, Mr. JONES, Mr. CARDOZA, Mr. LUETKEMEYER, Mr. WOLF, and Mr. KLINE.
H. Res. 25: Mr. GOHMERT.
H. Res. 134: Mr. BILIRAKIS, Mr. FITZPATRICK, and Mr. LUETKEMEYER.
H. Res. 137: Mr. RICHMOND.
H. Res. 220: Mr. FARR, Mr. CALVERT, Mr. ADERHOLT, Mr. CONNOLLY of Virginia, and Mr. COHEN.
H. Res. 228: Mr. PITTS.
H. Res. 295: Mr. YOUNG of Florida, Mr. ANDREWS, and Mr. BISHOP of Georgia.
H. Res. 304: Mr. CARDOZA, Mr. POLIS, Mr. CALVERT, Mr. ISRAEL, Mr. DOGGETT, Mr. BRADY of Pennsylvania, Mr. PERLMUTTER, Mr. GARDNER, Mr. FILNER, Mr. MARKEY, Mr. NADLER, and Ms. BASS of California.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1380: Mr. PITTS.

PETITIONS, ETC.

Under clause 3 of rule XII,

12. The SPEAKER presented a petition of the City of Santa Fe, New Mexico, relative to Resolution No. 2011–29 requesting that the Postal Service issue a commemorative stamp honoring the Sesquicentennial anniversary of the Battle of Glorieta Pass; which was referred to the Committee on Oversight and Government Reform.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 2219

OFFERED BY: MR. SHERMAN

AMENDMENT NO. 8: At the end of the bill, before the short title, insert the following:

SEC. ____. None of the funds made available by this Act may be used in contravention of the War Powers Resolution (50 U.S.C. 1541 et seq.).

H.R. 2219

OFFERED BY: MR. BLUMENAUER

AMENDMENT NO. 9: Page 9, line 6, after the dollar amount, insert ''(reduced by $15,000,000)''.

Page 31, line 17, after the dollar amount, insert ''(increased by $15,000,000)''.

H.R. 2219

OFFERED BY: MR. BLUMENAUER

AMENDMENT NO. 10: Page 127, line 18, after the dollar amount, insert ''(reduced by $15,000,000) (increased by $15,000,000)''.

H.R. 2219

OFFERED BY: MRS. CHRISTENSEN

AMENDMENT NO. 11: Page 124, after line 23, insert the following:

SEC. ____. The Secretary of Defense, in coordination with the Secretary of Health and Human Services and the Secretary of Veterans Affairs, shall develop a lung cancer mortality reduction program for members of the Armed Forces and veterans whose smoking history and exposure to carcinogens during active duty service has increased their risk for lung cancer and shall implement a program of coordinated care for members of the Armed Forces and veterans diagnosed with lung cancer.

H.R. 2219

OFFERED BY: MR. COLE

AMENDMENT NO. 12: At the end of the bill (before the short title), add the following:

SEC. ____. None of the funds made available by this Act may be used by the Department of Defense for the use of military force in or against Libya until such a time that the President formally requests and receives from Congress an authorization for the use of military force in or against Libya.

H.R. 2219

OFFERED BY: MR. COLE

AMENDMENT NO. 13: At the end of the bill (before the short title), add the following:

SEC. ____. None of the funds made available by this Act may be used by the Department of Defense to furnish military equipment, military training or advice, or other support for military activities, to any group or individual, not part of a country's armed forces, for the purpose of assisting that group or individual in carrying out military activities in or against Libya.

H.R. 2219

OFFERED BY: MR. BERMAN

AMENDMENT NO. 14: AT THE END OF THE BILL (BEFORE THE SHORT TITLE), ADD THE FOLLOWING:

SEC. ____. (a) None of the funds made available by this Act may be obligated or expended for assistance for the benefit of a Hezbollah-dependent Government of Lebanon, including assistance provided pursuant to section 1206 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3456).

(b) The Secretary of Defense, after consultation with the Secretary of State, may waive the prohibition in subsection (a) if the Secretary of Defense determines and certifies in writing to the appropriate congressional committees that such waiver is vital to the national security interests of the United States.

(c)(1) Not more than 15 days after the exercise of any waiver under subsection (b), the Secretary of Defense shall submit to the appropriate congressional committees a report describing—

(A) the vital national security interests requiring the waiver; and

(B) a description of the potential impact of the waiver on United States regional interests.

(2) The report required under paragraph (1) may include a classified annex.

(d) In this section—

(1) the term ''appropriate congressional committees'' means—

(A) the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives; and

(B) the Committee on Foreign Relations and the Committee on Appropriations of the Senate; and

(2) the term ''Hezbollah-dependent Government of Lebanon'' means—

(A) a Lebanese government in which Hezbollah is the majority element in a governing coalition;

(B) a Lebanese government in which Hezbollah is the architect or primary forger of the governing coalition; or

(C) a Lebanese government which depends on Hezbollah, even from outside that government, for its parliamentary majority.

H.R. 2219

OFFERED BY: MR. QUAYLE

AMENDMENT NO. 15: PAGE 12, LINE 17, INSERT AFTER THE DOLLAR AMOUNT THE FOLLOWING: ''(INCREASED BY $144,000,000)''.

Page 31, line 17, insert after the dollar amount the following: ''(reduced by $144,000,000)''.

H.R. 2219

OFFERED BY: MR. BURTON OF INDIANA

AMENDMENT NO. 16: At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available by this Act may be used to make a contribution to the military budget of the North Atlantic Treaty Organization in excess of $408,100,000.

H.R. 2219

OFFERED BY: MR. BURTON OF INDIANA

AMENDMENT NO. 17: At the end of the bill (before the short title), add the following:

SEC. ____. None of the funds made available by this Act may be used to directly or indirectly support operations in Libya.

H.R. 2219

OFFERED BY: MR. BURTON OF INDIANA

AMENDMENT NO. 18: At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available by this Act for a military mission of the Armed Forces may be diverted from such military mission to achieve non-mission related objectives for members of the Armed Forces serving in combat zones.

H.R. 2219

OFFERED BY: MR. BURTON OF INDIANA

AMENDMENT NO. 19: At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available by this Act may be used to perform (or to permit the performance of) a marriage or civil union ceremony that does not comply with the definition of marriage in section 7 of title 1, United States Code (the Defense of Marriage Act) or to permit the use of a military installation or other land under the jurisdiction of the Department of Defense as the site of a marriage or civil union ceremony that does not comply with the definition of marriage in such section.

H.R. 2219

OFFERED BY: MR. BURTON OF INDIANA

AMENDMENT NO. 20: Page 35, line 15, after the dollar amount insert the following: ''(reduced by $51,865,000)''.

H.R. 2219

OFFERED BY: MR. BROUN OF GEORGIA

AMENDMENT NO. 21: Page 30, line 18, after the dollar amount insert ''(reduced by $9,140,000)''.

Page 31, line 17, after the dollar amount insert ''(increased by $9,140,000)''.

H.R. 2219

OFFERED BY: MR. BROUN OF GEORGIA

AMENDMENT NO. 22: Page 31, line 6, after the dollar amount insert ''(reduced by $4,424,000)''.

Page 31, line 17, after the dollar amount insert ''(increased by $4,424,000)''.

H.R. 2219

OFFERED BY: MR. BROUN OF GEORGIA

AMENDMENT NO. 23: Page 9, line 6, after the dollar amount insert ''(reduced by $216,556,400)''.

Page 161, line 12, after the dollar amount insert ''(increased by $216,556,400)''.

H.R. 2219

OFFERED BY: MR. BROUN OF GEORGIA

AMENDMENT NO. 24: Page 30, line 11, after the dollar amount insert ''(reduced by $25,798,000)''.

Page 161, line 12, after the dollar amount insert ''(increased by $25,798,000)''.

H.R. 2219

OFFERED BY: MR. BROUN OF GEORGIA

AMENDMENT NO. 25: Page 30, line 11, after the dollar amount insert ''(reduced by $22,796,000)''.

Page 161, line 12, after the dollar amount insert ''(increased by $22,796,000)''.

H.R. 2219

OFFERED BY: MR. BROUN OF GEORGIA

AMENDMENT NO. 26: Page 30, line 18, after the dollar amount insert ''(reduced by $21,714,000)''.

Page 161, line 12, after the dollar amount insert ''(increased by $21,714,000)''.

H.R. 2219

OFFERED BY: MRS. MILLER OF MICHIGAN

AMENDMENT NO. 27: Page 12, line 17, insert after the dollar amount the following: ''(increased by $144,000,000)''.

Page 31, line 17, insert after the dollar amount the following: ''(reduced by $144,000,000)''.

H.R. 2219

OFFERED BY: MRS. MILLER OF MICHIGAN

AMENDMENT NO. 28: Page 8, line 2, insert after the dollar amount the following: ''(reduced by $449,901,000)''.

Page 161, line 12, insert after the dollar amount the following: ''(increased by $449,901,000)''.

H.R. 2219

OFFERED BY: MR. KUCINICH

AMENDMENT NO. 29: At the end of the bill (before the short title), add the following:

SEC. ____. None of the funds made available by this Act may be used for military operations against Libya.

H.R. 2219

OFFERED BY: MR. FLORES

AMENDMENT NO. 30: At the end of the bill (before the short title), add the following new section:

SEC. ____. None of the funds made available by this Act may be used to enforce section 526 of the Energy Independence and Security Act of 2007 (Public Law 110–140; 42 U.S.C. 17142).

United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 112th CONGRESS, FIRST SESSION

Vol. 157 WASHINGTON, WEDNESDAY, JUNE 22, 2011 No. 90

Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable KIRSTEN E. GILLIBRAND, a Senator from the State of New York.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

O God our help in ages past, our hope for years to come, help us to appreciate all that has gone on before us, all those who have given their lives for the sake of freedom, and all the sacrifices that have been made to keep America strong. Strengthen us to find ways to join this fraternity of patriots who more than self their country loved.

Today, empower our Senators to experience a fresh regenerating touch of Your power: Where there is sorrow, let there be joy; where there is despair, hope; where there is weakness, strength; where there is anxiety, peace; where there is sin, forgiveness. Teach us how to be stewards of power and yet custodians of peace.

We pray in Your merciful Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable KIRSTEN E. GILLIBRAND led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUYE).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, June 22, 2011.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable KIRSTEN E. GILLIBRAND, a Senator from the State of New York, to perform the duties of the Chair.

DANIEL K. INOUYE,
President pro tempore.

Mrs. GILLIBRAND thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Following any leader remarks, the Senate will be in morning business until 11 a.m., with the majority controlling the first half and the Republicans controlling the final half.

Following morning business, the Senate will resume consideration of the motion to proceed to S. 679, the Presidential Appointment Efficiency and Streamlining Act.

We are working on an agreement to begin consideration of this bill and will notify Senators when votes are scheduled.

ORDER OF PROCEDURE

I would ask unanimous consent that the time not end at 11 a.m. on the majority and minority, that they each have a full half hour.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

BIPARTISANSHIP

Mr. REID. Madam President, yesterday my friends, the chairman of the Foreign Relations Committee and the ranking member of the Armed Services Committee, submitted a resolution supporting the U.S. involvement in the NATO action in Libya.

I commend my friends who have submitted a strong bipartisan resolution with an impressive list of cosponsors, including Senators MCCAIN, LEVIN, DURBIN, KYL, FEINSTEIN, GRAHAM, LIEBERMAN, BLUNT, CARDIN, and others. This should have overwhelming support, and I am confident it will.

Some Republicans in the House of Representatives and on the campaign trail have expressed concern over our involvement in this conflict. They have clearly decided to use the War Powers Resolution as a political bludgeon to pursue a partisan agenda.

But I also believe there is a larger question we must each ask ourselves as Senators as we consider this military action: Was our participation in the international effort to stop mass murder and chaos in Libya a just decision? I am confident it was.

Muammar Qadhafi's repressive dictatorship is a threat to the region and to U.S. national security. Our support of this mission is crucial for our NATO alliance that is leading this mission and for the people of Libya who lived far too long under Qadhafi's brutal regime.

I thank the Senator from Massachusetts and the senior Senator from Arizona for beginning to deliberate. These two senior Senators have begun a deliberate, bipartisan discussion of this important matter in the Senate. Working together, this bipartisan group of Senators has made a clear statement to our allies, to the world, to the Libyan people, and to Qadhafi that we support the people's action in Libya.

The Senate is truly at its best when bipartisan lawmakers work together. That is why it is so unfortunate that yesterday Republicans were unwilling to join us in our efforts to create jobs for Americans who need them so very badly. For the fourth time this year, my Republican colleagues stalled a jobs bill that could have put hundreds of thousands of Americans to work now.

This was the second jobs bill Republicans have killed by piling on unrelated amendments—the EDA bill that I

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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just referred to, almost 100 amendments, none of which related to the legislation at hand. Two more jobs bills passed the Senate but are wasting away in the House. All four of these bills are commonsense efforts to spur innovation, investment, and hiring by private companies. All four had a proven track record of creating jobs. The message the Republicans have sent is clear: They care more about partisan politics than they do about putting Americans back to work.

Later today, Democrats will talk about our plan to reduce the jobs deficit, a problem just as critical to Americans as our budget deficit. We hope our Republican colleagues will join us to tackle the problem. So far, they have put politics first.

I don't know what it will take for Republicans to get the message that people in Nevada and across the country care more about jobs than any other issue. It is the most important issue on which Congress should focus. Instead, Republicans are focused on the one thing Americans don't want to change: ending Medicare as we know it. It is wrong that Republicans are trying to end Medicare as we know it. The American public does not support this.

The vast majority of Americans say they oppose the Republican plan to balance the budget on the backs of seniors by killing Medicare. The number amongst seniors and Independents is sky high in opposition to the Republican plan to change Medicare as we know it. There is no mystery to why they oppose it. The Republican plan to end Medicare would put insurance company bureaucrats between seniors and their doctors. It would raise drug prices from day one. It would increase the cost of cancer screenings and treatments for 7 million seniors and do a lot more damage to our Medicare recipients.

Seniors cannot afford this dangerous plan nor can America. The Senate can't afford to waste any more time. It is our job to create jobs. It is time for Republicans to leave Medicare alone and let us get back to work creating jobs.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will be in a period of morning business until 11 a.m., with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the majority controlling the first half and the Republicans controlling the second half.

Under a subsequent order, each side will have the full 45 minutes.

The Senator from Iowa.

AUSTERITY DISCONNECT

Mr. HARKIN. Madam President, I wish to pick up a little bit again in my remarks on what the majority leader was just talking about; that is, the lack of focus on jobs in this country.

I am disturbed by the growing disconnect between Washington's obsession with austerity and retrenchment and cutting and slashing and the disconnect from that with the dramatically different needs, priorities, and anxieties of ordinary working Americans. The so-called chattering class here in Washington has persuaded itself that the biggest issue is the budget deficit. But Americans outside the Beltway are most concerned with a far more urgent deficit, the jobs deficit, and their concerns are well founded.

Our Nation remains deeply mired in the most protracted period of joblessness since the Great Depression. Real unemployment is close to 16 percent. Tens of millions of people who are employed are increasingly anxious about being able to hold on to their jobs and to make ends meet.

The American people get it. They want to get this economy moving again, and they know the best way to reduce the budget deficit is to help 25 million unemployed Americans get good, middle-class jobs and become taxpayers once again. With the private sector engine sputtering, there is an absolutely critical role for the Federal Government in creating demand and preventing a double-dip recession.

We have to wonder, is Washington listening to working middle-class Americans? Is Washington listening to the legions of unemployed and the underemployed who are desperate for solutions to their plight? Sadly, I think the answer is, no, Washington is not listening.

Many of our political leaders are treating the jobs crisis as yesterday's news. They are putting deficit reduction above all else. They are demanding extraordinary—in fact, unprecedented—cuts to government funding and government investment. It is akin to a bidding war, driven by the hysteria of the auction rather than the value of the lot: Let's cut $1 trillion. No, $1.5 trillion here. No, I have $2 trillion over here. How about $4 trillion? It is akin to a bidding war to see how much we can cut government funding and investment.

I have to ask, has Washington lost its mind? Don't we realize these Draconian cuts are the economic equivalent of applying leeches and draining blood from a sick patient? Don't we realize this will make both the jobs deficit and the budget deficit far worse?

Of course, we must act aggressively to bring deficits under control. But we have to do this in ways that continue to create more jobs while also improving the long-term competitiveness of the American economy.

We have reached the point of maximum danger in the fragile economic recovery. We are at the point of maximum danger. Employment growth is weak and threatens to stall out altogether. Businesses remain reluctant to invest and hire for the simple reason that there is not sufficient demand for goods and services. All those unemployed and underemployed people are only spending enough to make ends meet. If they are getting unemployment compensation, they are barely making ends meet. There is no excess money. The middle class is tapped out, with stagnant incomes, insecure jobs, high levels of mortgage, and high levels of consumer debt. The threat of a double-dip recession is far too real, and the fear of more unemployment also hangs right over tomorrow's horizon.

In this context, to insist that we slash Federal funding by trillions of dollars is beyond foolish. It is government malpractice. It flies in the face of everything we know and have learned about how economies work.

Two weeks ago, Federal Reserve Chairman Bernanke stated the obvious. He warned us:

> A sharp fiscal consolidation focused on the very near term could be self-defeating if it were to undercut the still-fragile economy.

Again I ask, is anyone listening? The alarm bells are ringing all over America.

Recently, the Federal Reserve Bank of New York published an online article about what it called ''the mistake of 1937.'' What is that all about? The New York Fed was referring to the premature fiscal and monetary pullback in 1937 just as the economy was beginning to get its legs to get out of the Depression. That premature retrenchment was a historic mistake. It killed the recovery then in progress and sent us back into the Great Depression for another almost 4 years until it was finally ended with the stimulative spending of World War II.

Paul Krugman, the Nobel Prize-winning economist, says that in important ways we have already repeated the mistake of 1937. We have taken our eyes off of what should be our No. 1 priority—creating jobs—and we have pivoted to an obsession—again I repeat, an obsession—with deep, short-term budget cuts which by their very nature will destroy jobs and weaken the economy.

Let me cite another glaring example of the disconnect between Washington and the rest of the country. Here in Washington Republicans assert that the Recovery Act was a failure. Why do they claim that? Because they claim President Obama promised the Recovery Act would reduce unemployment to 8 percent and because that has not happened, it was a failure. We have researched this. The Republican talking point on this President Obama promise has no basis in fact. Independent fact checkers in the media have tried to find such a promise or a statement by President Obama, and they have come up empty.

I say again to my Republican friends, if you have some proof of President Obama saying the Recovery Act would reduce unemployment to 8 percent, please bring it forward. All we have found in checking this was an illustrative table from a report that was published—are you ready for this?—before President Obama took office, speculating that some future stimulus program might reduce unemployment to 8 percent depending on how big the stimulus was.

Those same fact checkers found that President Obama did promise one thing of the Recovery Act: He said it would prevent a new Great Depression and prevent unemployment rates of 12 or 13 percent. That did happen.

Fortunately, ordinary Americans have a better understanding of the Recovery Act. They know hundreds of billions of dollars in middle-class tax cuts in the Recovery Act gave them a modest but a significant boost in income. They know that because of the Recovery Act's assistance to the States, many tens of thousands of teachers, police officers, and other essential employees were able to keep their jobs. They have seen countless highway and other infrastructure projects funded by the Recovery Act. All of these have either preserved jobs or created new and more jobs. They provided significant benefits for our people, including better roads, better bridges, better schools, and other critical infrastructure for the future of our country.

Thanks in large part to the Recovery Act, we have gone from losing 700,000 jobs a month in late 2008 when President Obama took office to adding new jobs now for 16 consecutive months building the infrastructure of America. I know a little bit about this. If you go over to my office, you will see hanging on my wall in my office my father's WPA card. To all of you young people who do not know what WPA stands for, it stands for the Works Projects Administration. It started under Franklin Roosevelt during the Great Depression to hire people who were unemployed to work on infrastructure projects.

I know my father worked on three of those projects. One was Lake Ahquabi near Indianola, IA, which is still a State park and recreational area enjoyed by people all year-round, especially in the summertime. Another was a high school in Indianola, still in use, built by WPA. The other was the Maffitt Reservoir built by the WPA for a holding of the city of Des Moines reservoir. All three were built by the WPA, still in use today. We can see countless examples of this all over America. We have schools in Iowa which have been modified and upgraded but still were built by the WPA. That is true all over the country.

What happened is they built an infrastructure that helped the private sector be more efficient and more productive and make lives better for our people. We need to do that again, and we need to invest all over America. The Recovery Act started that, but now we know it was not enough and it was not long enough. Just as in 1937, we are about to repeat that same mistake. If we had kept the stimulus going through 1937 and 1938, we would not have fallen back as we did at that time.

The nonpartisan Congressional Budget Office estimates that through the end of 2010 the Recovery Act had raised the gross domestic product by as much as 3.5 percent and increased the number of employed Americans by as many as 3.3 million people—employed in the public sector but also in the private sector.

Business columnists and pundits have no doubt that the Recovery Act has boosted the economy. You can go to CNBC or Bloomberg on cable TV. In recent months, it has almost become a cliche for commentators to say this: Sure the economy is growing again, but this is largely because of the Recovery Act and the easing by the Federal Reserve. As those things wind down, the economy will be in danger once again.

OK, it seems to me, then, that we do not want to wind them down. Why wind them down and throw us into a tailspin again? These business pundits are correct. The shot in the arm provided by the Recovery Act is now winding down. It threatens our fragile recovery. In the absence of Federal assistance, many States are making deep budget cuts or laying off their employees. In Texas, Governor Perry has proposed to cut education funding by a staggering $10 billion. In New York City, Mayor Bloomberg has proposed laying off 6,000 teachers. Total State and local government layoffs just in the last 6 months have been nearly 350,000—350,000 people who were working no longer work. They are laid off. Where will the demand be for goods and services from the private sector from all these laid off individuals? Now, if the Federal Government follows suit, after what is happening in our States, with these massive short-term spending cuts, the prospect of a more severe recession will be very real, and we will go off that cliff.

So I reject the false choice between addressing the budget deficit and addressing the job deficit. We can and must do both. As I said earlier, the budget deficit is in large part caused because of the high jobs deficit. High unemployment over the last 3 years has ballooned the deficit by hundreds of billions of dollars because tax revenues have fallen. Federal spending has increased for things such as food stamps, nutrition assistance, unemployment benefits, Medicaid. How often do we hear that Medicaid spending is skyrocketing? You know, before you get Medicaid, you have to fall under certain poverty guidelines. The reason Medicaid is going up is because people are not working. People are not working because there aren't any jobs. And there aren't any jobs because the Federal Government will not prime the pump, because the Federal Government—now we are being told we must cut back with huge cuts, tremendous cuts that will further make more people get laid off and will further make the problem even worse than it is now.

The smartest approach is to take measures to sharply reduce the deficits in the medium and long term but to invest in job creation in the short term. We have it backward. Washington now has it backward. My Republican friends have it backward. They are going to slash and cut, and that is going to push us into another recession. Better we invest in the infrastructure and keep new jobs and more jobs out there that will create the pent-up demand we need for goods and services. That will help us reduce the deficit in the medium and the long term.

We have to do it right, a balanced way—some spending cuts, revenue increases. People say: How can we invest, Senator HARKIN, in all these roads and new schools and new infrastructure, new energy systems—how can we do that when we are broke? Will we just have to borrow more money from China, go further into debt, put more debt on our kids and grandkids' heads?

I thoroughly reject the premise under which the Ryan budget and the Republican budget is based. It is based on the premise that we are broke, that we are poor, that we can't afford to have teachers and we can't afford to have more medical personnel out there taking care of our elderly, that we can't afford more roads and bridges and sewer and water systems and better school facilities and better technology and new energy systems—we can't afford to do that because we are broke. I reject that. We are not broke. We are not poor.

The United States of America is the richest nation in the history of mankind. We are the richest nation on the face of the Earth. We have the highest per capita income of any major nation in the world. So one has to ask the question, if we are so rich, why are we so broke? Why are we so poor? The reason is because the system is broken.

This really started with the massive tax cuts enacted under the George W. Bush administration in 2001. Need I remind anyone that we had 3 straight years of budget surplus? CBO said that if we kept on the track we were on, we would pay off the national debt by 2010. But as soon as President Bush was in office, Republicans took control of both the House and the Senate and gave, massive tax cuts mostly to the wealthy in our country. That, plus two unpaid-for wars and an unpaid-for Medicare benefit, put us into the greatest deficit and biggest debt we have ever had as a nation.

If 50 percent of the problem we have with the deficit was made because of the tax cuts that mostly went to the wealthy, then we have to think seriously—no, I will rephrase that. We don't have to think seriously; we must act decisively to raise revenues so we

do not have to borrow more money. There are revenues there to be had. A few people made a lot of money in the last 10 years. I don't think it is untoward to ask them to perhaps help rebuild America. The private sector companies, I am told, are sitting on about $2 trillion in cash, and they will not invest it. There is money there. Our tax system—our system is screwed up. So we need both—yes, to make targeted cuts in certain programs. We can do that. But we also need to raise the revenues necessary to invest in putting people to work and rebuilding the infrastructure of this country.

Republicans are saying we need more tax breaks for the wealthy. If working people and the middle class are taking a hit in tough times, it should not be to pay for more tax breaks for the wealthy. As our leader just said, after weeks of debate, Republicans blocked passage of a bipartisan small business bill, and just this week they killed the Economic Development Administration development bill with a proven record of job creation. The key to renewing America and restoring our economy is to revitalize the middle class. That means investing in education, innovation, the infrastructure, boasting American competitiveness in a highly competitive global marketplace. How do we do both? We do it by making certain targeted cuts but raising revenues by raising revenues. I would have to add, one of those ways we have to think about cutting is, why we are continuing to spend billions of dollars and losing American lives in Afghanistan? What are we still doing in Iraq? I saw a recent report that said we have spent over $87 billion in Iraq. What do we have to show for it? Higher gasoline prices than ever before and a country that is still torn apart by internal strife.

If we want to move ahead and create these jobs, it means a level playing field, fair taxation, an empowered workforce, a strong ladder of opportunity to give every American a shot at the middle class.

With the fragile economic recovery, we should not reduce fiscal support for job creation at this time. Deficit reduction efforts can start but sequenced in. When the economy is recovering, that is when they start taking place. Now is the time to invest in job creation. We need to keep our priorities straight. The greatest challenge right now is not the budget deficit. The greatest challenge is the jobs deficit. The greatest challenge is the erosion of the middle class, which is under siege in America. The middle class is being dismantled every day. People are losing their savings, their health care, their pensions and, in many cases, even their homes. These proposed gradual budget cuts, drastic budget cuts will destroy jobs and further damage the economy. The people, the middle class of America, have every reason to believe they are losing the American dream not just for themselves but for their children.

Instead of the Republican budget, which is being sold through fear and fatalism, we need a budget that reflects the hopes and aspirations of the American people. We need a budget that will invest to create jobs, that will bring future deficits under control as more people come to work, as fewer people need Medicaid, as fewer and fewer people need food stamps, as fewer and fewer people need unemployment compensation when they begin working and becoming taxpayers again. It is up to the Federal Government to take this step, and we should not be afraid to do so. It must be bold. It cannot be tinkering around the edges. It must be something that is big and that is bold and that will jump-start our economy. That is our No. 1 priority. I hope we can do this so it will not happen that we go into another Great Depression or what happened in the late 1930s; that we had to depend upon another war to stimulate Government spending and put people back to work. God help us if that is the only thing we can look forward to, to get our economy going again. We should have learned from the past, taken those lessons from the past and take the steps necessary right now to invest in jobs, to rebuild the middle class of America, and to have a fair taxation system so those people at the top who make so much—and I don't begrudge people making money, but I do begrudge if they are not paying their fair share in revenues to this country. That is our challenge. I hope Congress is up to meeting that challenge. The middle class is the backbone of America, and it is time this Congress showed the backbone to stick up for them.

I yield the floor.

Madam President, how much time is remaining on our side?

The ACTING PRESIDENT pro tempore. Nineteen minutes.

Mr. HARKIN. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The ACTING PRESIDENT pro tempore. The Senator from Iowa.

Mr. HARKIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. HARKIN. Madam President, how much time do we have remaining now?

The ACTING PRESIDENT pro tempore. Eighteen minutes.

NEW NLRB RULES

Mr. HARKIN. Madam President, I also wanted to speak about the new National Labor Relations Board rules that came out just yesterday. It also has a lot do with the middle class in America and what happens to the middle class.

In 1912, women went on strike at a textile plant in Lawrence, MA. They inspired the Nation when they walked the picket lines with signs that said: ''We want bread, but we want roses too.'' Well, what did they mean by that? They meant they wanted jobs, but they didn't want just bear subsistence and slave jobs. As you know, many women died in the terrible triangle shirtwaist textile plant fire. They wanted jobs, but they wanted jobs that paid a living wage. They wanted jobs that did not work people 12, 18 hours a day, 6 or 7 days a week. Those words helped to shape the character of the country we created, a shared prosperity for the American people.

Almost 100 years later, we face the same fundamental question about what kind of country we want to be. When we imagine the America of our dreams or our children and grandchildren, is bread just good enough for the middle class or should we have some roses too?

Republicans portray our country as poor and broke, and they have used that as an excuse to rationalize an unprecedented attack on the middle class. But, the reality is we are the wealthiest Nation in history. It is just more and more of our country's wealth is being concentrated at the top.

Certainly, the American people do not begrudge the rich their good fortune and success. But they do resent it when the wealthy and the powerful manipulate the political system to reap huge advantages at the expense of working people. Today, unfortunately, more and more people sense in their hearts that the rules of the game have are rigged in favor of CEOs and big corporations, and nowhere is this more apparent than the process by which workers form a union or, I should say, by which process workers are blocked from forming a union.

As it now stands, the union election process is a never-ending, bitter struggle marred by corporate intimidation and frivolous lawsuits. Workers have to walk through broken glass on their hands and knees to get the same basic rights that every wealthy CEO has the right to have the terms of their employment set out in an enforceable contract. Right now, CEO's bargain extremely generous salaries and golden-parachute retirements, but millions of hardworking Americans don't have a way to guarantee from week to week that they will have enough hours to feed their family or that their health benefits won't be cut without notice.

So the rules promulgated by the NLRB yesterday try to right this and to make it a fair and equitable process so people can form a union. The proposed rules are very modest. What it does is cut down on the number of frivolous lawsuits and removes unnecessary delays that prevent workers from getting a vote in elections. Sometimes it takes months and, in some cases, years before workers even get a chance to vote on whether or not they want to form a union. All the while, people are harassed and intimidated. These workers know first hand that justice delayed is justice denied. That is not the

American way. Workers deserve a fair shake and a fair election. If people want to form a union, they deserve that right to do so.

The steps they took are common sense. It removes unnecessary delays, cuts down on frivolous legal challenges, gives workers the right to a fair up-or-down vote, in a reasonable period of time. These new rules do not encourage unionization, and they do not discourage it. They just give workers the ability to say yes or no. Again, what they seek is valid.

The current system is broken. If a party takes advantage of every opportunity for delay, the average time before workers can vote is 198 days, and, as I have said, it has taken 13 years before people were allowed to vote in a union election. A study by the Center for Economic Policy Research found, among workers who openly advocate for a union during an election campaign, one in five is fired. Madam President, 9 out of 10 employers require their employees to attend meetings on work time to hear anti-union presentations. Workers are required to attend 10 anti-union meetings. Well, it is time to right this imbalance.

That is what the NLRB did—not tilt it one way or another but to give workers a fair right to have an election. The rules apply to secret ballot elections, but make modest changes to not to have it dragged out for years and years with frivolous lawsuits while preserving employer's due process rights. The new rules standardize time lines for union elections so that both sides have a fair chance to make their case and then employees have the right to a timely vote. They ensure that employers and employees have a level playing field, where corporate executives and rank-and-file workers alike have an equal chance to make their case for or against the union. That is all it is. It is nothing more, nothing less than that. This is a fair set of rules.

I am sure we are going to hear from the business community about this, saying this is meddling and this is going to tilt toward the unions. No, it doesn't. For far too long it has been tilted on the side of the employer and against the unions. Now we bring it back to the middle, where we say we are neither pro nor against, but we are going to let workers have the right to say whether they want to form a union. Some workplaces will choose a union, some will not. But protecting the right of workers to make that choice brings some balance and fairness to the system, so the deck isn't always stacked in favor of the wealthy and the powerful.

America's future depends on the middle class having not just bread, but roses too, just as was the case 99 years ago. Our government faces a clear choice: do we stand for seemingly endless corporate power, or do we stand for the basic rights of working people? Republicans keep pushing for special favors for the wealthy and big corporations, claiming this will create jobs and economic prosperity. Instead, over the last decade, it has brought us high unemployment and the worst economic downturn since the Great Depression. The problem with trick down economics is that it failed to trickle down. Wealth has been increasingly concentrated at the top.

There is a better way. Quality jobs that pay a living wage, provide health insurance and a secure retirement are the foundation of a strong middle class. Having a strong middle class that can afford to buy quality products made in America is the recipe for our economic renewal.

I compliment the NLRB. I know I have heard there will be some challenges to it on the floor of the Senate. I hope reason will prevail and the Senate will once again stand for the inherent right of people to be able to organize and bargain collectively for their wages, hours, and conditions of employment.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Illinois.

EDA

Mr. DURBIN. Madam President, there was a vote yesterday on the Senate floor about a bill that was pending. It goes directly to the topic just raised by the Senator from Iowa. It was the Economic Development Revitalization Act. The EDA is an agency created almost a half century ago to create incentives for businesses to build, expand, and locate in places across America where there is high unemployment. It has been a success in Illinois and almost every other State.

For every $1 the Federal Government puts on the table, it generates $7 in economic activity. There is not a lot to go around, so they pick those projects that are the most promising, and it is a good agency. It is an agency that has enjoyed wide bipartisan support. Yet, when it came time yesterday to vote on whether we go ahead and pass the bill to reauthorize the agency, unfortunately, we could not find 60 Senators on the floor to vote yes. So the bill languishes and basically was pulled from the calendar.

It is the second time this year, when we face this recession and high unemployment, the Senate has refused to take up a bill that literally will help businesses create jobs across America. It does not make sense, does it, that when we have so many people out of work, we cannot even agree on a bill to create jobs and help business. It does not make sense, unless the premise of this debate is understood.

The Republican minority leader, Senator MCCONNELL, said his highest legislative priority this session was to make sure President Obama is a one-term President. It is that guiding force that led to the vote yesterday. It is that guiding force that has stopped us from passing meaningful legislation when it comes to unemployment in America, time and again. You see, if we are destined and determined to stop this President and frustrate any efforts to build jobs, then the Senate will continue to languish.

How does this work? It works because when bills come to the floor, brought by the majority leader, HARRY REID, Senators from the other side of the aisle start a steady stream procession to this desk to file amendment after amendment, until we had literally 100 amendments filed to the Economic Development Administration bill. You say: Well, maybe this bill needed some work.

The amendments had little or nothing do with the bill. They are about everything under the Sun—every issue a Senator can dream up or that his or her staff thinks might be interesting. Believe me, 100 is a modest number. We could certainly, our staff people and others, come up with hundreds more. But at the end of the day we still would not pass the Economic Development Revitalization Act. We would not help businesses locate, expand, and create jobs, and we will still continue to languish with millions of Americans unemployed.

I think it is time for us to face reality. The reality we face is that America has two deficits. The one we talk about a lot is the budget deficit, and it is serious. I was on the deficit commission, the Bowles-Simpson Commission. We looked at it long and hard and realized it is unsustainable for America to borrow 40 cents for every dollar it spends in Washington. We can't continue to do this. The debt of our Nation is growing dramatically, and we have to bring it to a stop. That means cutting spending and raising revenue. Those are the only two ways to reduce the deficit, and we have to do both. That is what the Bowles-Simpson Commission said—and I voted for it—a bipartisan vote for the Commission to move forward on the deficit. But they said something else: Don't do this too quickly; don't do it precipitously; be careful that we don't kill off the recovery we are engaged in.

The Bowles-Simpson Commission basically said to wait a year. Make a plan, make a commitment, but say for this year we are going to get America back to work. The Bowles-Simpson Commission knew—and we all know—we can't balance America's budget with 14 million people out of work. These are folks who should be earning a paycheck and paying taxes but instead are home looking for work, searching the Internet, searching the classifieds, and drawing benefits from the government instead of paying taxes. So as long as 14 million Americans are in that position, then, sadly, we are going to have a deficit that is aggravated rather than one that is cured.

So the Bowles-Simpson Commission said don't move too quickly to kill programs that make a difference. They are

right. I happen to think they were right in many other respects.

When we deal with our budget deficit, let's be honest about it. It is going to take sacrifice from everybody. Maybe some of the poorest among us cannot sacrifice any more. I understand that. But for most of us a little change in our lifestyle, a little change in the government benefits we might be receiving or the taxes we might be paying is not too high a price or too much to ask to put this economy on the right track.

I think a lot about sacrifices being made by Americans, and the first people who come to mind are our men and women in uniform who are serving around the world. I think about the sacrifice they have volunteered to make every single day. They are willing to risk and, in many cases, give their lives for this Nation. If they are willing to make that kind of sacrifice, can we honestly say with a straight face we can make no sacrifice to make America stronger? I think we can. I think we should. I think we ought to come together in a bipartisan fashion.

I am frustrated by the fact that for the last 5 months I have been meeting with a bipartisan group of Senators and we have come up with the basic outline of an approach which would dramatically reduce America's deficit in a balanced and fair way. It would put everything on the table. Let me underline the word ''everything.'' Many of my colleagues don't want everything on the table. On this side of the aisle they don't want to talk about our entitlement programs. On the other side of the aisle they don't want to talk about revenue. I understand that, but we both have to give a little for the good of this country. But after 5 months of long, tortured negotiation; after what I consider to be a successful effort—95 percent successful—in producing a plan for deficit reduction, I am sorry to report we are just not ready to let the world in on what we have been doing. I wish we would.

I am prepared, and I hope other colleagues will be too, to come to the floor and to lay this out and say: If this helps—if this helps our country, if this helps Congress, if it helps the President, if it helps those who are working with Vice President BIDEN—then here is our offering. Here is our best effort. It is not perfect, and it won't be the end product. But for goodness' sakes, the time is over for talking behind closed doors. I appeal to all of my colleagues who believe we should come forward with this Gang of 6—now down to Gang of 5—proposal, to let it be known: Come to the floor, talk to our colleagues, let us break this logjam which has stopped us from bringing these ideas forward.

I want to keep my good faith with those who are engaged in this effort. I am not going to stand here and describe in any detail what we have been doing. I will, however, tell my colleagues I have reached a level of frustration. After all this work and all this time, all this effort and all the political courage I have seen exhibited behind closed doors, we need to step forward and say something publicly. We need to do it in a fashion that gives some guidance to those who are making critical decisions.

Let's not reach the point where we literally test the creditworthiness of the United States of America by refusing to extend the debt ceiling. That is a bill which goes largely unnoticed each year. It is when America renews its mortgage. It comes due August 2 this year. If we don't do it, I can tell my colleagues what is going to happen. My projections are not based on any great expertise I have but on what has been told to me by the Chairman of the Federal Reserve, by the Secretary of the Treasury, by the President.

Here is what will happen: If the United States does not show we are ready to pay our debts in a timely fashion, what is going to happen automatically is that interest rates will rise. The Federal Reserve is supposed to report this week that they are going to keep interest rates low because they want America's economy to recover. We can spoil this party in a hurry if we get engaged in a political cat fight between the House and the Senate and both political parties and do not extend the debt ceiling. Failure to extend the debt ceiling or creating uncertainty about its extension will raise interest rates. Who will pay the price? Americans across the board.

When we want to buy a car, we will pay a higher interest rate. When we want to buy a home, we will pay a higher interest rate. If we want to start a business and expand and hire more people, if we can borrow money, it will be at a higher interest rate. This will slow down our recovery at a time when we need just the opposite.

So let me suggest that those who believe, as I do—and I think I have put up my beliefs for display when it comes to this deficit—that we need a bipartisan approach that is serious, for goodness' sakes, let's not bargain with the debt ceiling. Let's do what is right for America in a bipartisan fashion and then stand up together and accept the responsibility of governing, the responsibility of reaching a decision and moving forward.

When we see a bill such as the Economic Development Administration bill die on the Senate floor, as we did last night, it is a reminder of how partisanship run amok can hurt us when America needs leadership the most. To put 100 amendments on the floor to a bill as simple as this—it used to pass with a voice vote—is an indication there are some in the Senate who want to accomplish absolutely nothing except partisan debate. That is not good for this country. If the best thing we can do at the end of the day, after all 100 Senators come filing through the door, is to pass some resolution extolling the virtue of someone across America—if that is the best we can do—maybe we don't deserve these paychecks we are being sent. Maybe it is time for the American people to demand an accounting of those elected to office.

We have to be ready to not only make the speeches and make the political points, but we have to stand and make a difference. That means standing together. It means taking a risk of putting everything on the table and getting America moving. If we can get this deficit resolved, we can convince people across this country and around the world we are serious about it and we are going to launch an economic recovery that will create jobs and help businesses and make us a stronger nation and give our kids a chance. The alternative is unacceptable.

Today, I hope my colleagues—if they believe we should move forward on a bipartisan basis to deal with this deficit and to put everything on the table now and get down to business—will come to the floor and say as much.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee.

Mr. CORKER. Madam President, I understand I have 10 minutes to speak; is that correct?

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. CORKER. If the Chair will show me the courtesy of letting me know if I happen to get within 2 minutes of that.

The ACTING PRESIDENT pro tempore. The Chair will.

Mr. CORKER. Madam President, I rise to speak on the same topic the Senator from Illinois was speaking about; that is, the discussions taking place right now around the debt ceiling vote and what kind of arrangement or what kind of agreement can take place. These are called the Blair House negotiations. They are happening between the Vice President of the United States—the actual President of the Senate when he is here—and leaders on both the Republican and Democratic side of the House and Senate.

What I wish to speak about today stems from reading some of the public comments. I am concerned the type of deal they may be trying to seek is not something many of us in this body would even agree to if they reached it, meaning it is far more modest than I think most of us have been looking at. It is my understanding they are going to be meeting all week. It is my understanding they had hoped to reach an agreement by next week. So my reason for coming to the floor is to ask the Vice President and those others who are involved in this to publicly tell us by the end of next week what deal it is they are trying to accomplish and in what timeframe.

I think all of us are frustrated. We work in the Senate, and as the Senator from Illinois was just mentioning, we have done absolutely nothing in this body this year—nothing. We have voted on a few noncontroversial judges—

maybe we have done slightly more than that, but almost nothing—while our country languishes, worrying about what we are going to do with these budget debates. As a matter of fact, we haven't passed a budget now in something like 770 days.

So here we are shelling out taxpayer money each year—$3.5 trillion, $3.7 trillion—and we don't have a budget, which is about as irresponsible as one can be.

Actually, there are groups working on other solutions. I think it would be good for this body to know what kind of arrangement is being looked at, what kind of goals are trying to be achieved, and in what timeframe they are going to be achieved so that people will know with some degree of certainty whether there is going to be something achieved to which we would agree.

Let me give an example. One of the things I have heard is, we are going to have the same amount of debt limit extension as we do in reductions, meaning we will have $2.4 trillion in debt ceiling additions and $2.4 trillion in cuts. The problem is, the debt extension is over an 18-month period and the cuts are over a 10-year period. So we can see there is a vast discrepancy in what is taking place. The semantics may sound good, but the result, candidly, is not near what I believe the American people would like to see, nor what I believe financial markets would like to see. So if our goal is something we know on the front end is not even acceptable to this body, it seems to me it is not rational for us to be sitting here waiting on this group at the Blair House to make a deal we all know is not good enough.

So I hope by the end of next week this group who is negotiating will come forth and tell us what it is they are trying to achieve, the likelihood of achieving it, and in what timeframe.

I am also hearing there are discussions that we do not believe we will reach a deal by the August recess. There have been some public comments about short-term extensions. I cannot imagine going home to the people of Tennessee for recess on August 6 and telling them: We are on August recess, and I am here to tell you we haven't done a thing—not one thing—to reach a deal on how many cuts are going to take place in spending relative to our debt ceiling extension. But I am here in Tennessee to tell you that we are on recess, and we have accomplished nothing.

I cannot imagine us doing that as a body.

The other thing I am hearing is we may be looking at a short-term extension to move beyond the August recess, to get us back into this fall. Maybe that is a way of dealing with this issue. But, again, if we adopt a short-term extension to try to give us time to reach a deal we all know is unacceptable on the front end, why would we give a short-term extension? So it just seems to me the most responsible happening would be for negotiators on both sides to tell this body—this body which has done nothing of importance this year—maybe a few minor things, not much; We spent no time dealing with serious issues; no time dealing with a budget; no time trying to deal publicly with the issues of deficit reduction—to let us know where they are.

It seems to me a number of people in this body are getting very restless. They see what is happening. We have seen this movie before where we bump up against a deadline and we have to make a decision up or down because ''it is going to create havoc in the marketplace.'' It seems to me, again, the responsible thing for the Blair House group to do is to let us know where they are at the end of this next week so if Members of this body wanted to figure out a different route to go because they thought the route that was being taken was not acceptable, not good enough—as a matter of fact, I noticed yesterday where the chairman of the Budget Committee on the other side of the aisle has said the things he has heard are not good enough for him. I can tell my colleagues they are not good enough for me. So the goal we are trying to achieve is not something I would even agree to.

So maybe if we cannot get some degree of clarity as to what is happening at the Blair House and some degree of update, maybe there is some other route we should take or maybe the market should know well in advance that this body does not have the discipline, does not have the ability, does not have the courage to deal with what we know is an upcoming calamity—a calamity that is either going to occur because we cannot reach agreement and we do not raise the debt ceiling or a calamity that occurs a little bit down the road because we have not shown the fiscal discipline in this body to put our house in order, knowing that at some point in time the markets will run from us, interest rates will rise, people will no longer be willing to loan us money because we have shown how irresponsible we are and we have a calamity on that end.

So let me restate, I am 58 years old. I came to this body to solve problems. If there is going to be a calamity, I want the calamity to occur while I am here so I can deal with it and take responsibility for it versus kicking the can down the road for somebody else to have to deal with the fact that we as a body are irresponsible.

In closing, Madam President, thank you for the time. I implore the folks who are meeting behind closed doors—implore them—to come forward and to outline the goals they are trying to achieve and when they think they are going to achieve them so all of us who are sitting around here cooling our heels, doing nothing—doing almost nothing of importance for this country—the Senator from Illinois talked about the EDA bill. We all knew it was not going to pass. Everybody knew that. Everybody knew that bill was offered on the floor to kill time, to make it look as though the Senate was doing something. That is all it was for. Everybody knew that. Everybody working up front knew that. The pages knew that. Everybody knew that. So for people to come down here and act as if it is a shock that cloture was not achieved on EDA when we knew it was here just for a filler is kind of surprising. We knew what it was about.

So I would like for us to get on with dealing with the most important issue our country has to deal with; that is, the huge amount of deficit spending, where every day we are spending $4.1 billion we do not have. Every day we are borrowing 40 cents of that from other folks. Every day we are causing this country, because of that, to be in decline—hopefully, we will rectify that, but to be in decline, lowering the standard of living of all Americans because we in this body do not show the capability, the will, the desire to solve that problem.

I am hoping—I am hoping—the Blair House negotiations yield a result. I really do. That is why I think all of us are being patient as they meet in private, sharing no details about what they are doing. But at the end of this week, the end of this work period, I think it is time they come forth to give us a status as to where they are so that if there are other routes that ought to be taken, people have the ability to do that.

With that, I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. HUTCHISON. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SOCIAL SECURITY

Mrs. HUTCHISON. Madam President, I rise today to discuss Social Security and its future.

This is certainly an issue that affects all Americans, and now is the time we can address it in a way that will not be horribly obtrusive to the people who will be on Social Security in 25 years, when it just hits the bottom and we have stark realities that are going to hurt people. We can avoid that.

Last Thursday, I introduced, with Senator JON KYL as an original cosponsor, S. 1213, the Defend and Save Social Security Act, a bill that will secure Social Security for the next 75 years without raising taxes and without cutting core benefits to anyone.

Madam President, 28 years ago this past April, Congress and President Reagan came together in a bipartisan manner and acted decisively to address Social Security's finances to save the

program for retirees. The men and women of that Congress, working with President Reagan, did it because at that time the program's expenditures had begun exceeding revenues in 1975. By mid-1982, the Social Security trustees warned:

> Social Security will be unable to make benefit payments on time beginning in the latter half of 1982.

So the President and the Congress, in a bipartisan effort, started on a glidepath of raising the retirement age to meet the current actuarial tables.

Today, we are in roughly the same place. This spring, the trustees estimated that the Social Security trust fund reserves will be depleted in 2036, which is 25 years away. We have a little more time than President Reagan and Congress had back in 1982. The trustees today estimate that at that point in time, payroll tax revenue to the Social Security trust fund will only be able to pay out 77 percent of benefits to beneficiaries. In today's dollars, that would mean a cut in benefits of 23 percent, or $271 a month average, in core benefit cuts if we do not do anything.

Last year, just to give you the numbers, 157 million American workers paid Social Security payroll taxes, totaling about $637 billion in revenues.

However, a total of $702 billion in benefits was paid to the approximately 54 million beneficiaries. These numbers are clear. The amount of Social Security benefits being paid out now exceeds the revenues that Social Security is collecting. The trustees, when they gave their report a month or so ago, said that to increase the assets you could increase taxes right now. The payroll taxes on employees and employers could go from 12.4 percent to 14.5 percent right now during this jobless economic situation. I would not vote to raise taxes on our Social Security payers now or our employers. It would be unthinkable.

The other thing suggested by the trustees that would meet this shortfall is that you can have a cut in benefits right now. An immediate cut of $150 a month from core benefits would do it.

Well, what kind of option is that? It is no option. We are not going to do that. Everyone knows we are not going to do that. We are not going to raise payroll taxes and we are not going to cut core benefits now. We have more time today than the ''race against the clock'' that occurred in 1983. We have the option for 25 years of doing something that would have a gradual reform to shore up Social Security and give future retirees sufficient time to prepare for the modest changes in raising the retirement age.

If we wait, we have a 23-percent cut in core benefits. So it is imperative for Social Security's financial future that we join together again in a bipartisan effort to stabilize Social Security and ensure that full benefits are paid out for the next 75 years. We can do it if we do not delay.

In 1935, when Social Security was established, there were 40 workers supporting each retiree. Twenty years later, in 1955, the ratio was nine workers supporting one retiree. Today, there are three workers supporting one retiree. In tandem with these rapidly changing and troubling demographics is the fact that we also must start taking the necessary steps to pay down—not add to—our national debt.

We know Vice President BIDEN, along with members of the House and Senate, is negotiating. As we speak, the staffs are working and the Members have been meeting. They are negotiating to try to do some kind of spending cuts before the debt ceiling is reached. The $14 trillion debt ceiling will be reached around the first of August of this year. So now the Vice President and the group from the House and Senate are meeting to try to cut spending, because we are not going to raise the debt ceiling unless there is real reform. A number of us on both sides of the aisle have agreed, we have got to have spending reforms so we do not have to raise the debt ceiling again beyond $14 trillion.

Now is the time we can address the issue of the debt and do it in a responsible way, because if we just use discretionary spending for the reforms needed, we will never get there. We will never have enough cuts in discretionary spending. Why is that? It is because discretionary spending is less than 50 percent of the spending of our government. It is the mandatory spending that is the vast majority of the spending.

Discretionary spending is in the 40-percent range—60 percent is mandatory. So we cannot get to responsible budgetary cuts without looking at the entitlements. Now, what kind of entitlements do we have to work with? Medicare, Medicaid, and Social Security. I think we can do a lot to reform Medicare. But it is complicated, and it will take time. It will take time to work out all of the pieces because so many people are dependent on Medicare. It is the people who use Medicare, and it is the providers who provide it, and it is the insurance companies that augment and supplement it, so there are a lot of moving parts in Medicare which we need to address.

But what can we do between now and August 2 that would make a real difference, that would put us on a more responsible path, and begin to make the reforms that would allow a responsible lifting of the debt ceiling, knowing that we are going to cut those deficits so we will not have to do this again, hopefully ever.

That is where Social Security comes in. My Defend and Save Social Security Act, which Senator JON KYL and I are sponsoring, will do the following: It will raise the age gradually. Under my bill, with Senator KYL, anyone who is currently 58 years old or older will not be affected at all by the gradual increase of the retirement age. For everyone else, the normal retirement age and the early retirement age would increase by 3 months each year starting in 2016. The normal retirement age would reach 67 by 2019. Keep in mind that we are already on the glide path to go to 67. That is what President Reagan and the previous Congress did, and that was done with the Greenspan commission's input later. So with that trajectory, we will go to the 67 age. My bill takes us to 67 in 2019. We would already be going in that direction anyway. It then goes, by 2023, to age 68, and by 2027 to 69. The early retirement age would gradually increase to 63 by 2019 and, by 2023, 64. So you have 3 months per year added to the retirement age. It is a very gradual increase, to 69 or 64.

The second part is the COLA. We do not cut core benefits at all. But the cost-of-living increase is meant to hedge against rising inflation. When inflation gets above 1 percent, then you need, in my opinion, to start helping people with COLAs. Under my plan, we would have COLAs after inflation is over 1 percent. The average COLA has been 2.2 percent. The rate of inflation has been about 2.2 percent over the last 10 years. So the average COLA would, under my bill, start after 1 percent. If it is 2 percent, you would get a 1-percent COLA. I believe that a 1-percent reduction in the COLA, not for benefits, would be preferable to the drastic cuts in core benefits that will evolve if we do not do something now.

In today's dollars, a 1-percent cost increase that you would get in a COLA is about $11. So you would not get $11 of increase, but you would get your core COLA. Then after 1 percent, you would get the regular COLA that would be expected. So my bill will generate cashflow for Social Security, maintain a positive balance for the trust fund over the next 75 years.

Social Security's deficits would be eliminated under my bill. We had the Social Security Administration look at our proposal and give us all of our numbers. According to the Chief Actuary, my proposal would achieve, in the next 10 years, $416 billion in deficit reduction.

What that means is, in perspective for what we are dealing with in the budget talks for the debt ceiling lift, we are talking about a 10-year window. Within that 10-year budget window, we could take out $416 billion in deficit reduction, along with the spending cuts in discretionary spending that are part of any kind of reform. So we can address a responsible cut in the mandatory spending over the 10-year period with these very gradual and small adjustments, and help in our deficit reduction, which we have to do if we are going to achieve the reductions that must be done. Every year we wait, we are going to have to shave more off the COLAs or the age.

There are some proposals out there that take the age to 70, and maybe over the next 25 years that will be part of our actuarial table, because today the average lifespan is 77, so people are wanting to work longer. They are

healthier longer. A lot of people are trying to keep working longer. I think more and more of the companies and employers want that experience, want the experienced people to stay longer. So it is part of our actuarial adjustment that we should be making.

Over the next 25 years, we would be going into the long-term adjustments that are necessary. If we look, say, out until 2085, we will take $7.2 trillion off the Social Security requirements. So now you are talking about fiscal responsibility looking at both sides of our spending equation, mandatory as well as discretionary, which gives us a real chance to make a difference and to say this Congress, hopefully working with this President, because it has to be bipartisan—we cannot pass a bill the President will not sign.

The Democrats are in the majority in the Senate. Republicans are in the majority in the House. So this is going to take some compromising. The Republicans do not control the Senate, and the Democrats do not control the House. And the Republicans do not control the White House. So it is not as though we are able to say: My way or the highway. You cannot do it, and neither can the President. So we have got to come together if we are going to make the very tough choices that will get our fiscal house in order for future retirees to have the cushion that Social Security would be—it is supposed to be a safety net—to talk another day. But we need a better retirement option for our retirees as well, so they can save more in IRAs. Because Social Security is not supposed to be a pension plan. It is a safety net. It is a supplement. So if we can solve this, the next thing we ought to be doing is adding more options for people to save. We have done some of that with the bill I sponsored with Senator BARBARA MIKULSKI, the Democrat from Maryland, with spousal IRAs.

We have increased the amount you can save and that a stay-at-home spouse can save, and we have made some major good moves in the right direction. But that is different from what we are talking about today, which is Social Security.

I have written a letter to the Vice President. I have asked him to put Social Security on the agenda, because when we finish all of these discussions, they are going to come back with cuts in discretionary spending, but it cannot be enough when it is less than 40 percent of our spending. We have to look at entitlements if we are going to be responsible.

Since I have filed my bill last week, and have had the opportunity with the Heritage Foundation and the media to talk about my plan, we are getting some good support. Of course, we are getting the people who say: No cuts, no way, no how. We expect that. But it is burying your head in the sand if you say: No way, no how.

So we are getting some support. The founder of the Association of Mature American Citizens, Dan Weber, who on their Web site says they now have 160,000 members—the fastest growing organization for older Americans in our country—has stated his support for my proposal. They see changes have to be made. They have even gone a step further and talked about private accounts, which I certainly support, but it is not in my plan.

I appreciate the Association of Mature American Citizens being willing to do what is right for their constituents, their retirees, but also for the long-term, to say we know that if we are going to have a responsible approach, entitlements must be on the table. And Social Security is one that we can do, if it is bipartisan, together.

My plan will address the issue now, with no tax increases and no cuts in core benefits. It will have the gradual rise in the retirement age, affecting no one before the year 2016 and after that just 3 months a year in added age to be eligible for Social Security. The cost-of-living adjustment would be adjusted 1 percent down, and after 1 percent inflation, then you would have the cost-of-living adjustment as well but no cuts in core benefits. The amendments of the past—in 1983—the amendments that have put us back on track with actuarial tables in the past can be done again.

It is my great hope that we can step up to the plate, as those who came before us did, and do the right thing for the long term and burst the bubble that we can reform spending only addressing the discretionary side. It is a myth. Anyone who tells you with a straight face ''I am not going to look at the entitlements'' is not being a responsible steward of our problem. That is what we were elected to do, and I hope we can put together a bipartisan coalition, working with the President, to do it.

Madam President, I ask unanimous consent to have printed in the RECORD the Association of Mature American Citizens article by Dan Weber.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, June 20, 2011]

WHILE AARP WAFFLES AMAC PROPOSES CHANGE IN SOCIAL SECURITY

(By Daniel C. Weber)

According to the Wall Street Journal AARP has decided to accept some changes in Social Security to assure that it will continue to be financially stable. However as soon as the story came out and was broadly circulated its C.E.O., A. Barry Rand issued a statement saying AARP has not changed its position on being against changes in Social Security.

But, Mr. Rand in his statement said their position is ''that any changes would be phased in slowly, over time and would not affect any current or near term beneficiaries''.

In response, Dan Weber, president of AMAC, the Association of Mature American Citizens, said ''that sure sounds like he is in favor of making changes to me''.

AMAC, which bills itself as the conservative alternative to AARP is the fastest growing organization for older Americans according to Weber.

''We have over 160,000 paid members and are growing stronger each day.'' Weber said, ''And while AARP is waffling AMAC has proposed serious changes in Social Security that will stabilize Social Security and allow people to have more money when they are retired than the present system.''

Weber explained the AMAC proposal was to incorporate the change recommended by Texas Senator Kay Bailey Hutchison and others, to raise the age when a recipient would receive their full benefit from age 66 to age 69. The new age would start to be implemented in 2013 and won't be fully phased in until 2018.

The key difference between their suggested changes and ours is that we would also incorporate the mandatory offering of a new ''Social Security IRA'' to anyone who would be affected by the change in age. The SS IRA would be tax deductible, payroll deducted and put into an individual IRA owned by the wage earner. The funds invested would not be accessible until either age 62 or Security 65. It could be started with as little as $5 per week and be put into a plan offered by the same companies that presently offer IRAs and 401ks.

Fifty percent or more of the funds would have to be invested in guaranteed interest accounts so the person would be guaranteed to have gains in at least half of their funds.

Weber said ''It is unfair to force Americans to continue to work until age 69, especially those who work in occupations that require physical labor. People who are farmers, construction workers, laborers, skilled tradesmen such as carpenters, plumbers, electricians, masons and other workers have punished their bodies after years of labor suffer from various ailments that white collar workers generally avoid.

They should be able to stop working at a lower age and the SS IRA would allow anyone to do that.

At the same time, extending the full age to 69 would make Social Security stable for many years in the future. Weber ended by saying ''It is time for the political leaders of both parties to have courage, and stand up to solve this problem by adopting the AMAC plan.''

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from North Dakota is recognized.

EXTENSION OF MORNING BUSINESS

Mr. CONRAD. Madam President, I ask unanimous consent that morning business be extended until 12:30 p.m., with Senators permitted to speak therein for up to 10 minutes each.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. CONRAD. Madam President, I am going to put in a quorum call at this moment, but then I am going to ask to be given time to speak on a dire emergency facing my State.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CONRAD. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. CONRAD. Madam President, I ask unanimous consent to use such time as I might consume.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

NORTH DAKOTA FLOODING

Mr. CONRAD. Madam President, the city of Minot, ND, in my home state, is facing a dire emergency. Minot and other communities on the Souris River in my home State are facing a flood of epic proportion. We have a wall of water heading toward the city. I am told the sirens have just sounded in that town alerting people to evacuate.

This is the headline this morning from that town's major newspaper. The headline reads: ''Projection: Devastation. Minot residents evacuate as historic rise in the Souris River approaches.''

This flood is a result of overly wet conditions for an extended period of time, a record snowmelt, combined with record rainfall in the basin above the city. We are now told that perhaps a third of the city will be underwater, and unprecedented rains have filled upstream reservoirs to capacity, leading to a dramatic change in the forecast in 48 hours.

On Saturday, we were told we could expect the river level to reach elevation 1,555 feet in the city. On Monday, we were told 1,566 feet—an 11-foot increase in 48 hours. The result is the defenses that have been built up over an extended period of time, that gave us about 3 feet of freeboard, are absolutely incapable of dealing with a flood of this magnitude and a rise happening this rapidly.

This is the headline from yesterday in the Minot Daily News, which kind of summed it all up: '''It's a sad day.' Crest could be 10 feet higher than June 1.''

It is staggering to understand what is happening here. There are four reservoirs above the city of Minot, all of them filled to capacity. In fact, we have been told the floodgates of the major reservoir in Canada are wide open. They cannot control the flow of water. Whatever comes in is going out because they have lost the ability to meter out the water more slowly.

This is what we are seeing happen all over Minot as crews rush in to try and provide secondary defenses, to protect as much of the city's critical infrastructure as possible—schools, water treatment facilities, other critical infrastructure—that is going to be necessary to be able to continue to fight this flood menace.

This was the headline in the Bismarck Tribune: ''Crisis to the North. Souris Floods Force 11,000 Residents From Minot.'' It is a town of 40,000. So when you have 11,000 people forced to flee, that has a devastating impact.

This is the headline, again, from the Minot Daily News of June 20, on Monday: ''Water Woes Continue. People in danger zones advised to be prepared to evacuate.'' And as I have said, that evacuation is occurring as I speak.

The Fargo Forum, which is the biggest newspaper in our State, had this headline: ''11,000 Forced Out. Rising Souris moves up evacuation time. Residents in heart of city work fast to save what they can.''

My own cousin and her family have a home that is in danger. They have moved everything from the basement to the first floor. Now they say they will have 7 feet of water on the first floor of their house. This is happening to people throughout the Minot community.

These pictures that ran in the newspapers tell the story in a powerful and clear way. What we have is somebody trying to go into a neighborhood. You can see there is a police vehicle, because they are under mandatory evacuation. This person tried to get over to perhaps rescue a pet or take care of some last-minute business; maybe turn off the gas. And there he is, stuck in the water, as these floodwaters rise, and rise very rapidly.

This picture also gives a perspective on what we are confronting. Here is the dike, levee, that has just been raised, and you can see there is maybe 2 or 3 feet of freeboard there. But what is coming is 10 more feet of water, so there is absolutely no way these dikes can possibly hold. There is no way they can protect the city. These dikes are going to overtop, and thousands of residents will be displaced.

This picture shows another shot. In this place, they didn't have the dikes covered by plastic. You can see a couple of feet of freeboard there. All these houses are at risk as this wall of water comes our way.

This is another shot showing a house, and you can see they have the main dike and they have also built a secondary dike to protect their home. All these efforts will prove to be for naught because of this unprecedented wall of water. In fact, this is five feet higher than in all of recorded history. That is what is happening to this community of Minot, ND—home to 40,000 people, home to one of the major Air Force bases of the United States, home of the Minuteman missiles, and home of the B–52 bombers. Minot, ND, the fourth largest city in my State, is about to experience the greatest devastation in the history of the town—a flood worse than the 1969 flood by many feet, and that flood was a modern-day record to that point, the 1969 flood.

This chart shows the evacuation zones. This gives you some sense of how major the relocation of people is out of this city. These are the evacuation zones 1 through 8 that go right on the edge of the river, and you can see all of these people under mandatory evacuation.

They are going to have to leave, and they are going to have to leave very quickly.

Madam President, I would like to end as I began, by showing the headline this morning in the Minot Daily News. ''Projection: Devastation.''

There is no way around it. There is absolutely no way to respond when the flood forecast changes this rapidly and the water is coming this quickly. The result is these people are going to face high water not for just a day or two. Typically in a flood, the water comes and the water goes. In this circumstance, the water is coming and it is not leaving anytime soon. They have told us as recently as yesterday that we could expect high water until the middle of July. Can you imagine, to have your house under water from late June to the middle of July, the devastation that will result.

So this headline, ''Projection: Devastation,'' says it very well. That is what we are faced with in this community.

The bottom line is, we are going to need help. And we are certainly getting it. We deeply appreciate the efforts of the Corps of Engineers, FEMA, and all of the other Federal agencies that are helping. The National Guard, certainly hundreds of troops there are doing a fantastic job of patrolling these dikes, of helping people move, of making certain that people get out of harm's way because job number 1 is protecting people's lives. We also have an obligation to do everything we can to protect as much of the property as is humanly possible. We very much appreciate the assistance the Red Cross is giving.

I just met with General Kowalski of the U.S. Air Force, a three-star general who has as part of his command the Minot Air Force Base. I called the Secretary of the Air Force yesterday and the Chief of Staff of the Air Force the day before and asked them to be alert to the need for that base to help us because there is so much they can provide in assistance, being out of harm's way. The base is 12 miles north of the town.

General Kowalski came to me this morning to deliver the message that the U.S. Air Force is prepared to help in every way possible. We deeply appreciate that commitment and that support. We remember very well in 1997, when we had record floods in Grand Forks, ND—that is home to one of the other major Air Force bases of the United States—the extraordinary support and help they provided to us at that time.

The final board I will show is the headline from the Minot Daily News of June 21: ''It's a sad day.'' It is indeed a sad day. But the people of North Dakota are tough, they are resilient, and they are going to come back. I have every confidence that we will rebuild this town. It will be a tough slog, but the people of North Dakota are equal to it, and we deeply appreciate the help we are getting from people all across America.

I have seen America at its best in a time of crisis. When people are down,

when they are hurt, when they are devastated by natural disaster, the people of the United States rally and help out.

That is the ethic of my State. When a farmer gets sick and can't harvest his crop, the neighbors pitch in. When a barn burns down, the neighbors pitch in. That is the best of community spirit. That is the best of America. We are going to be relying on that generosity of spirit in the days ahead.

Madam President, I yield the floor and note the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. MURRAY. Madam President, I ask unanimous consent that the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Washington.

MILITARY SUPPORT

Mrs. MURRAY. Madam President, we are going to hear tonight from President Obama about his plans for changes to troop levels in Afghanistan.

Last week I joined with a bipartisan group of my Senate colleagues on a letter to the President urging him to begin a sizeable and sustained reduction in troop levels, and I hope he takes the opportunity to do that tonight. But with all the talk about troop levels, I want to make sure we remember this isn't just about numbers. It is about real people with real families, men and women who are fighting to defend our country and are depending on us to do the right thing for them now and when they come home.

As chairman of the Senate Veterans' Affairs Committee, I have an inside look into something that too often doesn't make the front pages: the unseen costs of war, the costs that come after our men and women take off that uniform.

We all hear about how expensive war is while we are fighting it. But for so many of our servicemembers what happens on the battlefield is just the beginning.

We are seeing suicide rates that are much higher among Active-Duty servicemembers and veterans than among civilians. We are finding they are having trouble accessing the mental health care so many of them desperately need. We are watching as these men and women are sent out on tour after tour. Too often they are having a tough time finding a job when they come home. We owe it to them and their families to do everything we can to get them the support and services they need.

Far too many of our servicemembers have sacrificed life and limb overseas, and we must honor them and their sacrifices by making sure we take care of them and their caregivers not just today, not just when they come home, but for a lifetime. This is going to be expensive, and I am going to fight to make sure it happens. I think it ought to be considered as we think now about the war in Afghanistan.

The enemy we face is real. The Taliban and al-Qaida have demonstrated through their actions and their words they mean us great harm. I was sitting in the Capitol on September 11, 2001, when I saw the smoke rising from the Pentagon. It is a moment and a day I will never forget.

As Americans, we know what this enemy is capable of, and we need to do everything we can to make sure something like that never, ever happens again. That is why I believe American forces need to be prepared to fight terror and terrorists wherever they may be.

After September 11, Afghanistan was providing safe haven for them, and we are absolutely right to go in and take them out. But we know terrorism isn't a country; it is a network and a threat that exists around the world. We have seen that our terrorist enemies are not tied to a specific location. They are not bound by lines on a map. They are in Afghanistan, but they are also in Yemen, in Iraq, in Pakistan, and elsewhere. In fact, our top target in the war against terrorism, Osama bin Laden, was just killed in a brave operation in a safe house in Pakistan.

It is absolutely critical we have a military that is prepared to take on our threats wherever they may be. So as we consider the wars we are fighting now in Afghanistan and in Iraq, we need to make sure we aren't overextending the servicemembers we are counting on; that we continue to have the financial resources available to defend ourselves against the very real threat of terrorism that continues to exist; and that the costs and resources of boots on the ground for years on end doesn't inhibit our ability to go after terrorists wherever they are. We need to know our military and intelligence operations are nimble and have the resources they need to keep our Nation safe from all threats.

We have been fighting in Afghanistan for 10 years. I voted for that war. It was the right thing to do. Our brave men and women in uniform have done everything we have asked of them, including finding Osama bin Laden. But we need to make sure today that our strategies are adapted to meet the threats of today. Leaving large levels of troops in Afghanistan is not the best use of our resources, especially in these tough economic times. It is time to redeploy, rebuild our military, and focus on the broader war on terror.

I am hopeful President Obama will make an announcement tonight that reflects those current realities, and I am going to keep working with this administration, the Pentagon, the Department of Veterans Affairs, and all others so that as we fight to keep America safe and to take care of our servicemembers coming home, we do it right.

I yield the floor. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

PRESIDENTIAL APPOINTMENT EFFICIENCY AND STREAMLINING ACT OF 2011

Mr. REID. Madam President, I ask unanimous consent that the cloture motion with respect to the motion to proceed to Calendar No. 75 be vitiated and the Senate adopt the motion to proceed to Calendar No. 75, S. 679, the Presidential Appointment Efficiency and Streamlining Act.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. Will the clerk report the bill, please.

The ACTING PRESIDENT pro tempore. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 679) to reduce the number of executive positions subject to Senate confirmation.

The Senate proceeded to consider the bill, which had been reported from the Committee on Homeland Security and Governmental Affairs, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Presidential Appointment Efficiency and Streamlining Act of 2011''.

SEC. 2. PRESIDENTIAL APPOINTMENTS NOT SUBJECT TO SENATE APPROVAL.

(a) AGRICULTURE.—

(1) ASSISTANT SECRETARY OF AGRICULTURE FOR CONGRESSIONAL RELATIONS AND ASSISTANT SECRETARY OF AGRICULTURE FOR ADMINISTRATION.—Section 218(b) of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6918(b)) is amended—

(A) by striking ''subsection (a)'' and inserting ''subsection (a)(3)'';

(B) by striking subsection (c); and

(C) by redesignating subsection (d) as subsection (c).

(2) RURAL UTILITIES SERVICE ADMINISTRATOR.—Section 232(b)(1) of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6942(b)(1)) is amended—

(A) by striking '', by and with the advice and consent of the Senate'';

(B) by striking paragraph (2); and

(C) by redesignating paragraph (3) as paragraph (2).

(3) COMMODITY CREDIT CORPORATION.—Section 9(a) of the Commodity Credit Corporation

Charter Act (15 U.S.C. 714g(a)) is amended in the third sentence by striking ''by and with the advice and consent of the Senate''.

(b) COMMERCE.—

(1) ASSISTANT SECRETARY FOR LEGISLATIVE AFFAIRS.—The provisions of the Act entitled ''An Act to provide for the appointment of one additional Assistant Secretary of Commerce, and for other purposes'', approved July 15, 1947 (15 U.S.C. 1505), section 304 of title III of the Departments of State, Justice, and Commerce and the United States Information Agency Appropriation Act, 1955 (15 U.S.C. 1506), and the Act entitled ''An Act to authorize an additional Assistant Secretary of Commerce'', approved February 16, 1962 (15 U.S.C. 1507), that require the advice and consent of the Senate shall not apply with respect to the appointment of the Assistant Secretary for Congressional Relations.

(2) CHIEF SCIENTIST; NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION.—Section 2(d) of Reorganization Plan No. 4 of 1970 (5 U.S.C. App. 1) is amended by striking '', by and with the advice and consent of the Senate,''.

(c) DEPARTMENT OF DEFENSE.—

(1) ASSISTANT SECRETARIES OF DEFENSE FOR LEGISLATIVE AFFAIRS, PUBLIC AFFAIRS, AND NETWORKS AND INFORMATION INTEGRATION.—Section 138(a) of title 10, United States Code, as amended by section 901(b)(4)(A) of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011, is further amended by striking paragraph (2) and inserting the following:

''(2)(A) Except as provided in subparagraph (B), the Assistant Secretaries of Defense shall be appointed from civilian life by the President, by and with the advice and consent of the Senate.

''(B) The Assistant Secretary of Defense referred to in subsection (b)(5), the Assistant Secretary of Defense for Public Affairs, and the Assistant Secretary of Defense for Networks and Information Integration shall each be appointed from civilian life by the President.''.

(2) COMPTROLLER OF THE ARMY.—

(A) IN GENERAL.—Section 3016 of title 10, United States Code, is amended—

(i) by striking the section heading and inserting the following:

''§ 3016. Assistant Secretaries of the Army; Comptroller of the Army'';

(ii) in subsection (a), by striking ''five'' and inserting ''four'';

(iii) in subsection (b)—

(I) by striking paragraph (4); and

(II) by redesignating paragraph (5) as paragraph (4); and

(iv) by adding at the end the following:

''(c) There is a Comptroller of the Army, who shall be appointed from civilian life by the President. The Comptroller shall perform such duties and exercise such powers as the Secretary of the Army may prescribe. The Comptroller shall have as his principal responsibility the exercise of the comptroller functions of the Department of the Army, including financial management functions. The Comptroller shall be responsible for all financial management activities and operations of the Department of the Army and shall advise the Secretary of the Army on financial management.''.

(B) TECHNICAL AND CONFORMING AMENDMENTS.—

(i) TABLE OF SECTIONS.—The table of sections for chapter 303 of title 10, United States Code, is amended by striking the item relating to section 3016 and inserting the following:

''3016. Assistant Secretaries of the Army; Comptroller of the Army.''.

(ii) FINANCIAL MANAGEMENT.—Section 3022 of title 10, United States Code, is amended—

(I) in subsection (a), by striking ''Assistant Secretary of the Army for Financial Management'' and inserting ''Comptroller of the Army''; and

(II) in subsection (d), by striking ''Assistant Secretary of the Army for Financial Management'' and inserting ''Comptroller of the Army''.

(3) COMPTROLLER OF THE NAVY.—

(A) IN GENERAL.—Section 5016 of title 10, United States Code, is amended—

(i) by striking the section heading and inserting the following:

''§ 5016. Assistant Secretaries of the Navy; Comptroller of the Navy'';

(ii) in subsection (a), by striking ''four'' and inserting ''three'';

(iii) in subsection (b)—

(I) by striking paragraph (3); and

(II) by redesignating paragraph (4) as paragraph (3); and

(iv) by adding at the end the following:

''(c) There is a Comptroller of the Navy, who shall be appointed from civilian life by the President. The Comptroller shall perform such duties and exercise such powers as the Secretary of the Navy may prescribe. The Comptroller shall have as his principal responsibility the exercise of the comptroller functions of the Department of the Navy, including financial management functions. The Comptroller shall be responsible for all financial management activities and operations of the Department of the Navy and shall advise the Secretary of the Navy on financial management.''.

(B) TECHNICAL AND CONFORMING AMENDMENTS.—

(i) TABLE OF SECTIONS.—The table of sections for chapter 503 of title 10, United States Code, is amended by striking the item relating to section 5016 and inserting the following:

''5016. Assistant Secretaries of the Navy; Comptroller of the Navy.''.

(ii) FINANCIAL MANAGEMENT.—Section 5025 of title 10, United States Code, is amended—

(I) in subsection (a), by striking ''Assistant Secretary of the Navy for Financial Management'' and inserting ''Comptroller of the Navy''; and

(II) in subsection (d), by striking ''Assistant Secretary of the Navy for Financial Management'' and inserting ''Comptroller of the Navy''.

(4) COMPTROLLER OF THE AIR FORCE.—

(A) IN GENERAL.—Section 8016 of title 10, United States Code, is amended—

(i) by striking the section heading and inserting the following:

''§ 8016. Assistant Secretaries of the Air Force; Comptroller of the Air Force'';

(ii) in subsection (a), by striking ''four'' and inserting ''three'';

(iii) in subsection (b)—

(I) by striking paragraph (3); and

(II) by redesignating paragraph (4) as paragraph (3); and

(iv) by adding at the end the following:

''(c) There is a Comptroller of the Air Force, who shall be appointed from civilian life by the President. The Comptroller shall perform such duties and exercise such powers as the Secretary of the Air Force may prescribe. The Comptroller shall have as his principal responsibility the exercise of the comptroller functions of the Department of the Air Force, including financial management functions. The Comptroller shall be responsible for all financial management activities and operations of the Department of the Air Force and shall advise the Secretary of the Air Force on financial management.''.

(B) TECHNICAL AND CONFORMING AMENDMENTS.—

(i) TABLE OF SECTIONS.—The table of sections for chapter 803 of title 10, United States Code, is amended by striking the item relating to section 8016 and inserting the following:

''8016. Assistant Secretaries of the Air Force; Comptroller of the Air Force.''.

(ii) FINANCIAL MANAGEMENT.—Section 8022 of title 10, United States Code, is amended—

(I) in subsection (a), by striking ''Assistant Secretary of the Air Force for Financial Management'' and inserting ''Comptroller of the Air Force''; and

(II) in subsection (d), by striking ''Assistant Secretary of the Air Force for Financial Management'' and inserting ''Comptroller of the Air Force''.

(5) TECHNICAL AND CONFORMING AMENDMENTS RELATING TO LEVEL IV POSITIONS ON THE EXECUTIVE SCHEDULE.—Section 5315 of title 5, United States Code, is amended as follows—

(A) by striking the item relating to Assistant Secretaries of the Air Force (4) and inserting the following:

''Assistant Secretaries of the Air Force (3)'';

(B) by striking the item relating to Assistant Secretaries of the Army (5) and inserting the following:

''Assistant Secretaries of the Army (4)'';

(C) by striking the item relating to Assistant Secretaries of the Navy (4) and inserting the following:

''Assistant Secretaries of the Navy (3)''; and

(D) by inserting at the end the following:

''Comptroller of the Air Force

''Comptroller of the Army

''Comptroller of the Navy''.

(6) INAPPLICABILITY TO CERTAIN INDIVIDUALS SERVING ON DATE OF ENACTMENT.—

(A) IN GENERAL.—Notwithstanding the amendments made by this subsection, the individual serving in a position described in subparagraph (B) on the date of enactment of this Act may continue to serve in such position as if such amendments had not been enacted.

(B) POSITIONS.—The positions specified in this subparagraph are the following:

(i) The Assistant Secretary of the Army for Financial Management.

(ii) The Assistant Secretary of the Navy for Financial Management.

(iii) The Assistant Secretary of the Air Force for Financial Management.

(7) MEMBERS OF NATIONAL SECURITY EDUCATION BOARD.—Section 803(b)(7) of the David L. Boren National Security Education Act of 1991 (50 U.S.C. 1903(b)(7)) is amended by striking ''by and with the advice and consent of the Senate,''.

(8) DIRECTOR, OFFICE OF SELECTIVE SERVICE RECORDS.—The first section of the Act entitled ''An Act to establish an Office of Selective Service Records to liquidate the Selective Service System following the termination of its functions on March 31, 1947, and to preserve and service the Selective Service records, and for other purposes'', approved March 31, 1947 (50 U.S.C. 321; 61 Stat. 31) is amended by striking '', by and with the advice and consent of the Senate''.

(d) DEPARTMENT OF EDUCATION.—

(1) ASSISTANT SECRETARY FOR LEGISLATION AND CONGRESSIONAL AFFAIRS AND ASSISTANT SECRETARY FOR MANAGEMENT.—Section 202(e) of the Department of Education Organization Act (20 U.S.C. 3412(e)) is amended by inserting after the first sentence the following: ''Notwithstanding the previous sentence, the appointments of individuals to serve as the Assistant Secretary for Legislation and Congressional Affairs and the Assistant Secretary for Management shall not be subject to the advice and consent of the Senate.''.

(2) COMMISSIONER, REHABILITATION SERVICES ADMINISTRATION.—Section 3(a) of the Rehabilitation Act of 1973 (29 U.S.C. 702(a)) is amended by striking ''by and with the advice and consent of the Senate''.

(3) COMMISSIONER, EDUCATION STATISTICS.—Section 117(b) of the Education Sciences Reform Act of 2002 (20 U.S.C. 9517(b)) is amended by striking '', by and with the advice and consent of the Senate,''.

(e) DEPARTMENT OF ENERGY.—Section 203(a) of the Department of Energy Organization Act (42 U.S.C. 7133(a)) is amended in the first sentence by striking ''Senate;'' and inserting ''Senate (except that the Assistant Secretary for Congressional and Intergovernmental Affairs of the Department may be appointed by the President without the advice and consent of the Senate);''.

(f) DEPARTMENT OF HEALTH AND HUMAN SERVICES.—

(1) ASSISTANT SECRETARY FOR PUBLIC AFFAIRS.—Notwithstanding any other provision of law, the appointment of an individual to serve as the Assistant Secretary for Public Affairs within the Department of Health and Human Services shall not be subject to the advice and consent of the Senate.

(2) ASSISTANT SECRETARY FOR LEGISLATION.—Notwithstanding any other provision of law, the appointment of an individual to serve as the Assistant Secretary for Legislation within the Department of Health and Human Services shall not be subject to the advice and consent of the Senate.

(3) COMMISSIONER, ADMINISTRATION FOR CHILDREN, YOUTH AND FAMILIES.—Section 915(b)(2) of the Claude Pepper Young Americans Act of 1990 (42 U.S.C. 12311(b)(2)) is amended by striking '', by and with the advice and consent of the Senate,''.

(4) COMMISSIONER, ADMINISTRATION FOR NATIVE AMERICANS.—Section 803B(c) of the Native American Programs Act of 1974 (42 U.S.C. 2991b–2(c)) is amended by striking '', by and with the advice and consent of the Senate''.

(g) DEPARTMENT OF HOMELAND SECURITY.—

(1) DIRECTOR OF THE OFFICE FOR DOMESTIC PREPAREDNESS; ASSISTANT ADMINISTRATOR OF THE FEDERAL EMERGENCY MANAGEMENT AGENCY, GRANT PROGRAMS.—Section 430(b) of the Homeland Security Act of 2002 (6 U.S.C. 238(b)) is amended by striking '', by and with the advice and consent of the Senate''.

(2) ADMINISTRATOR OF THE UNITED STATES FIRE ADMINISTRATION.—Section 5(b) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2204(b)) is amended by striking '', by and with the advice and consent of the Senate,''.

(3) DIRECTOR OF THE OFFICE OF COUNTER-NARCOTICS ENFORCEMENT.—Section 878(a) of the Homeland Security Act of 2002 (6 U.S.C. 458(a)) is amended by striking '', by and with the advice and consent of the Senate''.

(4) CHIEF MEDICAL OFFICER.—Section 516(a) of the Homeland Security Act of 2002 (6 U.S.C. 321e(a)) is amended by striking '', by and with the advice and consent of the Senate''.

(h) HOUSING AND URBAN DEVELOPMENT; ASSISTANT SECRETARY FOR CONGRESSIONAL AND INTERGOVERNMENTAL RELATIONS, AND ASSISTANT SECRETARY FOR PUBLIC AFFAIRS.—Section 4(a) of the Department of Housing and Urban Development Act (42 U.S.C. 3533(a)) is amended—

(1) by inserting ''(1)'' after ''(a)'';

(2) by striking ''eight'' and inserting ''6''; and

(3) by adding at the end the following:

''(2) There shall be in the Department an Assistant Secretary for Congressional and Intergovernmental Relations, and an Assistant Secretary for Public Affairs, each of whom shall be appointed by the President and shall perform such functions, powers, and duties as the Secretary shall prescribe from time to time.''.

(i) DEPARTMENT OF JUSTICE.—

(1) ASSISTANT ATTORNEY GENERAL, LEGISLATIVE AFFAIRS.—

(A) IN GENERAL.—Chapter 31 of title 28, United States Code, is amended—

(i) in section 506, by striking ''11 Assistant Attorneys General'' and inserting ''10 Assistant Attorneys General''; and

(ii) by inserting after section 507A the following:

''§ 507B. Assistant Attorney General for Legislative Affairs

''The President shall appoint an Assistant Attorney General for Legislative Affairs to assist the Attorney General in the performance of the duties of the Attorney General.''.

(B) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 31 of title 28, United States Code, is amended by inserting after the item relating to section 507A the following:

''507B. Assistant Attorney General for Legislative Affairs.''.

(2) DIRECTOR, BUREAU OF JUSTICE STATISTICS.—Section 302(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3732(b)) is amended by striking '', by and with the advice and consent of the Senate''.

(3) DIRECTOR, BUREAU OF JUSTICE ASSISTANCE.—Section 401(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3741(b)) is amended by striking '', by and with the advice and consent of the Senate''.

(4) DIRECTOR, NATIONAL INSTITUTE OF JUSTICE.—Section 202(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3722(b)) is amended by striking '', by and with the advice and consent of the Senate''.

(5) ADMINISTRATOR, OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION.—Section 201(b) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611(b)) is amended by striking '', by and with the advice and consent of the Senate,''.

(6) DIRECTOR, OFFICE FOR VICTIMS OF CRIME.—Section 1411(b) of the Victims of Crime Act of 1984 (42 U.S.C. 10605(b)) is amended by striking '', by and with the advice and consent of the Senate''.

(j) DEPARTMENT OF LABOR.—

(1) ASSISTANT SECRETARIES FOR ADMINISTRATION AND MANAGEMENT, CONGRESSIONAL AFFAIRS, AND PUBLIC AFFAIRS.—Notwithstanding section 2 of the Act of April 17, 1946 (29 U.S.C. 553), the appointment of individuals to serve as the Assistant Secretary for Administration and Management, the Assistant Secretary for Congressional Affairs, and the Assistant Secretary for Public Affairs within the Department of Labor, shall not be subject to the advice and consent of the Senate.

(2) DIRECTOR OF THE WOMEN'S BUREAU.—Section 2 of the Act of June 5, 1920 (29 U.S.C. 12) is amended by striking '', by and with the advice and consent of the Senate''.

(k) DEPARTMENT OF STATE; ASSISTANT SECRETARY FOR LEGISLATIVE AND INTERGOVERNMENTAL AFFAIRS, ASSISTANT SECRETARY FOR PUBLIC AFFAIRS, AND ASSISTANT SECRETARY FOR ADMINISTRATION.—Section 1(c)(1) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a(c)(1)) is amended—

(1) by striking '', each of whom shall be appointed by the President, by and with the advice and consent of the Senate, and''; and

(2) by adding at the end the following: ''Each Assistant Secretary of State shall be appointed by the President, by and with the advice and consent of the Senate, except that the appointments of the Assistant Secretary for Legislative and Intergovernmental Affairs, the Assistant Secretary for Public Affairs, and the Assistant Secretary for Administration shall not be subject to the advice and consent of the Senate.''.

(l) DEPARTMENT OF TRANSPORTATION.—

(1) ASSISTANT SECRETARIES.—Section 102(e) of title 49, United States Code, is amended—

(A) by striking ''(e) THE DEPARTMENT'' and all that follows through ''An Assistant Secretary'' and inserting the following:

''(e) ASSISTANT SECRETARIES; GENERAL COUNSEL.—

''(1) APPOINTMENT.—The Department has 5 Assistant Secretaries and a General Counsel, including—

''(A) an Assistant Secretary for Aviation and International Affairs and an Assistant Secretary for Transportation Policy, who shall each be appointed by the President, with the advice and consent of the Senate;

''(B) an Assistant Secretary for Budget and Programs and Chief Financial Officer and an Assistant Secretary for Governmental Affairs, who shall each be appointed by the President;

''(C) an Assistant Secretary for Administration, who shall be appointed in the competitive service by the Secretary, with the approval of the President; and

''(D) a General Counsel, who shall be appointed by the President, with the advice and consent of the Senate.

''(2) DUTIES AND POWERS.—The officers set forth in paragraph (1) shall carry out duties and powers prescribed by the Secretary. An Assistant Secretary''.

(2) DEPUTY ADMINISTRATOR, FEDERAL AVIATION ADMINISTRATION.—Section 106 of title 49, United States Code, is amended—

(A) in subsection (b), by striking ''. The Administration has a Deputy Administrator. They are appointed'' and inserting '', who shall be appointed''; and

(B) in subsection (d)(1), by striking ''The Deputy Administrator must'' and inserting ''The Administration has a Deputy Administrator, who shall be appointed by the President. In making an appointment, the President shall consider the fitness of the appointee to efficiently carry out the duties and powers of the office. The Deputy Administrator shall''.

(m) DEPARTMENT OF THE TREASURY.—

(1) ASSISTANT SECRETARIES FOR LEGISLATIVE AFFAIRS, PUBLIC AFFAIRS, AND MANAGEMENT.—Section 301(e) of title 31, United States Code, is amended—

(A) by striking ''10 Assistant Secretaries'' and inserting ''7 Assistant Secretaries''; and

(B) by inserting ''The Department shall have 3 Assistant Secretaries not subject to the advice and consent of the Senate who shall be the Assistant Secretary for Legislative Affairs, the Assistant Secretary for Public Affairs, and the Assistant Secretary for Management.'' after the first sentence.

(2) TREASURER OF THE UNITED STATES.—Section 301(d) of title 31, United States Code, is amended—

(A) by striking ''2 Deputy Under Secretaries, and a Treasurer of the United States'' and inserting ''and 2 Deputy Under Secretaries'', and

(B) by inserting ''and a Treasurer of the United States appointed by the President'' after ''Fiscal Assistant Secretary appointed by the Secretary''.

(3) DIRECTOR OF THE MINT.—Section 304(b)(1) of title 31, United States Code, is amended—

(A) by striking '', by and with the advice and consent of the Senate''; and

(B) by striking ''On removal, the President shall send a message to the Senate giving the reasons for removal.''.

(n) DEPARTMENT OF VETERANS AFFAIRS.—Section 308(a) of title 38, United States Code, is amended—

(1) by striking ''There shall'' and inserting ''(1) There shall'';

(2) in paragraph (1), as designated by paragraph (1) of this subsection, by striking ''Each Assistant'' and all that follows through the period at the end; and

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

''(2) Except as provided in paragraph (3), each Assistant Secretary appointed under paragraph (1) shall be appointed by the President, by and with the advice and consent of the Senate.

''(3) The following Assistant Secretaries may be appointed without the advice and consent of the Senate:

''(A) The Assistant Secretary for Management.

''(B) The Assistant Secretary for Human Resources and Administration.

''(C) The Assistant Secretary for Public and Intergovernmental Affairs.

''(D) The Assistant Secretary for Congressional and Legislative Affairs.

''(E) The Assistant Secretary for Operations, Security and Preparedness.''.

(o) APPALACHIAN REGIONAL COMMISSION; ALTERNATE FEDERAL CO-CHAIRMAN.—Section 14301(b)(1) of title 40, United States Code, is amended by striking ''by and with the advice and consent of the Senate''.

(p) COUNCIL OF ECONOMIC ADVISERS, MEMBERS.—Section 10 of the Employment Act of 1946 (15 U.S.C. 1023) is amended by striking subsection (a) and inserting the following:

''(a) CREATION; COMPOSITION; QUALIFICATIONS; CHAIRMAN AND VICE CHAIRMAN.—

''(1) CREATION.—There is created in the Executive Office of the President a Council of Economic Advisers (hereinafter called the 'Council').

''(2) COMPOSITION.—The Council shall be composed of three members, of whom—

''(A) 1 shall be the chairman who shall be appointed by the President by and with the advice and consent of the Senate; and

''(B) 2 shall be appointed by the President.

''(3) QUALIFICATIONS.—Each member shall be a person who, as a result of training, experience, and attainments, is exceptionally qualified to analyze and interpret economic developments, to appraise programs and activities of the Government in the light of the policy declared in section 2, and to formulate and recommend national economic policy to promote full employment, production, and purchasing power under free competitive enterprise.

''(4) VICE CHAIRMAN.—The President shall designate 1 of the members of the Council as vice chairman, who shall act as chairman in the absence of the chairman.''.

(q) CORPORATION FOR NATIONAL AND COMMUNITY SERVICE; MANAGING DIRECTOR.—Section 194(a)(1) of the National and Community Service Act of 1990 (42 U.S.C. 12651e(a)(1)) is amended by striking '', by and with the advice and consent of the Senate''.

(r) NATIONAL COUNCIL ON DISABILITY MEMBERS, INCLUDING CHAIRPERSON.—Section 400(a)(1)(A) of the Rehabilitation Act of 1973 (29 U.S.C. 780(a)(1)(A)) is amended by striking '', by and with the advice and consent of the Senate''.

(s) NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES; NATIONAL MUSEUM AND LIBRARY SERVICES BOARD; MEMBERS.—Section 207(b)(1) of the Museum and Library Services Act (20 U.S.C. 9105a(b)(1)) is amended—

(1) in subparagraph (D), by striking '', by and with the advice and consent of the Senate''; and

(2) in subparagraph (E), by striking '', by and with the advice and consent of the Senate''.

(t) NATIONAL SCIENCE FOUNDATION; BOARD MEMBERS.—Section 4(a) of the National Science Foundation Act of 1950 (42 U.S.C. 1863(a)) is amended by striking '', by and with the advice and consent of the Senate,''.

(u) OFFICE OF MANAGEMENT AND BUDGET; CONTROLLER, OFFICE OF FEDERAL FINANCIAL MANAGEMENT.—Section 504(b) of title 31, United States Code, is amended by striking '', by and with the advice and consent of the Senate,''.

(v) OFFICE OF NATIONAL DRUG CONTROL POLICY; DEPUTY DIRECTORS.—Section 704(a)(1) of the Office of National Drug Control Policy Reauthorization Act of 1998 (21 U.S.C. 1703(a)(1)) is amended to read as follows:

''(1) IN GENERAL.—

''(A) DIRECTOR.—The Director shall be appointed by the President, by and with the advice and consent of the Senate, and shall serve at the pleasure of the President.

''(B) DEPUTY DIRECTORS.—The Deputy Director of National Drug Control Policy, Deputy Director for Demand Reduction, the Deputy Director for Supply Reduction, and the Deputy Director for State and Local Affairs shall each be appointed by the President and serve at the pleasure of the President.

''(C) DEPUTY DIRECTOR FOR DEMAND REDUCTION.—In appointing the Deputy Director for Demand Reduction under this paragraph, the President shall take into consideration the scientific, educational, or professional background of the individual, and whether the individual has experience in the fields of substance abuse prevention, education, or treatment.''.

(w) OFFICE OF NAVAJO AND HOPI RELOCATION; COMMISSIONER.—Section 12(b)(1) of Public Law 93–531 (25 U.S.C. 640d–11(b)(1)) is amended by striking ''by and with the advice and consent of the Senate''.

(x) UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT.—

(1) ASSISTANT ADMINISTRATOR FOR LEGISLATIVE AND PUBLIC AFFAIRS.—Notwithstanding section 624(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2384(a)), the appointment by the President of the Assistant Administrator for Legislative and Public Affairs at the United States Agency for International Development shall not be subject to the advice and consent of the Senate.

(2) ASSISTANT ADMINISTRATOR FOR MANAGEMENT.—Notwithstanding section 624(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2384(a)), the appointment by the President of the Assistant Administrator for Management at the United States Agency for International Development shall not be subject to the advice and consent of the Senate.

(y) COMMUNITY DEVELOPMENT FINANCIAL INSTITUTION FUND; ADMINISTRATOR.—Section 104(b)(1) of the Community Development Banking and Financial Institutions Act of 1994 (12 U.S.C. 4703(b)(1)) is amended by striking '', by and with the advice and consent of the Senate''.

(z) DEPARTMENT OF TRANSPORTATION; ST. LAWRENCE SEAWAY DEVELOPMENT CORPORATION; ADMINISTRATOR.—Subsection (a) of section 2 of the Act of May 13, 1954, referred to as the Saint Lawrence Seaway Act (33 U.S.C. 982(a)) is amended by striking '', by and with the advice and consent of the Senate,''.

(aa) MISSISSIPPI RIVER COMMISSION; COMMISSIONER.—Section 2 of the Act of June 28, 1879 (33 U.S.C. 642), is amended in the first sentence by striking '', by and with the advice and consent of the Senate,''.

(bb) GOVERNOR AND ALTERNATE GOVERNOR OF THE AFRICAN DEVELOPMENT BANK.—

(1) IN GENERAL.—Section 1333(a) of the African Development Bank Act (22 U.S.C. 290i–1(a)) is amended by striking '', by and with'' and all that follows through ''Bank'' and inserting ''shall appoint a Governor and an Alternate Governor''.

(2) CONFORMING AMENDMENTS.—Section 1334 of such Act (22 U.S.C. 290i–2) is amended—

(A) by striking ''The Director or Alternate Director'' and inserting the following:

''(b) The Director or Alternate Director''; and

(B) by inserting before subsection (b), as redesignated, the following:

''(a) The President, by and with the advice and consent of the Senate, shall appoint a Director of the Bank.''.

(cc) GOVERNOR AND ALTERNATE GOVERNOR OF THE ASIAN DEVELOPMENT BANK.—Section 3(a) of the Asian Development Bank Act (22 U.S.C. 285a(a)) is amended by striking '', by and with'' and all that follows through the end period and inserting ''shall appoint—''

''(1) a Governor of the Bank and an alternate for the Governor; and

''(2) by and with the advice and consent of the Senate, a Director of the Bank.''.

(dd) GOVERNORS AND ALTERNATE GOVERNORS OF THE INTERNATIONAL MONETARY FUND AND THE INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT.—Section 3 of the Bretton Woods Agreements Act (22 U.S.C. 286a) is amended—

(1) in subsection (a), by striking '', by and with the advice and consent of the Senate, shall appoint a governor of the Fund who shall also serve as governor of the Bank, and an executive director'' and inserting ''shall appoint a governor of the Fund who shall also serve as governor of the Bank and, by and with the advice and consent of the Senate, an executive director''; and

(2) in subsection (b), by striking '', by and with the advice and consent of the Senate,'' the first place it appears.

(ee) GOVERNOR AND ALTERNATE GOVERNOR OF THE AFRICAN DEVELOPMENT FUND.—Section 203(a) of the African Development Fund Act (22 U.S.C. 290g–1(a)) is amended by striking '', by and with the advice and consent of the Senate,''.

(ff) NATIONAL BOARD FOR EDUCATION SCIENCES; MEMBERS.—Section 116(c)(1) of the Education Sciences Reform Act of 2002 (20 U.S.C. 9516(c)(1)) is amended by striking '', by and with the advice and consent of the Senate''.

(gg) NATIONAL INSTITUTE FOR LITERACY ADVISORY BOARD; MEMBERS.—Section 242(e)(1)(A) of the Adult Education and Family Literacy Act (20 U.S.C. 9252(e)(1)(A)) is amended by striking ''with the advice and consent of the Senate''.

(hh) INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT; MEMBER, BOARD OF TRUSTEES.—Section 1505 of the American Indian, Alaska Native, and Native Hawaiian Culture and Art Development Act (20 U.S.C. 4412(a)(1)(A)) is amended by striking ''by and with the advice and consent of the Senate''.

(ii) FEDERAL COORDINATOR FOR ALASKA NATURAL GAS TRANSPORTATION PROJECTS.—Section 106(b)(1) of the Alaska Natural Gas Pipeline Act (division C of Public Law 108–324; 15 U.S.C. 720d(b)(1)) is amended by striking '', by and with the advice and consent of the Senate,''.

(jj) PUBLIC HEALTH SERVICE COMMISSIONED OFFICER CORPS.—

(1) APPOINTMENT.—Section 203(a)(3) of the Public Health Service Act (42 U.S.C. 204(a)(3)) is amended by striking ''with the advice and consent of the Senate''.

(2) PROMOTIONS.—Section 210(a) of the Public Health Service Act (42 U.S.C. 211(a)) is amended by striking '', by and with the advice and consent of the Senate''.

(kk) NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION COMMISSIONED OFFICER CORPS.—

(1) APPOINTMENTS AND PROMOTIONS TO PERMANENT GRADES.—Section 226 of the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002 (33 U.S.C. 3026) is amended by striking '', by and with the advice and consent of the Senate''.

(2) POSITIONS OF IMPORTANCE AND RESPONSIBILITY.—Section 228(d)(1) of such Act (33 U.S.C. 3028(d)(1)) is amended by striking '', by and with the advice and consent of the Senate''.

(3) TEMPORARY APPOINTMENTS AND PROMOTIONS GENERALLY.—Section 229 of such Act (33 U.S.C. 3029) is amended—

(A) by striking ''alone'' each place it appears; and

(B) in subsection (a), in the second sentence, by striking ''unless the Senate sooner gives its advice and consent to the appointment''.

(ll) CHIEF FINANCIAL OFFICER POSITIONS.—Section 901 of title 31, United States Code, is amended—

(1) in subsection(a)(1), by striking subparagraphs (A) and (B) and inserting the following:

''(A) be appointed by the President; or

''(B) be designated by the President, in consultation with the head of the agency, from among officials of the agency who are required by law to be appointed by the President, whether or not by and with the advice and consent of the Senate;'';

(2) in subsection (b)(1), striking subparagraph (Q); and

(3) in subsection (b)(2), inserting at the end:

''(H) The National Aeronautics and Space Administration.''.

SEC. 3. APPOINTMENT OF THE DIRECTOR OF THE CENSUS.

(a) IN GENERAL.—Section 21 of the title 13, United States Code, is amended to read as follows:

''§21. Director of the Census; duties

''(a) APPOINTMENT.—

''(1) IN GENERAL.—The Bureau shall be headed by a Director of the Census, appointed by the President, by and with the advice and consent of the Senate, without regard to political affiliation.

''(2) QUALIFICATIONS.—Such appointment shall be made from individuals who have a demonstrated ability in managing large organizations and experience in the collection, analysis, and use of statistical data.

''(b) TERM OF OFFICE.—

''(1) IN GENERAL.—The term of office of the Director shall be 5 years, and shall begin on January 1, 2012, and every fifth year thereafter. An individual may not serve more than 2 full terms as Director.

''(2) VACANCIES.—Any individual appointed to fill a vacancy in such position, occurring before the expiration of the term for which such individual's predecessor was appointed, shall be appointed for the remainder of that term. The Director may serve after the end of the Director's term until reappointed or until a successor has been appointed, but in no event longer than 1 year after the end of such term.

''(3) REMOVAL.—An individual serving as Director may be removed from office by the President. The President shall communicate in writing the reasons for any such removal to both Houses of Congress not later than 60 days before the removal.

''(c) DUTIES.—The Director shall perform such duties as may be imposed upon the Director by law, regulations, or orders of the Secretary.''.

(b) TRANSITION RULES.—

(1) APPOINTMENT OF INITIAL DIRECTOR.—The initial Director of the Bureau of the Census shall be appointed in accordance with the provisions of section 21(a) of title 13, United States Code, as amended by subsection (a).

(2) INTERIM ROLE OF CURRENT DIRECTOR OF THE CENSUS AFTER DATE OF ENACTMENT.—If, as of January 1, 2012, the initial Director of the Bureau of the Census has not taken office, the officer serving on December 31, 2011, as Director of the Census (or Acting Director of the Census, if applicable) in the Department of Commerce—

(A) shall serve as the Director of the Bureau of the Census; and

(B) shall assume the powers and duties of such Director for one term beginning January 1, 2012, as described in section 21(b) of such title, as so amended.

(c) TECHNICAL AND CONFORMING AMENDMENTS.—Not later than January 1, 2012, the Secretary of Commerce, in consultation with the Director of the Census, shall submit to each House of the Congress draft legislation containing any technical and conforming amendments to title 13, United States Code, and any other provisions which may be necessary to carry out the purposes of this section.

SEC. 4. WORKING GROUP ON STREAMLINING PAPERWORK FOR EXECUTIVE NOMINATIONS.

(a) ESTABLISHMENT.—There is established the Working Group on Streamlining Paperwork for Executive Nominations (in this section referred to as the ''Working Group'').

(b) MEMBERSHIP.—

(1) COMPOSITION.—The Working Group shall be composed of—

(A) the chairperson who shall be—

(i) except as provided under clause (ii), the Director of the Office of Presidential Personnel; or

(ii) a Federal officer designated by the President;

(B) representatives designated by the President from—

(i) the Office of Personnel Management;

(ii) the Office of Government Ethics; and

(iii) the Federal Bureau of Investigation; and

(C) individuals appointed by the chairperson of the Working Group who have experience and expertise relating to the Working Group, including—

(i) individuals from other relevant Federal agencies; and

(ii) individuals with relevant experience from previous presidential administrations.

(c) STREAMLINING OF PAPERWORK REQUIRED FOR EXECUTIVE NOMINATIONS.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Working Group shall conduct a study and submit a report on the streamlining of paperwork required for executive nominations to—

(A) the President;

(B) the Committee on Homeland Security and Governmental Affairs of the Senate; and

(C) the Committee on Rules and Administration of the Senate.

(2) CONSULTATION WITH COMMITTEES OF THE SENATE.—In conducting the study under this section, the Working Group shall consult with the chairperson and ranking member of the committees referred to under paragraph (1) (B) and (C).

(3) CONTENTS.—

(A) IN GENERAL.—The report submitted under this section shall include—

(i) recommendations for the streamlining of paperwork required for executive nominations; and

(ii) a detailed plan for the creation and implementation of an electronic system for collecting and distributing background information from potential and actual Presidential nominees for positions which require appointment by and with the advice and consent of the Senate.

(B) ELECTRONIC SYSTEM.—The electronic system described under subparagraph (A)(ii) shall—

(i) provide for—

(I) less burden on potential nominees for positions which require appointment by and with the advice and consent of the Senate;

(II) faster delivery of background information to Congress, the White House, the Federal Bureau of Investigation, Diplomatic Security, and the Office of Government Ethics; and

(III) fewer errors of omission; and

(ii) ensure the existence and operation of a single, searchable form which shall be known as a ''Smart Form'' and shall—

(I) be free to a nominee and easy to use;

(II) make it possible for the nominee to answer all vetting questions one way, at a single time;

(III) secure the information provided by a nominee;

(IV) allow for multiple submissions over time, but always in the format requested by the vetting agency or entity;

(V) be compatible across different computer platforms;

(VI) make it possible to easily add, modify, or subtract vetting questions;

(VII) allow error checking; and

(VIII) allow the user to track the progress of a nominee in providing the required information.

(d) REVIEW OF BACKGROUND INVESTIGATION REQUIREMENTS.—

(1) IN GENERAL.—The Working Group shall conduct a review of the impact of background investigation requirements on the appointments process.

(2) CONDUCT OF REVIEW.—In conducting the review, the Working Group shall—

(A) assess the feasibility of using personnel other than Federal Bureau of Investigation personnel, in appropriate circumstances, to conduct background investigations of individuals under consideration for positions appointed by the President, by and with the advice and consent of the Senate; and

(B) consider the extent to which the scope of the background investigation conducted for an individual under consideration for a position appointed by the President, by and with the advice and consent of the Senate, should be varied depending on the nature of the position for which the individual is being considered.

(3) REPORT.—Not later than 270 days after the date of enactment of this Act, the Working Group shall submit a report of the findings of the review under this subsection to—

(A) the President;

(B) the Committee on Homeland Security and Governmental Affairs of the Senate; and

(C) the Committee on Rules and Administration of the Senate.

(e) PERSONNEL MATTERS.—

(1) COMPENSATION OF MEMBERS.—

(A) FEDERAL OFFICERS AND EMPLOYEES.—Each member of the Working Group who is a Federal officer or employee shall serve without compensation in addition to that received for their services as a Federal officer or employee.

(B) MEMBERS NOT FEDERAL OFFICERS AND EMPLOYEES.—Each member of the Working Group who is not a Federal officer or employee shall not be compensated for services performed for the Working Group.

(2) TRAVEL EXPENSES.—The members of the Working Group shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Working Group.

(3) STAFF.—

(A) IN GENERAL.—The President may designate Federal officers and employees to provide support services for the Working Group.

(B) DETAIL OF FEDERAL EMPLOYEES.—Any Federal employee may be detailed to the Working Group without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(f) NON-APPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Working Group established under this section.

(g) TERMINATION OF THE WORKING GROUP.—The Working Group shall terminate 60 days after the date on which the Working Group submits the latter of the 2 reports under this section.

SEC. 5. EFFECTIVE DATE.

(a) PRESIDENTIAL APPOINTMENTS NOT SUBJECT TO SENATE APPROVAL.—The amendments made by section 2 shall take effect 60 days after the date of enactment of this Act and apply to appointments made on and after that effective date, including any nomination pending in the Senate on that date.

(b) DIRECTOR OF THE CENSUS AND WORKING GROUP.—The provisions of sections 3 and 4 (including any amendments made by those sections) shall take effect on the date of enactment of this Act.

Mr. REID. Madam President, I ask unanimous consent that the committee substitute amendment be agreed to and considered original text for the purpose of further amendment; that there be a period of debate only on the bill until 3 p.m. today; that following the debate-only time, it be in order for any Senator to call up any relevant filed amendment, including a managers' amendment to be offered by Senators ALEXANDER and SCHUMER; that no amendment offered to the bill be divisible; further, that in addition to relevant amendments offered to the bill, the amendments listed here also be in order: Vitter, relating to czars; DeMint, which relates to IMF bailouts; and Coburn, which relates to duplications; further, that the DeMint and Vitter amendments be subject to a 60-vote threshold and the Coburn amendment be subject to a two-thirds vote threshold; that upon the disposition of the amendments, the bill be read a third time and the Senate proceed to vote on passage of the bill, as amended, if amended; that the vote on passage be subject to a 60-vote threshold; and that if the bill does not achieve that threshold, the bill be returned to the calendar; that upon disposition of this matter, the Senate proceed to the immediate consideration of Calendar No. 45, S. Res. 116, a resolution providing for expedited consideration of certain

nominations; that only relevant amendments be in order; and that upon disposition of the amendments to the resolution, the Senate proceed to vote on the adoption of the resolution, as amended, if amended.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. Madam President, this means Senators will not need to obtain unanimous consent prior to setting aside the pending amendments for amendments to be called up.

I would also say—I wanted to hold up saying anything about this until we got this agreement—the work done on this bill by Senators SCHUMER and ALEXANDER has been work that has been ongoing for years and took their partnership, working together as the two men who run the Rules Committee, to move this forward. It has been very hard to get from here to there. I have every bit of confidence that we are going to move forward and do, for the first time in decades, a streamlining of how Presidential nominations are approved. This is good. This is what we talked about doing at the beginning of this year, and we need to continue doing that.

I also express my appreciation to the chairman and ranking member of the Homeland Security Committee, Senators LIEBERMAN and COLLINS, for doing additional hard work in sorting through what the committees should do in approving nominations. They have done a good job because virtually every committee chair says: Are you sure you want to do all these? If we were back where we had been in years past, we would wind up getting nothing done because the chairs simply thought they needed to have a hand in everything that went on with all these nominations. Senators LIEBERMAN and COLLINS did a good job getting us to this point.

When this is done, we will move to some rules changes that Senators SCHUMER and ALEXANDER have approved.

I see my friend, the Senator from Tennessee, on the floor. Again, as he does on virtually everything—he is a very thoughtful person—he is always trying to work for the betterment of this body. I am grateful he and Senator SCHUMER have been able to do the good work they have on this legislation.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee.

Mr. ALEXANDER. Madam President, I thank the majority leader and the Republican leader, Senator MCCONNELL, for the way they worked on this legislation. Not just on this bill, but when they were the respective whips of their parties several years ago, each of them working on trying to help improve the Senate's ability to do its oversight by doing a better job with our advice-and-consent responsibility. That is one of our better known responsibilities. It is a constitutional responsibility. It is in Article II, Section 2. But as a part of that advice-and-consent responsibility, the Senate has the opportunity to define which other positions the President may appoint. That is what this is about.

Senator COLLINS and Senator LIEBERMAN have also worked for many years, and they will be here in a few minutes to open the debate. Senator SCHUMER and I will come to the floor about at 2:40 and make our statements on behalf of the Rules Committee.

I thank the majority leader and Republican leader for doing this because this is not the most glamorous piece of legislation. What I am about to say is not so glamorous either. But this bill has come to the floor by unanimous consent. That means there were 100 Members of this body who could have objected, and none have.

I thank the Senators—many of whom have very different views on this bill—for agreeing to this agreement by which we are proceeding. We are not proceeding under a cloture vote; we are proceeding the way the Senate really ought to work day-in and day-out. Members have the opportunity to offer relevant amendments. I am sure many will. I thank the Republican leader and the majority leader for their forbearance in that way. We have to have an element of trust for each other.

I am going to do my best to make sure the relevant amendments that come before us, Democratic or Republican, are voted on.

I thank all those involved. I hope Senators will be preparing their relevant amendments if they are not already filed and were not already enumerated in the agreement.

I will refrain from making my remarks until my colleague, Senator SCHUMER, the chairman of the Rules Committee, comes to the floor at 2:40. We will await the arrival of Senator COLLINS and Senator LIEBERMAN, who are the chairman and ranking member of the committee that reported the bill to the Senate.

I yield the floor.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

The PRESIDING OFFICER (Mr. FRANKEN). The Senator from Connecticut.

Mr. LIEBERMAN. 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. LIEBERMAN. Mr. President, it is my honor now to rise as chairman of the Homeland Security and Governmental Affairs Committee to speak on behalf of S. 679, the Presidential Appointment Efficiency and Streamlining Act of 2011, and I do so with great gratitude toward Senator ALEXANDER, who is now on the Senate floor, Senator SCHUMER, and others who worked together to clear away procedural obstacles to focus on this piece of legislation.

This is a noble effort that has been tried before and failed, but I am confident this time, with the support of our leaders—really our bipartisan leadership, Senator REID, Senator MCCONNELL, Senator ALEXANDER, Senator SCHUMER, not to mention Senator COLLINS and me—we are going to, in our committee role, get this passed. This is a bipartisan effort to solve a problem, or at least help solve part of a problem, that has been growing for a long time in Washington in our government—certainly since the Kennedy administration—which is, it takes too long for an incoming President and a sitting President to get their team in place, and there are too many vacancies throughout the course of an administration, as I will indicate during my remarks.

The average is 25 percent, one-quarter of the positions in the administration, are empty at any one time because of the length of the process, the delays that occur in the executive branch, the White House, and in the Senate, and this is a direct attempt to try to lessen that problem. One of my favorite descriptions of our current nomination and confirmation process—I have used this so often I forgot who said it; the gentleman in the chair might have said it—described the current confirmation and nomination process as ''nasty and brutish without being short.'' So, hopefully, this will make the process at least less nasty and brutish and shorter as well.

Mr. President, 100 days into President Obama's administration only 14 percent of the full-time Senate-confirmed positions had been filled—only 14 percent. After 18 months, 25 percent of key policymaking positions were still vacant. This is not an unusual circumstance. Presidents Clinton and George W. Bush faced similar difficulties. It is a problem that does have, however, a serious national and economic security implication because crucial offices go unfilled for months and months.

President Bush actually did not have his national security team, including critical subcabinet officials, confirmed and on the job until at least 6 months after he took office. The 9/11 Commission pointed out how dangerous this was and recommended steps to speed up the process for national security appointments, some of which were adopted as part of the 9/11 Commission Act of 2004.

At the height of the financial crisis, which we are still working our way out of, Secretary of the Treasury Geithner was actually home alone, with no other Senate-confirmed positions at the Treasury Department filled for over 3 months. That is an outrageous result.

So what would the bill before the Senate now do? It would eliminate the need for Senate confirmation for about 200 positions out of about 1,200 that now need Senate confirmation. Of these 200 positions, most of them are in the areas of legislative and public affairs, internal management positions,

such as, chief financial officers who report to others up the chain of command, directors, commissioners, or administrators at or below the Assistant Secretary level who, again, will report to another Senate-confirmed official, and the members of a number of part-time advisory boards which, under the current state of the law, have to go through full vetting and then full Senate consideration and confirmation.

The proposal before us is not by any means a radical proposal. Removing these positions from the need for Senate confirmation would free up both the Senate and future administrations to concentrate more fully on the nominations for those key positions where public policy is made. I want to note, again, the bipartisan nature of these proposals.

In January, Majority Leader REID and Minority Leader MCCONNELL decided the nomination and confirmation process had become too slow and cumbersome. That was in January of this year. They established a working group on executive nominations and asked leaders SCHUMER and ALEXANDER to be in charge of that. Chairman and ranking member, respectively, of the Rules Committee, Senator COLLINS and I were also privileged to be part of that group as chair and ranking member of the Homeland Security and Governmental Affairs Committee.

The reforms proposed by Senators SCHUMER and ALEXANDER in our group have really been carefully crafted, and I cannot thank them enough for both their legislative intellectual work on this but also for sticking with it right to this moment. They introduced their legislation on March 30; that is, SCHUMER and ALEXANDER, with a bipartisan group of 15 cosponsors. On April 13, our Homeland Security and Governmental Affairs Committee, again, on a bipartisan vote, reported the bill favorably to the Senate.

Senators SCHUMER and ALEXANDER are also proposing an important Senate Resolution, S. Res. 116, that would streamline the confirmation process for approximately 200 other Presidential appointments that receive Senate confirmation by allowing their nominations to bypass the committee process and come directly to the Senate floor as long as no Senator objects. This is an important companion proposal.

So if all goes well, we will have 400 of the current 1,200 positions—that is about one-third of the current nominations requiring full Senate consideration, Senate proposal, committee consideration, et cetera—to be in a different status. These 200 positions that will be the subject of S. Res. 116 come from 30 bipartisan Federal advisory groups and councils, such as the Social Security Advisory Board and the IRS Advisory Board.

This is the way the Senate should work. A problem is identified, both sides of the aisle work together to craft a solution, then bring it to the floor for debate. Hopefully, it is a model for what we can and should do in a lot of other areas that are pressing not just on the Senate but on the country and the people of the country.

On March 2, Senator COLLINS and I—just speaking a bit more in detail—held a hearing which we called ''Eliminating the Bottlenecks: Streamlining the Nominations Process.'' We heard from a group of former executives, really White House officials, both parties, and from some experts in the private sector. They made a compelling case for change, and here is some of what we learned.

When President Kennedy entered office in 1961, there were 850 Senate-confirmed positions that the President had to fill. By the time President George W. Bush took office, that had increased to 1,143. When President Obama was sworn in just 8 years later, that was already up to 1,215. Not surprisingly, with more positions it takes longer to fill them. The delay is not, fortunately, at the Cabinet level. Between 1987 and 2005, it took Presidents an average of only 17 days from the time of a vacancy to nominate a Cabinet Secretary, and the Senate took an average of just 16 days to confirm the nominee. But it is at the critical subcabinet level where things slow to a crawl.

It took Presidents an average of 95 days—that is, of course, more than 3 months—to nominate Deputy Cabinet Secretaries, and the Senate took 62 days to confirm them, another 2 months. Now we are up to more than 5 months for Deputy Cabinet Members which are critical to the functioning of their departments. Noncabinet agency heads waited an average of 173 days for nomination and 63 additional days for confirmation. So we are up to over 230 days, over 7 months, approaching 8 months. Noncabinet agency deputy heads fared even worse, an average of 301 days before nomination and 82 days before confirmation. That is more than a year to go through this process while those offices are effectively unfilled, and the people's business is not being done.

Part of the problem is a large number of appointments that need to be made at the outset of an administration can overwhelm the resources available within the executive branch and the Senate to review and vet these nominees. So eliminating the requirement for Senate confirmation for nonpolicymaking or lower level positions should allow an incoming administration and the Senate, as well as the FBI and the Office of Government Ethics, which do the vetting, to focus on more important policymaking positions, speeding up the process.

Other problems contributing to the delay are the numerous duplicative and time-consuming forms that potential nominees are required to fill out. Most nominees actually submit to at least four reviews, each represented by a separate packet of government forms, including a White House personnel data statement, questionnaires from the FBI, Office of Government Ethics, and at least one questionnaire from the Senate committee of jurisdiction.

There is a very interesting study done by Professor Terry Sullivan at the University of North Carolina that found half the questions asked in those four reviews for each nominee are redundant. They are repetitive. This act would establish, therefore, an executive branch working group to study and report to the President and the Congress the best ways to streamline all this paperwork, along with a detailed plan for creating and implementing a smart reform. An example would be an electronic system for collecting and distributing background information for nominees requiring Senate confirmation. With a ''smart form'' such as this, a nominee could answer a question once and the information would be filled in for all of the relevant forms.

The need for reforms in the Federal appointments process is not a new topic. Over the past three decades, an abundance of commissions, think tanks, good government groups, and individual academics have turned their sights on this problem.

I will not list them all, but here are just a few: the National Academy of Public Administration in 1983 and 1985; the President's Commission on the Federal Appointments Process in 1990; the Twentieth Century Fund in 1996; the Brookings Institution's Presidential Appointee Initiative, cochaired by former Senator Nancy Kassebaum and former Director of the Office of Management and Budget Franklin Raines in 2001; and the bipartisan National Commission on the Public Service, headed by Paul Volcker, in 1989 and 2003.

The Senate has looked into making changes as well. In 2001, our committee—then called the Governmental Affairs Committee and chaired by former Senator Fred Thompson—held a 2-day hearing titled ''The State of the Presidential Appointment Process,'' which looked at many of the ideas we are considering today.

The committee also reported out a bill—''The Presidential Appointments Improvement Act of 2002''—that sought to make modest improvements to the appointments process, including streamlining financial disclosure requirements. But the full Senate never considered it.

Then, as I mentioned, Congress passed the 2004 Intelligence Reform and Terrorism Prevention Act, which included some improvements to help speed up the consideration of critical members of a new President's national security team.

Now it is time to take a modest next step. We have reasonable, bipartisan legislation in front of us and it is time—in fact, past time—to act.

Now let me address the question that seems to be of concern to some of our colleagues, which is: Is the Senate, in limiting by 200, and in some sense limiting another 200, giving away its

power to advise and consent? I say the answer is a resounding no, and I wish to explain why. Let me read directly from article 2 of the Constitution:

[The President] shall nominate, and by and with the Advice and Consent of the Senate, shall appoint Ambassadors, other public Ministers and Consuls, Judges of the Supreme Court, and all other Officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by Law.

This part of the quote is crucial:

But the Congress may by Law vest the Appointment of such inferior Officers, as they think proper, in the President alone, in the Courts of Law, or in the Heads of Departments.

The very first Congress, in which, of course, many of the Framers of our Constitution sat, did precisely what they authorized in the Constitution when they created the State Department, which was then called the Department of Foreign Affairs. The Secretary—a man by the name of Thomas Jefferson—was subject to Senate confirmation, but the legislation creating the Department also called for the hiring of a ''chief clerk'' who would be second in command—essentially the deputy. That position was not subject to confirmation and Jefferson hired a man named Henry Remsen, who had held the same job under the previous Articles of Confederation.

So right from the beginning—from the Founding Fathers, the drafters of the Constitution—it was clear they understood there had to be limits on the number of offices the Senate would be called on to advise and consent to.

Incidentally, I think it is also worth noting that in that first Congress, on a single day in 1789, the Senate took up 102 nominations sent to it by President Washington 2 days earlier and approved them all but one. Needless to say, President Washington complained about the one nominee whom the Senate did not confirm. But Washington, obviously acknowledged as the Father of our Country, was unique, and no President—appropriately, I would say—has received exactly that kind of deference since. The nominations process can be a rough and tumble one, and that is to be expected under our separation of powers.

This legislation, however, I wish to emphasize, does nothing to change that. In fact, I would argue this legislation enhances the Senate's authority regarding advice and consent by enabling us to focus our energies on the qualifications of those who would shape national policy. If we don't fix this system, which almost everybody regards as broken, I think we risk what has already begun to happen, which is that some of our Nation's most talented people will simply not accept nominations for these important positions because of the time involved, the redundancy involved, and they will go unfilled.

There has been a lot of work done to support this effort, some of which was done by some of our former colleagues, including Senator Bill Frist and Chuck Robb and former White House officials Clay Johnson from the Bush administration and Mack McLarty from the Clinton administration. For the past year, the four of them have headed up a bipartisan commission to reform the Federal appointments process and they have all endorsed this bill as well as S. Res. 116, and so too has the Partnership for Public Service.

I know there is a natural tendency—notwithstanding all the reasons everybody understands to limit the number of nominees that come before the Senate for advice and consent—when we come to that moment where individual chairs of committees and ranking members don't want to yield what seems to be any authority. But, honestly, this is not an authority worth fighting to retain, and it works against the general functioning of the Senate, against the functioning of our government and, in my opinion, actually undercuts the vitality of the advice and consent clause.

I call on my fellow chairmen, ranking members, and of course all of our colleagues on both sides of the aisle to vote yes on this legislation so future Presidents can recruit the best nominees to serve us and the Senate can make sure it does its full job under the advice and consent clause to investigate and confirm them before they take office and deal with the Nation's business.

As always, I have been privileged on the committee to be working with Senator COLLINS as my ranking member, and I yield to her at this time.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. COLLINS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. COLLINS. Mr. President, I am delighted to join with the chairman of the Homeland Security Committee, my dear friend Senator LIEBERMAN, in rising today in support of the Presidential Appointment Efficiency and Streamlining Act of 2011.

First, let me join Senator LIEBERMAN in commending Senators SCHUMER and ALEXANDER for their leadership on this bill. Senator ALEXANDER, in particular, has worked so hard on this issue. In fact, I am convinced we would not be where we are today without his persistent leadership. He deserves great credit for his patience and his dogged determination to bring this bill and this issue to the floor. Senators REID and MCCONNELL also deserve great credit. They made the commitment in January to make reform of the nominations process a priority.

Finally, I wish to recognize Senator LIEBERMAN, the chairman of the committee, on which I have the privilege of being the ranking member. He and I have also been part of what has truly been a bipartisan effort to craft this bill. It is an effort we need to see more often in this Senate if we are to tackle and actually solve the many problems facing our Nation.

This bill before us addresses shortcomings in the process of confirming Presidential appointees without diminishing the constitutional roles of the President or of the Senate. The fact is this is a very modest bill that takes limited but much needed steps to reform the confirmation process. When we look at the full-time positions that now require Senate confirmation, this bill would eliminate only approximately 85 full-time positions, a truly modest number. These positions were selected because either they do not have significant policymaking authority or funding responsibilities or report directly to a Senate-confirmed official.

To be clear, not included in these numbers are almost 3,000 officer corps positions that would no longer require Senate confirmation under this bill. But let me quickly explain exactly what those officer positions are, because when many people hear the words ''officer positions,'' they are going to think the Department of Defense and that would raise the issue of civilian control of the military. Let me say these are not military or Department of Defense positions. Rather, they are members of the Public Health Service and the National Oceanic and Atmospheric Administration Corps of the Department of Commerce.

Apart from these officer corps positions, more than 83 percent of all currently confirmed positions and more than 90 percent of all the full-time positions will continue to require Senate approval under this bill. Let me emphasize that again because, unfortunately, there is some misinformation about this bill. More than 90 percent of the full-time positions in the Federal Government that have required Senate confirmation will continue to require Senate approval under our bill. Furthermore, nothing in this bill limits the ability of Congress to create new Senate-confirmed positions in the future. It may be that there is a new department created someday or a new position that is very important. The Senate can choose to exercise its will to make those new positions subject to Senate confirmation.

The companion standing order reported by the Rules Committee proposes that some additional 240 positions go through a new expedited confirmation process. Although that resolution is not now before us, it will be, I hope, shortly after we conclude our work on this bill. So I wish to explain briefly what the process would be under that resolution.

That expedited process would still require nominees to respond to all committee questionnaires and would still

provide the opportunity for closer scrutiny of a nominee if requested by a single Senator—any Senator. The confirmation process must be thorough enough for the Senate to exercise its constitutional duty, but it should not be so onerous as to deter qualified people from public service, particularly when they are being asked to serve as a part-time member of an advisory board.

A letter from three of our former colleagues, one House Member and two Senators, put it well. The bipartisan Policy Center in endorsing this bill sent us a letter that is signed by former Congressmen and Secretary of Agriculture Dan Glickman, Senator Pete Domenici, and Senator Trent Lott, who of course served as the majority leader of the Senate. Here is what they said, and here is what we heard over and over at the hearing Senator LIEBERMAN and I conducted before our committee. This is the bipartisan Policy Center's conclusion:

> Many public spirited people are discouraged from serving in appointed office because of the length and the extreme adversarial nature of the confirmation process.

This is an issue the Committee on Homeland Security and Governmental Affairs has been working to address for a long time. In fact, in 2001, when Senator Fred Thompson chaired the committee, we held two hearings focusing on the state of the Presidential appointment process. As a result of those hearings, the committee reported favorably reform legislation. A few of the provisions of that bill were later incorporated into the Intelligence Reform and Terrorism Prevention Act of 2004, which I, along with Senator LIEBERMAN, authored.

Let me give our colleagues some more background, some of which has been covered by the chairman of the committee but I think is important to repeat to counter some misimpressions about this bill that somehow it undermines our constitutional obligations. In fact, the Constitution, in the appointments clause, makes the appointment of senior Federal executive officers a joint responsibility of the President and the Senate. The President determines who in his judgment is best qualified to serve in the most senior and critical positions across the executive branch of our government. Then we, the Senate, exercise our independent judgment to determine if these nominees have the necessary qualifications and character to serve our Nation in these important positions of public trust. But at the same time, the Constitution envisions the appointment of lesser officers by the President alone. Specifically, the Constitution provides that ''Congress may by Law vest the Appointment of such inferior officers, as they think proper, in the President alone, in the Courts of Law, or in the Heads of Departments.'' So that process is spelled out in the Constitution.

The National Commission on the Public Service, commonly known as the Volcker Commission, gathered some very illuminating statistics. They differ a bit from some of the statistics the chairman has given because he is using CRS, but what they show is the enormous increase in the number of positions that are now subject to Senate confirmation and approval.

When President Kennedy came to office, he had just 286 positions to fill that had the titles of Secretary, Deputy Secretary, Under Secretary, Assistant Secretary, and Administrator. But using those titles, there were only 286 when President Kennedy assumed office. By the end of the Clinton administration, there were 914 positions with those titles. Today, according to the Congressional Research Service, there are between 1,200 and 1,400 positions in total that are appointed by the President that require the advice and consent of the Senate. Too often, that large number of positions requiring confirmation leads to long delays in vetting, nominating, and confirming these appointees.

I would also point out that there is a great expense that goes along with this process. Having an FBI background check is expensive. Having our congressional investigators do their own vetting process is expensive. And many a nominee will tell you how expensive it is for the nominee to go through this process. The result of the length of this process is that administrations can go for months without key officials in these many agencies. That is why you will find there is bipartisan support from previous administrations urging us to finally tackle this issue.

The 9/11 Commission found that ''[a]t the sub-cabinet level, there were significant delays in the confirmation of key officials, particularly at the Department of Defense,'' in 2001. It was not until 6 months after President Bush took office that he had his national security team in place. Our enemies take note of that fact. That is what the 9/11 Commission found. And it creates a national security vulnerability that terrorists can and have exploited. We have seen that in the United States, we have seen that in Madrid, that when there is a change in administration, it is a particularly difficult time, particularly if we do not have our appointees in place.

As I have mentioned, Senators SCHUMER and ALEXANDER have been the bipartisan authors of this bill, which has been cosponsored not only by Senator LIEBERMAN and myself but by members of the leadership of the Senate on both sides of the aisle. But I believe, of all members of the working group, Senator ALEXANDER may have the best perspective. In fact, I believe he does have the best perspective because he is one of the few Members of the Senate who have served as a Cabinet Secretary and as a Senator. He has endured the nominations process himself, and I am sure he will explain what he went through in his comments later, but he will talk about how long it was, that it was 9 months before he had a chief financial officer. It took him 6 months, I believe, to be confirmed, and he could not get his team in place because the process was so bogged down.

The nominations reform bill we take up today removes only 203 positions out of an estimated 1,200 to 1,400 from the Senate confirmation requirement, and most of those positions are part-time advisory board members. I would ask my colleagues, should the Senate really spend its time and its resources confirming 10 part-time members of the National Institute for Literacy Advisory Board? I am not in any way denigrating the work of this board or the people who are willing to serve on it. I am just suggesting that I do not think that board requires our confirmation. What about the National Board of Education Sciences or the National Museum and Library Sciences Board, which has 20 part-time members, all of whom have to be confirmed by the Senate?

Again, I would point out there is a cost involved for my colleagues, and that involves everyone here who is concerned about the amount of money we are spending in the Federal Government. There is a cost to an FBI background investigation. There is a cost to having a sufficient number of staff to go out and do the kinds of background checks and vetting that we do. There is a cost to the nominees involved, who have to fill out all these forms, who have to be very careful that they are divesting themselves of certain assets. And it makes sense for the Office of Government Ethics, which already has a system in place to check for those kinds of conflicts, to not have its work duplicated, and that is what happens now far too often.

This legislation will free the Senate and enable us to focus on those nominees whose jobs are absolutely critical to our Nation, who do have significant policy responsibility, who do have significant control over Federal funds, and that will make a difference. It will also enable the Senate to spend more time on the critical work of how can we best create more jobs in this country, how can we reduce our unsustainable $14 trillion debt, how can we strengthen our homeland security, and how can we conduct more effective oversight of the executive branch. Isn't it a better use of our time to be holding oversight hearings to examine the enormous duplication the Government Accountability Office has found across government that wastes hundreds of millions, perhaps billions of taxpayer dollars, rather than spending our time worrying about the confirmation of 20 part-time members of the National Museum and Library Services Board?

Over the years, our committee has continued to hear from experts on the executive nominations process. In April of this year, we received a letter from the bipartisan Commission to Reform the Federal Appointments Process, which is chaired by our former colleagues, Senators Frist and Robb, as

well as we have heard from the former Director of Presidential Personnel for the Bush administration, Clay Johnson, and the former Chief of Staff for the Clinton administration, Mack McLarty. They wrote—and I think this puts it well—that ''[m]ost everyone agrees the federal appointments process is broken.'' They underscored that the bill before us will help the next administration ''to put in place very early in its first year the . . . people that the new Department heads need to get off to a fast start . . . working effectively with Congress.''

I hope we can agree to undertake the modest reforms we have included in this bill. I hope we do not let this legislation and the Rules Committee resolution get caught up in the turf battles and the power struggles that too often sink good government initiatives in this body. This bill is a step in the right direction and a step we should take together by an overwhelming margin.

Mr. President, I ask unanimous consent, if they have not already been printed in the RECORD, that letters endorsing the bill from the Bipartisan Policy Center, the Partnership for Public Service, Senator Fred Thompson, former Defense Secretary Frank Carlucci, and former Senators Bill Frist and Chuck Robb be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

BIPARTISAN POLICY CENTER,
Washington, DC, June 21, 2011.

Re S. 679 and S. Res. 116—Support.

TO LEGISLATIVE DIRECTORS: As former senators and presidential appointees of both parties, we fully support the Senate's efforts to improve the nomination and confirmation process by reducing the number of political appointees who require senate confirmation, forming a commission to make recommendations for a more efficient financial disclosure and background check process, and streamlining the senate confirmation process for nominees to advisory boards and commissions.

The problem and the solution are truly bipartisan. Presidents of both parties and senates controlled by both parties have seen the increasing difficulties in the presidential appointment and senate confirmation process. With each recent presidency, the length of time to select, nominate and confirm appointees has lengthened. [Many public spirited people are discouraged from serving in appointive office because of the length and extreme adversarial nature of the process.]

In S. 679 and S. Res. 116, the Senate proposes modest improvements in the system. These bills will not alter the fundamental character of the appointment and confirmation process. The president will continue to make nominations and the senate will exercise its advise and consent role for hundreds of appointments. But for some lower level nominees, the senate confirmation process will be eliminated or streamlined and the financial disclosure and background check process will be simplified and improved.

Beyond these immediate measures, we hope that in the future the Senate will continue to work to improve the confirmation process by coordinating senate committee financial disclosure forms with executive branch disclosure forms. And we encourage consultation between the executive and legislative branches to find ways to limit the use of the recess appointment power.

S. 679 and S. Res. 116 are small and important steps in the right direction. We encourage the Senate to pass these two measures.

Best Regards,

SECRETARY DAN GLICKMAN,
Senior Fellow, BPC.
SENATOR PETE DOMENICI,
Senior Fellow, BPC.
SENATOR TRENT LOTT,
Senior Fellow, BPC.

PARTNERSHIP FOR PUBLIC SERVICE,
Washington, DC, June 20, 2011.

Hon. JOSEPH LIEBERMAN,
Hart Senate Office Building, Washington, DC.
Hon. SUSAN COLLINS,
Dirksen Senate Office Building, Washington, DC.

DEAR SENATORS LIEBERMAN AND COLLINS: I commend you, as Chairman and Ranking Member of the Homeland Security and Governmental Affairs Committee, for your leadership in moving forward legislation to streamline the presidential appointments process. S. 679, the Presidential Appointment Efficiency and Streamlining Act, and S. Res. 116 will contribute to better, more effective government by reducing the number of presidential appointees subject to Senate confirmation and doing much to fix a broken nominations process that takes too long, is too complex and discourages some of our nation's best talent from serving.

This legislation is urgently needed, and I applaud you for your efforts to ensure our federal government has the right talent in place to face our nation's many challenges. The Partnership for Public Service strongly supports S. 679 and S. Res. 116 and urges their swift passage.

Very best wishes.

Sincerely,

MAX STIER,
President and CEO.

HERMITAGE, TN, *April 12, 2011.*

Hon. JOSEPH LIEBERMAN,
Chairman, Committee on Homeland Security and Governmental Affairs, U.S. Senate, Washington, DC.
Hon. SUSAN COLLINS,
Ranking Republican Member, Committee on Homeland Security and Governmental Affairs, U.S. Senate, Washington, DC.

DEAR JOE AND SUSAN: In 2001, when I was Chairman of the Senate Committee on Governmental Affairs, we held hearings reviewing the nominations process and potential options for reforms. President George W. Bush had been in office 10 months and only about 60 percent of the government's top political jobs had been filled—which created national security concerns.

That's why I want to commend you for your work on the Presidential Appointment Efficiency and Streamlining Act of 2011 which would eliminate the need for Senate confirmation of approximately 200 relatively low level positions. We tried to fix this problem when I was chairman, and it still needs to be done.

My experience was that our confirmation process led to substantial delay and extraordinary expense for nominees as they are vetted beyond what is necessary even for the least sensitive positions. I believe that this will result in an increasingly narrow pool of potential public servants who are more likely to be wealthy, and already live in the Washington, DC, area.

In 1960, President Kennedy had 286 positions to fill in the ranks of Secretary, Deputy Secretary, Under Secretary, Assistant Secretary, and Administrator and by the end of the Clinton Administration there were 914 positions with these titles. Reform would not diminish oversight. It would make oversight more effective.

Comprehensive reforms throughout the presidential appointment process are needed so that the Senate can spend its time focusing on senior nominations and on major priorities such as national defense and tackling our budget problems.

The Senate should take its advice and consent powers seriously, but the number of nominations have grown and expanded over time—much like the rest of the federal government. I hope your committee will take quick action on this legislation and send the bill to the full Senate for its consideration.

Sincerely,

U.S. SENATOR FRED THOMPSON.

FRANK C. CARLUCCI,
McLean, VA, June 1, 2011.

Hon. HARRY REID,
U.S. Senate, Hart Senate Office Bldg., Washington, DC.
Hon. MITCH MCCONNELL,
U.S. Senate, Russell Senate Office Bldg., Washington, DC.
Hon. CHARLES SCHUMER,
U.S. Senate, Hart Senate Office Bldg., Washington, DC.
Hon. LAMAR ALEXANDER,
U.S. Senate, Dirksen Senate Office Bldg., Washington, DC.

DEAR SENATORS REID, MCCONNELL, SCHUMER AND ALEXANDER: I am writing to commend you for your leadership and bipartisan approach to tackling one of the great challenges facing our government—presidential appointments and nominations reform. There is little dispute that the current nominations process has grown too cumbersome and complicated, and the number of political appointees is too large. S. 679, the Presidential Appointment Efficiency and Streamlining Act, and S. Res. 116 are a promising show of progress, and I encourage all Senators to support this bipartisan legislation.

As former Secretary of Defense (under President Reagan), I know the importance of having high quality leaders in place within an agency. Leaving positions vacant indefinitely as appointees wait to be confirmed is not smart management, and is frankly a threat to our national security. We need strong leaders installed quickly in agencies to ensure our government is ready to meet the many challenges it faces. S. 679 and S. Res. 116 together present a common-sense solution that preserves the important role of the Senate in confirming key nominees, but unburdens the process by relieving the advice and consent requirement for less critical positions.

Congress would be wise to act now, before the politics of the next election cycle get in the way of practical reforms to improve the efficiency and effectiveness of our federal government. I urge the Senate to swiftly pass both S. 679 and S. Res. 116 to ensure our government has its senior leaders in place within agencies to carry out critical missions.

Sincerely,

FRANK CARLUCCI.

JUNE 17, 2011.

Senator SUSAN COLLINS,
U.S. Senate,
Washington, DC.

DEAR SENATOR COLLINS: We write today to encourage your support for the Presidential Appointment Efficiency and Streamlining Act of 2011 (S. 679). Having served in the Senate and participated in this process firsthand, we believe this bill would constructively improve the federal appointments process, which we all know is broken.

We believe that this bill will dramatically improve government operations, especially in the first months of a new administration. S. 679 will make it possible for a new administration to more quickly put into place the roughly 70 vital communication and operations personnel needed by department heads to effectively work and communicate with Congress, the public, and federal employees.

S. 679 will create more time and capacity for the Senate within an administration's early months to confirm or deny the appointment of senior-most, operational and policy-making officials, whose qualifications clearly warrant Senate scrutiny.

Importantly, S. 679 will create a working group to develop a specific plan to improve the efficiency, manner and speed with which background data are collected from potential nominees. The goal is to streamline and better coordinate the now cumbersome process whereby the FBI, Office of Government Ethics, and the Senate receive and consider a nominees' information; vetting would begin sooner, critical especially in the first few months of a new administration. Furthermore, the unnecessary and duplicative data-gathering burden on the individual nominee can be reduced significantly. The Executive Branch will similarly develop a plan to accelerate the process by which they receive nominees' background information, so that nominees can be submitted for Senate approval in a more timely fashion.

We believe the Act does not diminish the institutional influence or Constitutional duties of the Senate, as it will retain the power to advise on and consent to the appointment of some 1200 policy-making and senior officials, including those officials to whim the subject positions of S. 679 report. Through the use of hearings, reports to congress, Inspector General and GAO reports, the Senate will continue to hold responsible offices accountable for performance expectations, regardless of whether or not the appointed individuals in those offices are confirmed by the Senate. The Senate will still maintain the high performance standards sought for all government functions and programs.

Moreover, in no way does the Act diminish the stature of appointed positions that will no longer require Senate confirmation, a process which we all know makes it more difficult to attract highly qualified candidates. Currently a number of comparable positions are Senate confirmed in one agency, yet not in another. We believe there is no evidence to suggest those appointees requiring Senate confirmation are more qualified and talented than those having the same job at other agencies only not requiring Senate confirmation.

It is noteworthy that leaders from both parties have come together to develop this legislation to improve the working of the Senate confirmation process and markedly improve government operations, especially in the first year of a new administration. We highly encourage you to join Senators Reid, McConnell, Schumer, Alexander, Lieberman and Collins to pass S. 679 to make the Senate confirmation process more effective.

Respectfully yours,

WILLIAM H. FRIST, M.D.
CHARLES S. ROBB.

Ms. COLLINS. I thank my colleagues.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I thank the distinguished Senators from Maine and Connecticut not just for their comments today but for their work for nearly a decade on this issue. This is hard, slogging work in the Senate. It is not easy to do. As I mentioned earlier, it is not one bit glamorous, but it helps make the Senate a more effective institution. If we are more effective, then we can deal better with our debt, then we can deal better with Libya, then we can deal better with creating jobs, then we can earn more respect from the people who elect us. So I thank them for their leadership.

I thank Senator MCCONNELL and Senator REID for creating the environment in which this can happen.

I thank all my colleagues, many of whom did not exercise all their rights, and allowed the bill to come to the floor in this agreement by unanimous consent. We have not had this privilege very often in the Senate. It is a good way for the Senate to work. It is the right way for the Senate to work. What it means is, over the next day or two, however long it takes, Senators may bring their relevant amendments to the floor and they may call them up without asking unanimous consent to set aside a pending amendment.

Then we will have a debate, and then we will vote on them. When we are through voting, we will vote on the bill. I would encourage my colleagues to prepare to bring their amendments to the floor. I am going to defer my remarks until this afternoon, when Senator SCHUMER, the chairman of the Rules Committee, will come to the floor at 2:40. I will speak following him. We will talk about the resolution, which is the other half of the bill.

But this is legislation about making Senate oversight, as Senator LIEBERMAN said, more effective, not less effective. It is about putting a stop to the trivializing of our constitutional duty for advice and consent. It is about ending the phenomenon of innocent until nominated, which is what happens to distinguished citizens of this country who are asked to serve in the Federal Government and, to their great horror, discover they are heading through a maze of conflicting forms and questionnaires, until finally they are dragged before a tribunal in the Senate and caught in an inadvertent error and made out to be a criminal, when they thought they were an upstanding citizen, having served in their hometowns for a long time.

We should stop that business, and every administration in recent years has asked us to do it. So this is the right thing to do. It is a modest step but an important step. It is a signal that we can do our business well, that we can treat American citizens with respect, that we can focus our attention where it needs to be focused and not focus our attention where it is not.

Senator COLLINS mentioned there are several thousand public health officers and others who are now confirmed by the Senate. That is the rough equivalent of confirming forest rangers or staff members of the Senate or agricultural extension officers. I mean, they are all valuable positions, but did our Founders expect that we would be sending the FBI to ask whether they lived beyond their means before they took their job and then conduct diligent inquiries there and before some committee of the Senate?

Well, of course not. So we are going to end up with about 1,200 nominations from the President, to whom we need to devote advice and consent. One indication of why it is so necessary to do this is, nobody can tell us how many Presidential appointments there are that need advice and consent. The Congressional Research Service at first said 1,200, and then when our staffs began looking at it, it is more like 1,400.

In the last Congress, how many of these important advice-and-consent positions actually deserved a rollcall vote? Three percent. So we only had time to give a rollcall vote to 3 percent of the men and women whom we have decided need the extraordinary constitutional process of advice and consent. We need to elevate the advice-and-consent process back to where it ought to be, do our jobs correctly, treat people who are nominated by the President with dignity and hope the President can staff his government appropriately so we do not have to. As Senator COLLINS said, it has been 6 months while we wait to get the President's defense team in place.

That is partly the President's own fault, but it is partly our fault, and we need to work together. We have a process in this bill where we will work together to try to speed that up. So I am glad I had the opportunity to hear Senator LIEBERMAN and Senator COLLINS. This is not the first time they have tried to do this. But they will succeed in doing this because they have broad bipartisan support and an era of cooperation within the Senate.

We will have some debate. We still have some disagreements about which positions should be in and which positions should be out. That is why we have relevant amendments. That is why we bring them up. That is why we vote on them. That is why we will eventually come to a final result on the bill.

I thank them for their leadership, for their eloquence, and for their public spiritedness.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I thank our friend and colleague from Tennessee for his statement and even more for the hard work he has done, along with Senator SCHUMER—the hard work, the steadfast work, without which we would not be on the floor right now.

Senator COLLINS and I both agree this is one of those rare cases where I would not say we gave up, but we were beginning to grow pessimistic about our capability to achieve these reforms. It is unusual for us because we are usually so stubbornly persistent.

But Senator ALEXANDER and Senator SCHUMER, working with the encouragement and blessing of the two leaders,

Senators REID and MCCONNELL, have put us in a position to get this done. It would be a real step forward. So I thank the Senator. Obviously, the work begins now.

The floor is open for debate, as of 3 o'clock, for amendment. If either of my colleagues do not have anything more to say, I would suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. UDALL of New Mexico). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HOEVEN. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

NORTH DAKOTA FLOODING

Mr. HOEVEN. Mr. President, I rise today to call attention to my home State of North Dakota where we have terrible flooding occurring. We have flooding today on the Souris River and the community of Minot is now in the process of evacuating more than 11,000 people from their homes. In truth, we have had tremendous challenges with flooding all spring, throughout the State of North Dakota—the Red River Valley, Cheyenne River Valley, James River Valley around Devil's Lake, the Missouri River, Bismarck, Mandan area, up and down Missouri, all the points throughout western North Dakota and today it is in north central North Dakota. The Souris River is flooding, not only in the community of Minot but also in communities upstream to the north, small communities, counties, rural areas, and downstream as well, creating real hardship for citizens.

Even as I speak, more than 11,000 people are leaving their homes in and around the community of Minot. The Minot community is something over 40,000 people, so somewhere between a third and a fourth of our citizens in that community and the region will be displaced from their homes and their businesses. Our thoughts and our prayers go out to all of them.

At the same time we must do all we can to help them, both now at this time of need but also in the days coming as we go forward. Minot and the region have been in this flood fight for some time. In fact, together with the Corps of Engineers, with the National Guard, with local contractors, with the local officials, State support, the Federal agencies, the citizens have been fighting a battle against flooding for months this spring. They have built up their defenses. They have built levees along the river, the Souris River that flows through the Minot community and through the region. They built those levees up to an elevation of 1556. They built levees and dikes along the river.

In addition, years ago the community in fact levied a sales tax on itself to help build dams in Canada, Rafferty Dam and Alameda Dam, to try to have permanent flood control in place. This is a community and this is a region of our State that has worked very hard, using its own local dollars along with State and Federal sources, to build permanent flood protection—dams in Canada, as well as levees along the river.

Those defenses have stood for more than 30 years and protected the community and the region from flooding but this time they are not enough. As I say, the elevation is about 1556 on those levees along the river and it looks as though the crest will be 1563, 7 to maybe 10 feet higher than the levees provide defense. That means people have to leave their homes and their businesses and their property.

Ironically, 3 weeks ago with the projections that we had at that time, roughly 10,000 to 11,000 people were forced to leave their homes at that time. But fortunately the crest came in lower than was projected and, with the work they were able to do on the levees, raising the levees yet again, they were able to keep the water within the banks of the Souris River so people were able to return to their homes and their property was not damaged. But unfortunately that is not the case now. Already the water is rising to the very tops of the levees and, as I say, the crest is projected to be well above those levees.

The first priority must be to keep people safe, to protect lives and protect people. The mayor, Mayor Zimbelman, is working with local officials and our Governor, Governor Jack Dalrymple. The National Guard is there. On the order of 500 National Guardsmen are helping with this evacuation process. Local law enforcement, fire emergency responders, they are all engaged. We truly appreciate their help and their efforts.

Minot Air Force base, a major Air Force base for our Nation, is located right near the community. I think there are on the order of 12,000 more people who live at that Air Force base. Some of the air men and women who are stationed at the base of course live in the community. Those men and women of the Air Force are helping the community. Minot Air Force base is providing a place for shelter for our citizens and providing help. I have spoken with the Air Force officials and we truly appreciate their help with manpower, with transportation, and with shelter.

Also Minot State University, our local university, is providing shelter for people who need it in the community. We have the relief organizations there as well, the Red Cross, the Salvation Army, and others.

Of course, in addition to all of that, we have citizens helping each other. That is truly the North Dakota way and they are doing a fine job. As a matter of fact, in the recent evacuation I mentioned several weeks ago, even though more than 10,000 people were evacuated, very few ended up staying in the shelters because friends and family, caring people in the community and in the region, provided a place for so many to stay. Of course, we know that will happen again as people open their homes to help others in a time of need. But clearly more help will be needed and help with recovery will be needed as well. That means Homeland Security, that means FEMA, that means the other Federal agencies as well. Many homes and many businesses will be flooded and those homes and businesses will be likely in floodwaters until into July. That assistance will be very much needed, very much required.

That means programs such as public assistance and individual assistance through FEMA to help with public infrastructure that is damaged, to help individual homeowners with damage to their homes, will be necessary, along with flood insurance, SBA disaster assistance for businesses—because this flood is right through the very central part of the community so it affects not just homes and property but many businesses as well. Of course, it will affect public infrastructure.

To that end, I am already meeting with the Director of FEMA Craig Fugate this afternoon. We must be committed to that process, to help all we can, both in this flood fight and in the ensuing recovery.

It has been a real challenge this year. As you look around the country, look around our State, the flooding I described, not just here in Minot but throughout the State, and as you look around the country with flooding up and down the Missouri, up and down the Mississippi, and you look at the tornadoes and now look at fires occurring in the Southwest—this has been a tough year. It is a challenging year. So we need to pull together and we need to help each other. I know we will, because that is the American way. That is the way we have always done it and I know we will be there to help each other, to help our citizens in Minot, in the Minot region, throughout the State of North Dakota, but in other places around the country as well. As I say, that is the American way. We will prevail in this endeavor.

Mr. President, I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. CARDIN). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ENZI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ENZI. Mr. President, I know the issue before us is to change the way the nominations are handled. I wish to express my appreciation for that act and ask my colleagues to support it. A number of the nominations come through the Health, Education, Labor, and Pensions Committee. I have been the chairman of that committee, and am now the ranking member. There have been times when nearly 350 appointments have come through at one

time, none of which are accompanied by any paperwork. This situation relates to the Public Health Service Corps nominees, which the Committee is required to report and confirm. However, there is no way to check on any of them because HELP Committee rules specifically state that routine paperwork does not need to be filed for these nominees. So it is a waste of time to take these nominees through the committee process and then to the floor. This bill would eliminate that need.

Now, under the proposal, there are about 250 positions where any Senator can call for a nominee to go through regular order. So for these nominees, anybody who has a concern about a nominee the President appoints has the leverage to be able to take a look at that person, to voice their comments, and to have it considered in the regular order.

I do see a great capability for us to be more productive under this new system, and that is what I would like to see. I would like to ask everybody to support the bill.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SCHUMER. 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. SCHUMER. Mr. President, first, I rise in support of S. 679, a bipartisan effort that will streamline Presidential appointments and reduce the number of Senate confirmations for certain types of positions, and I urge my colleagues to support this bill.

First, I want to praise my colleague and friend, Senator ALEXANDER, who has been a leading, if not the leading, force in this effort. We have worked together well in a bipartisan way to try to come up with a proposal that meets the agreement of the Chamber. He has done a great job, and it has been a pleasure, I would say to my friend from Tennessee, to work with him, as it always is.

I also want to thank, of course, Senator REID, who has encouraged us to get involved in this process and has been right there with us all the way, as well as Republican Leader MCCONNELL, who, again, has from the beginning been on our side and agreed that this is a worthwhile endeavor.

So we formed a bipartisan working group at the behest of Senator REID and Senator MCCONNELL to try to figure out how to try to reduce the number of Presidential appointments that require Senate confirmation and to create new procedures to improve the pace of confirmation for executive branch nominees, as part of an overall reform of the Senate rules.

Senators ALEXANDER, LIEBERMAN, COLLINS and I, in conjunction with the leaders, worked closely to develop this bill and the accompanying resolution, which we will turn to immediately after the bill, to improve how the Senate deals with executive nominations.

Throughout this entire process, we have partnered with folks from both sides of the aisle, and many have significantly contributed to this process. This package is an essential piece of the bipartisan rules reform we began at the start of Congress, and Senators LIEBERMAN and COLLINS have had a lot of experience in this regard. They have tried it before, and their advice to us has been invaluable as well.

The Senate was designed to be a thoughtful and deliberative body. But the confirmation process is often slowed to a near standstill. This legislation will clear some of the more noncontroversial positions so the Senate can focus on its constitutional advise and consent power as it was intended, to confirm the most important positions.

The bill is not intended to take away or diminish the Senate's advise and consent power. The power will remain and still be used for the confirmation of senior policymaking appointments. The purpose of this legislation is to help the Senate function better and more efficiently.

Rather than spending time in committee and on the floor confirming nominees who have part-time appointments, nonpolicymaking responsibilities, or who directly report to Senate-confirmed individuals, we can alleviate ourselves of this burden and make these individuals nonconfirmable.

With that said, I recognize that some of our chairmen would like to see certain positions remain confirmable. We are continuing to work with them on their concerns, and we want to be flexible. We will be working with some of those Senators from both sides of the aisle who have voiced some objections and think the list is too large.

However, we also want to avoid the hollowing out of this bill so it no longer represents real reform. Over the past few decades, hundreds of these positions have been created which have contributed to a clogging of the Senate and a delay in getting good mid-level candidates in place to help the government function effectively.

The bill will eliminate from Senate confirmation 200 executive nomination positions. It covers several categories of positions, including legislative and public affairs positions, information technology administrators, internal management and administrative positions, and deputies or nonpolicy-related assistant secretaries who report to individuals who are Senate confirmable.

Additionally, we have removed thousands of positions from the Public Health Service Officer Corps and the National Oceanic and Atmospheric Administration Officer Corps from the confirmation process. These positions are noncontroversial and their removal will further prevent the possibility of gridlock. Removing those positions from the Senate confirmation process will allow a new administration to be set up with more efficiency and speed, thus making government work better for the people.

The public should not be harmed because we are not able to get qualified people confirmed in a timely manner. The bill will also create a working group that will provide recommendations to the President and the Senate to further improve the confirmation process. The group will focus on offering guidance on the paperwork process for nominees through examining the creation of a single searchable electronic smart form and will also conduct a review of the current background investigation requirements.

In conclusion, this will help make the confirmation process less tedious for nominees by preventing them from having to submit the same information in several different forms to several entities. The bill was successfully passed by the Homeland Security and Government Affairs Committee, and S. Res. 116, which we will turn to immediately after this bill, was marked up in the Rules Committee unanimously.

We are confident that this bill, in conjunction with the resolution, will eliminate many of the delays in the current confirmation process. In conclusion, these delays are very detrimental to the efficient operation of government and to the efforts to recruit the most qualified people to these Federal jobs.

The public deserves a focus of our deliberation on confirming the most important positions and not to hold up those generally noncontroversial positions which more closely resemble appointments that are currently made without Senate approval.

I yield the floor, and I know my colleague, Senator ALEXANDER will speak next.

The PRESIDING OFFICER (Mr. MERKLEY). The Senator from Tennessee is recognized.

Mr. ALEXANDER. Mr. President, I congratulate Senator SCHUMER for his diligent work on this effort to help the Senate do a better job with its responsibilities of advice and consent.

As the chairman of the Rules Committee, he and I have been working together at the direction of Senator REID and Senator MCCONNELL to come up with a consensus about how to do this. Our colleagues, all 100, have agreed that we can move on to the bill and debate any relevant amendment, which has not happened very often around here, and is exactly the way the Senate ought to work.

So I thank Senator SCHUMER for taking on this difficult task. It is not a glamorous task, but it is one that hopefully will make the Senate more effective. If we are more effective, we can do a better job of dealing with the debt, of helping to make it easier and cheaper to create private sector jobs, of

coming up with an energy policy that helps us find more American energy and use less, and regain respect from the American people who have given us the privilege of serving here.

I start this discussion with our Constitution, which, as the late Senator Byrd used to suggest, we should all carry around with us. Perhaps the most celebrated constitutional duty of the United States Senate is our responsibility to provide advice and consent. It is in article II, section 2, of the Constitution. It talks about the President there, but it says: ''He shall nominate, and by and with the Advice and Consent of the Senate'' and among other things—to appoint a number of people. But it also says:

> . . . the Congress may by Law vest the Appointment of such inferior Officers, as they think proper, in the President alone, in the Courts of Law, or in the Heads of Departments.

So this discussion is about that part of our constitutional responsibility, deciding what inferior officers should be vested—the appointment of which should be vested in the President alone or in heads of departments. I will talk more about that in a moment. But there are really three major goals of this legislation.

One is to stop the trivializing of the constitutional duty of advice and consent. We are providing our advice and consent on so many Presidential nominations that the President is not able to spend as much time as he should on getting them to us rapidly.

It is slowing down the organization of government. We, in turn, are not able to spend as much time as we should reviewing the qualifications of the important officers of the government that the President needs to appoint, and we are not serving ourselves well. We are trivializing the constitutional duty of advice and consent.

The second thing we are doing—and in this, the Executive, the President and the Congress, are equally to blame—is creating an environment that I would describe as being ''innocent until nominated'' in which we take some self-respecting U.S. citizen, and the President invites them to come take a position in the Federal Government of honor and dignity, and suddenly they find themselves immersed in a series of duplicative interrogations from all directions in which they must fill out forms that define words such as ''income'' in different ways, all of which is designed to lead them before a committee, not to really assess their qualifications but to see if they can be trapped and turned into an apparent criminal. In other words, they are innocent until nominated.

Every former administration's officials in recent memory have come to us and said we need to work together. No. 1, we need to stop the trivializing of the Senate's advice and consent responsibility; No. 2, we need to do something about this environment of innocent until nominated.

Finally, this legislation—which, as I said, has been moved to the floor for debate with the consent of all 100 Members of the Senate—is really the third step in the discussion that began in January about what steps we can take to make the Senate a more effective place. One step was to get rid of secret holds. Another step was to limit the reading of the minutes as a dilatory tactic.

This is the third step, appointed by the majority leader, Senator REID, and the Republican leader, Senator MCCONNELL. They asked Senator SCHUMER and I to form a working group. We have come forward with a bill and a resolution, which we will debate today and tomorrow—until we finish—and it will streamline executive nominations and hopefully give us a chance to do more oversight on the positions that need the oversight and not waste our time with positions that don't. At the same time, it will make it easier for the next President to staff his or her government promptly so that they can deal with questions of war and the economy as they come up and not have to wait 6 months or 9 months after they have taken office to deal with those questions. And it will make it more inviting for good citizens of this country to accept a President's invitation to come serve in the Federal Government.

As I mentioned, this came about earlier this year when we were about to have a showdown over the filibuster. The Senator from Oregon was part of that debate. I hope he feels some credit for moving this discussion to where it is today. This is not all that the Senator from Oregon or the Senator from New Mexico or others want, but I think what we quickly learn in the Senate is that a few small steps in the right direction is one good way to get where you want to go. This will be a third step.

Basically, this is what we will be doing. We are affecting about 451 Presidential appointments. This represents about one-third of all Senate-confirmed positions. That sounds like a lot, and it is a lot. Let me qualify it in this way. Here is what has happened over the last several years.

In 1960, President Kennedy had to fill 286 positions in the ranks of Secretary, Deputy Secretary, Under Secretary, Assistant Secretary, and Administrator.

By the time President Clinton came into office, there were 914 positions with those titles. That is according to the Volcker Commission Report, which recommended the kinds of things we are considering today.

Since then, CRS has counted more than 1,200 Presidential appointments requiring the advice and consent of the Senate, and our staffs on the Rules Committee and the Homeland Security Committee found more than 1,400. So we are in the embarrassing position of having to answer the question—if somebody were to say: Here is this enormously important position of the Senate, this constitutional duty to provide advice and consent, and how many Presidential appointments are subject to advice and consent? The answer would be that we don't know. CRS says it is 1,200. Our staffs say it is 1,410.

Another indication that we are not giving them sufficient attention—at least to the ones we should—is the number of rollcall votes on Presidential appointments requiring advice and consent. You would think that if a Presidential appointment were important enough to require a full FBI check, which is very expensive, time consuming, and takes several months; and then a nomination by the President and all of the vetting that goes with that; and then the work of the White House personnel office and all the time spent with that; and then it comes to the Senate and goes to our committees, and our committees have their own questionnaire and their own investigator and their own schedule for hearings and their own schedule for voting, and then they report it to the floor—you would think if it were important enough to go through all of that in order to get our advice and consent, we would take time to vote on it, would you not? Well, in the last Congress, this Senate voted on 3 percent of the nominations that require advice and consent. That is one indication that we are doing too many—we are trivializing the duty. So not only do we not know how many there are—we think, now that our staffs have worked through this, there are about 1,410—97 percent of them are not important enough to vote on; we just pass them by unanimous consent.

As Senator ENZI said earlier today in another setting, and I don't think he minds my bringing this up, sometimes we approve these nominations in blocks—280 at a time—without knowing anything about them. So we are pretending we are giving advice and consent when we are not.

An example of that would be the positions of the several thousand members of the Public Health Service Officer Corps and the National Oceanic Atmospheric Administration Officer Corps. They are all subject to advice and consent. They come through in the box loads. They are all very valuable public servants, I am sure, but to subject the Public Health Service Officer Corps and the National Oceanic Administration Officer Corps to a full Senate advice and consent would be the approximate equivalent of requiring advice and consent of agricultural extension officers or forest rangers or members of the Senate staff. They all have important jobs, but they are not supposed to rise to the level of advice and consent, which is why the U.S. Constitution specifically said that we should select ''inferior officers,'' in its words, whom the President himself—the President alone—or heads of departments may appoint.

Now, what is an ''inferior officer''? Well, words have meaning, and Justice

Scalia gave a definition to the words ''inferior officer'' in the case of Edmund v. United States in 1997. Justice Scalia said:

> We think it is evident that inferior officers are officers whose work is directed and supervised at some level by others who were appointed by the Presidential nomination with the advice and consent of the Senate.

That makes pretty good sense. If you are working for someone who is appointed by the President and subject to the advice and consent of the Senate, then you are accountable to the Senate and the people of the United States through your superior. That makes you an inferior officer. You may be important, but you are subordinate to someone else whose appointment was subject to advice and consent.

Here is what we have done in the legislation.

First, we have a bill from the Homeland Security Committee, and then we have a resolution that comes from our Rules Committee. Of the 451 positions that are affected, in addition to the thousands of members of the officer corps I mentioned, 248 are part-time board and commission positions that could be expedited and would keep their advice and consent rolls and remain Senate-confirmed. I will talk more about that in a minute. Then 118 other part-time board and commission positions will no longer require Senate confirmation. And then 85 positions that are full-time would not require advice and consent for confirmation.

After all is said and done, when you include the fact that 248 positions we affected are merely expedited and still subject to advice and consent if a single U.S. Senator says it is necessary—they are still subject to it under any event and to the full investigation if a single Senator says it is necessary—we will still have more than 1,200 Senate-confirmed executive branch nominations. So, as Senator COLLINS said on the floor today, after this is done, if our bill and resolution are passed, more than 90 percent of the full-time positions that now are subject to advice and consent will still be subject to it, as will more than 85 percent of the part-time positions.

Why is it important that we have so many positions that are subject to advice and consent? One could argue, why don't you narrow it simply to the Cabinet members or the Cabinet members and their deputies? Why slow the President down in his work by requiring so many to come over, because even after we are through this, after everything Senators SCHUMER, COLLINS, LIEBERMAN, and I recommended to the Senate was adopted, the Senate will have 1,200 persons it could put through this gauntlet of advice and consent and make its point.

Many Senators choose to use these confirmation proceedings to exercise our prerogative as elected Members of Congress to get information, to assert our views or to influence the direction of government. For example, Senator MCCONNELL has been holding President Obama's trade nominees until President Obama sends his free-trade agreements to Congress. Senator GRASSLEY and Senator CHAMBLISS held up the Solicitor General's nomination because it had been 2 years and their request for documents from the Department of Justice had not been forthcoming. After they held up the Solicitor General's nomination in the advice and consent process, they got their documents.

I suggest that having 1,200 opportunities to hold a Presidential nominee hostage is enough for any Senator to work his or her will in order to make a point and that to go beyond that is to begin to trivialize the whole process.

As I mentioned earlier, our legislation has two parts. In the first part—the part we are debating now, the bill—there are approximately 200 positions that now are subject to Presidential confirmation that would not be subject to Presidential confirmation. These would be 85 full-time positions, including legislative affairs and public affairs positions, chief financial officers, information technology positions, and others. These are all important positions, but let's think of it this way:

I was once a Cabinet member. It took me about 3 months—well, 4 or 5, from December through March—after I was announced and confirmed by the Senate, and then I had the opportunity to ask the President to send to the Senate all of the subordinate officials who required Senate confirmation. That means the President had to vet those people. That means the Senate had to go through its whole process, once information got here, and vet those people. It had to schedule a hearing. It had to report out the name. That had to come to the Senate. That had to be voted on on the floor.

So there I was, sitting—confirmed in March or April, after I had been announced in December as the President's Education Secretary—but it took me until toward the end of the year to get most of the President's team in place in the Department of Education. Who does that serve? Who does that serve well? Wouldn't it be better if I could appoint my own legislative affairs officer who could then come up and deal with Congress from April on instead of having to wait until later?

This is important for citizens to know. If you are in a position subject to advice and consent, you are not to go to the Department until you are confirmed or you will not be confirmed because it would be considered to be an insult to the Senate. So you have Cabinet members, particularly at the beginning of an administration, sitting there almost alone, without any new members of the President's team to help them implement policy.

That affects the voters in a bad way. Let's say all the voters in a country get upset with President Obama and elect a Republican President whose job it is to bring the deficit down. Let us pose a hypothetical. In comes the new Republican President and it takes 2 or 3 months to confirm the Secretaries of the Treasury, the Office of Management and Budget, and then with other key people it might take 6 or 8 months. The people of this country are saying: Wait, I voted in November and here we are coming into the next summer and the government still isn't formed and the deficit is still bad. I am very frustrated with my government.

This legislation is set to deal with that. The bill itself takes about 200 positions and removes advice and consent, with 118 of those being part-time advisory commission members.

The second part of the bill we will be discussing takes 248 nominations and expedites them. These are all part time. This might be the Goldwater Scholarship Foundation or the National Council on the Arts. What it does is create a new procedure in the Senate, where the President's nomination simply comes to the desk—the President has already vetted this person; the person has to answer the questions of the relevant committee in the Senate—and unless some Senator objects, once that is done, the vote can come to the floor within 10 days. Yet, if one Senator objects, all 248 of those nominations can go through the full process. So with those we believe we are, at least, speeding up things.

To summarize, for 451 nominations in this bill, we take about 118 part-time positions and remove them from advice and consent. These include, for example, 15 members of the National Board of Education Sciences, 20 members of the National Museum and Library Services Board, and 7 Commissioners of the Mississippi River Commission.

I am sure the National Museum and Library Services part-time advisory board does good work for us and for this country, but is it necessary for the Senate to spend its time providing advice and consent on these part-time advisory members of the National Museum and Library Services Board when we ought to be reducing the debt, inquiring into the policies of a Cabinet member or working on some other legislation?

Then, in the resolution, 248 part-time positions are expedited. As I mentioned earlier, nearly 3,000 members of the Public Health Service Corps are taken out of the process of advice and consent.

Let me speak for just a moment about the other part of the legislation. I talked about how the bill and the resolution will take 451 of approximately 1,410 Presidential nominees subject to advice and consent and take about half of those and expedite them and take the other half and take away the advice and consent requirement, leaving 1,200 persons whose nominations actually require advice and consent. What happens to those persons? Let me give an example, and it is a personal example I have repeated on the Senate floor before.

In December of 1990, President Bush announced in the White House that he was going to nominate me to be the U.S. Education Secretary. I was excited about that. I was then the President of the University of Tennessee. I sold my house, my wife and I packed up, and we moved our children to schools in Washington. I came up here prepared to serve and help the President be the education President, but I forgot about Senate confirmation. I should have known. I should have known because I used to work in the Senate years ago. But I forgot about the Senate confirmation and all its splendor. So when I got up here, I was, after a while, summoned before the Health, Education, Labor, and Pensions Committee—on which I now serve—and with my family sitting there, the Senator from Ohio, the late Senator Metzenbaum, said: Well, Governor Alexander, I have heard some very disturbing things about you, but I don't think I will bring them up here.

Well, Senator Kassebaum from Kansas turned around and said: Howard, you did just bring it up so why don't you go ahead and talk about it. I said: Senator, if you have heard any disturbing things, I would like to know about them because I would like to answer the question. But he decided not to do that, and in his wisdom—and it was his right—Senator Metzenbaum held my nomination up for 3½ months. I didn't know what to do about that so I went around and finally saw Senator Warren Rudman of New Hampshire and told him the story of what had happened. I said: What is your advice? He said: Keep your mouth shut. You have no cards to play. I said: What do you mean? He said: Let me tell you my story. He said President Ford had nominated him to be on—I think it was the Federal Trade Commission in the 1970s. Warren Rudman was then the attorney general of New Hampshire, a well-respected citizen. The Senator from New Hampshire put a secret hold on Warren Rudman's nomination and so days and weeks went by and no action was taken in the Senate on the attorney general of New Hampshire. He was greatly embarrassed by the whole thing. I said: Well, what did you finally do? He said: Well, I asked the President to withdraw my name. I said: Is that the end of the story? He said: No. I then ran against the so-and-so in the next election and beat him, and that is how I got in the Senate.

Well, not every citizen can run for the Senate and defeat the Senator who they think doesn't treat them fairly in the confirmation process. But there is a lot about the confirmation process that can be fixed and still leave all of us with the right to hold up, to vote against, and to defeat 1,200 different nominations by the President.

Take, for example, what happened in President Obama's first year. According to news accounts, in March of 2009, there were key vacant positions at the Treasury Department—an Assistant Secretary for Tax Policy, the Deputy Assistant Secretary for Tax Policy, the Deputy Assistant Secretary for Tax Analysis, the Deputy Assistant Secretary for Tax, Trade and Tariff Policy, and the Deputy Assistant Secretary for International Tax Affairs. The first choice for Deputy Secretary of the Treasury withdrew her name from consideration 4 months after the President's selection in the biggest economic crisis we had had since the Great Depression.

According to one news source, the list of vacancies on the Treasury Department Web site showed:

> The Main Treasury building is a lonely place, conjuring up visions of Geithner signing dollar bills one by one . . . watering the plants, and answering the phones when he is not crafting a bank rescue plan.

Of course, there are other career employees available—at least one holdover Assistant Secretary and various Czars in the White House. This kind of delay actually encourages the unhealthy appointment of Czars in the White House because the President can just do that, but even one of the Czars expressed concern about the slow filling up of the Treasury Department.

Of course, whether you are a Republican or a Democrat and voted for President Obama or not, you certainly don't want a President whose Treasury Secretary isn't equipped to deal with the biggest economic crisis since the Great Depression.

The President brought some of this difficulty on himself, and our legislation recognizes that—not just this President but previous Presidents and the next President. Part of the President's difficulty in filling jobs—and this is one that has afflicted every President since Watergate—is the maze of investigations and forms that prospective senior officials must complete and the risk they run of then being trapped and humiliated and disqualified by an unintentional and harmless mistake.

I voted against Secretary Geithner's nomination because I thought it was a bad example for the man in charge of collecting taxes not to have paid them, and I didn't think his excuse for not paying them was plausible. But that doesn't mean I think that every minor tax discrepancy in our Byzantine Tax Code—that reaches 3.7 million words and is badly in need of reform—should disqualify any citizen for public office. I think very few Americans with complex tax forms can make their way through our maze of investigations and come out without a single change in what they did.

Take the case of the former mayor of Dallas, Ron Kirk. He was President Obama's nominee to be the U.S. Trade Representative. Headlines in the newspaper said Kirk paid back taxes. Why? Primarily because he had failed to list his income and then take a charitable deduction on speaking fees he gave away to charity. Let me say that again. He failed to list his income and then take a charitable deduction on speaking fees he gave away to charity.

Common sense suggests Mr. Kirk and his tax adviser did what was appropriate. After all, he didn't keep the money. The IRS apparently has a more convoluted rule for dealing with such things. In any event, the matter is so trivial as to be irrelevant to his suitability to be the Trade Representative.

Tax audits are only the beginning. There is an FBI full field investigation. Should we be having FBI field investigations for part-time advisory board members on the Museum Library Corporation? Instead of investigating terrorists or catching bank robbers, should we be paying FBI agents to go out and ask your neighbors: Does he or she live beyond their means—all this in order to serve on a part-time advisory board for the Federal Government?

Then there is the Federal financial disclosures, the White House questionnaire, and of course the questions from the confirming Senate committee. All these are different, and the definitions they ask for are different. An unsuspecting nominee, as I mentioned earlier, might actually fill out a form that says what is your income in the same way each time, but the question might have been different each time. It is easy to make a mistake. Then, when you finally appear before the confirming committee, you are innocent until nominated.

Washington, DC, has become the only place where you should hire a lawyer, an accountant and an ethics officer before you find a house and put your child in school. The motto around here has become ''innocent until nominated.'' Every legal counsel in the White House since President Nixon agrees with what I have just said.

In the name of effective government, this process ought to be changed. There are some limits as to what we can do in the Senate. We have to respect separation of powers. In the end, the President has to conduct his own vetting process and, in the end, the Senate must conduct its own investigations. But we might work together to look at possible ways of reducing burdens and delays in the appointment process, and that is what the executive branch working group provided for in our legislation says. It will be chaired by the Director of the Office of Presidential Personnel, and members would include representatives from the Office of Personnel Management, the Office of Government Ethics, the FBI, individuals appointed by the chair who have experience and expertise, individuals from other agencies, and other individuals from previous administrations, and they would report to us in 90 days on a smart form. A smart form would simply be a single form that would make it possible for a nominee to answer duplicative vetting questions one time.

That makes pretty good common sense. Why can't the government do that? It would submit those findings within 90 days to the President for his

consideration and to our relevant Senate committees for our consideration.

In addition, Senator COLLINS has asked the working group within the next 270 days to take a look at the background investigations. A big part of the delay in forming a government is the President's own background investigations.

We wish to know if somebody used to be a member of al-Qaida or has some other serious problem before they come into a government, but there are gradations of that. Whether you are Secretary of the Treasury or a member of the part-time advisory board might have a little different level of vetting, I would think. But in any event, Senator COLLINS wants the working group to report back to the President and to us the feasibility, in appropriate circumstances, of using non-FBI personnel to conduct background investigations for Senate-confirmed positions.

These will simply be reports, an effort between the Senate and the Executive to take a look at streamlining the process so that we can staff the government more quickly, so we can stop wasting so much time here in duplicative ways, so we can stop the expense of that wasted time, and so we can treat with respect the men and women any President invites to become a member of the administration.

Since our bill was first drafted, we have made a number of changes in response to suggestions by our colleagues both on the Democrat and Republican sides of the aisle. I suspect that is one reason why all 100 Senators have agreed to allow this bill to come to the floor and to be debated with any relevant amendment, because we are open to that. We have made some changes.

For example, I mentioned the 248 expedited part-time appointments. The concern was that while there is a Democratic President, there is a requirement in the law that a minority of those appointees be Republican members of the part-time advisory board. Well, what if a Democratic President said, I am going to appoint Republican members who I define as Republicans? We Republicans didn't like that very much. The Democrats wouldn't like it very much if they were on the other side of the fence in another administration. So the solution was this expedited process whereby we can send those 248 nominations through the Senate much more quickly; and if a single Senator thinks the President is playing games with minority nominations, he or she can insist that the nominee go through the whole advice and consent process. In fact, for any reason a single Senator can do that.

Another change we have made is to say all relevant amendments are open for debate and for voting. I am hopeful my colleagues will bring some of those to the floor this afternoon and we will begin to debate them, perhaps to vote on them today; if not vote on them today, start voting on them tomorrow.

We have also agreed that Senator DEMINT, Senator VITTER, and Senator COBURN can each offer a specific amendment. I know Senator SCHUMER has been meeting with Democratic Senators, just as I have been meeting with Republican Senators, to see if there are any other changes. We will have the amendments. I may oppose them all, I may support them all, but at least we will be doing what the Senate ought to do, which is to bring them up. If they are good amendments and the majority of us agree or 60 of us agree, then we will change the bill and eventually vote on them.

Senator COLLINS mentioned earlier the amount of support we have gotten from outside groups who worked on this, and especially from those who once served in the Senate or once served in the White House in positions that had to do with personnel. My work with the White House goes back a long time. I was a young staff aide in the Nixon administration and I was a Cabinet member in the first Bush administration. So I know a lot of the men and women who have been the general counsels to Presidents, who have been the personnel directors who watched the process closely.

I think it was Boyden Gray who was counsel of the first President Bush who gave me the phrase ''innocent until nominated.'' But every single one of those men and women—I don't know of one, without exception, who doesn't think the system is broken, who doesn't think we are trivializing the advice and consent process of the Senate, who doesn't think we are doing a great disservice to our country and to individuals when we allow this ''innocent until nominated'' syndrome to persevere, and they have watched over the last 10 years as very good Senators have tried to change this without success.

Senator REID and Senator MCCONNELL, when they were whips, tried to do it, and they didn't succeed. Senator LIEBERMAN and Senator COLLINS tried a few years ago. They didn't succeed. Senator Thompson tried to do it when he was chairman of the Homeland Security Committee, and he got a few changes made but not very many. It is only this year in response to our general discussion about how to make the Senate a more effective place, and because of the strong support of Senator REID and Senator MCCONNELL, and because of the battle scars Senator LIEBERMAN and Senator COLLINS have, having tried before and their willingness to try again, that we have gotten to this place. I think we will get to where we need to go, but I want to make sure that in this debate we don't succumb to the desire to say, oh, well, my committee wants to have this person go through the process of advice and consent for the prestige of it.

I think it is more important for a new Cabinet member to have an appointee who can serve the President and serve the country and do his or her job, and then let the Secretary and the Deputy Secretary and the Under Secretary be the ones who are accountable to the President. At least that is the recommendation of former Senator Fred Thompson who was chairman of the Committee on Governmental Affairs. That is the recommendation of a task force formed by the Aspen Institute, which included Senator Bill Frist, our former majority leader, Chuck Robb, a Democratic Senator, Clay Johnson, who was George W. Bush's Director of Presidential Personnel, Mack McLarty, who was the White House Chief of Staff for Bill Clinton. They all said this urgently needs to be done.

Frank Carlucci, the former Secretary of Defense, weighed in with his support. The Bipartisan Policy Center, including former Secretary of Agriculture Dan Glickman, a Democrat, Trent Lott, our former whip and majority leader, Pete Domenici, our former Senator, and Dirk Kempthorne, former Governor, Cabinet member, and Senator, all urged us to do this.

Senator COLLINS asked that all these letters of support be placed in the RECORD, and so I will not.

I would simply conclude by saying there has been a little information around that somehow this is legislation to reduce oversight. This is legislation to make oversight more effective. If we were to propose using advice and consent for every Senate staff member, for every agricultural extension servicemember, and every forest ranger, that would be less oversight because we wouldn't have time to do anything. That, in effect, is what we are doing now with advice and consent by the bucketload of officer corps members and of part-time advisory commission members whom the President can vet and appoint, and all of whom report to somebody over whom we do have advice and consent control.

I look forward to this discussion and this debate. I am very grateful to my Republican colleagues, some of whom have questions about the bill, who have allowed the bill to come forward in the way the Senate should operate. Senators can bring their relevant amendments to the floor as long as they and the Parliamentarian agree they are relevant. They can call it up, we will debate it, and we will either vote on it then or set a time for a vote in the near future.

I expect there to be several amendments. I would urge Senators to come to the floor, and hope at the end of the day that we complete these modest but important steps toward making the Senate more effective by reducing the trivializing of advice and consent, our constitutional duty, and by reducing the syndrome that Presidential nominees are innocent until nominated.

Mr. President, I thank the Chair.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant editor of the Daily Digest proceeded to call the roll.

Mr. DEMINT. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 501

Mr. DEMINT. Mr. President, I would like to call up three amendments and speak on them at another time. First, I would like to call up amendment No. 501.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from South Carolina [Mr. DEMINT] proposes an amendment numbered 501.

Mr. DEMINT. I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To repeal the authority to provide certain loans to the International Monetary Fund, the increase in the United States quota to the Fund, and certain other related authorities, and to rescind related appropriated amounts)

On page 63, strike lines 3 through 18, and insert the following:

(dd) REPEAL OF AUTHORITY TO PROVIDE CERTAIN LOANS TO THE INTERNATIONAL MONETARY FUND, THE INCREASE IN THE UNITED STATES QUOTA, AND CERTAIN OTHER AUTHORITIES, AND RESCISSION OF RELATED APPROPRIATED AMOUNTS.—

(1) REPEAL OF AUTHORITIES.—The Bretton Woods Agreements Act (22 U.S.C. 286 et seq.) is amended—

(A) in section 17—

(i) in subsection (a)—

(I) by striking ''(1) In order'' and inserting ''In order''; and

(II) by striking paragraphs (2), (3), and (4); and

(ii) in subsection (b)—

(I) by striking ''(1) For the purpose'' and inserting ''For the purpose'';

(II) by striking ''subsection (a)(1)'' and inserting ''subsection (a)''; and

(III) by striking paragraph (2);

(B) by striking sections 64, 65, 66, and 67; and

(C) by redesignating section 68 as section 64.

(2) RESCISSION OF AMOUNTS.—

(A) IN GENERAL.—The unobligated balance of the amounts specified in subparagraph (B)—

(i) is rescinded;

(ii) shall be deposited in the General Fund of the Treasury to be dedicated for the sole purpose of deficit reduction; and

(iii) may not be used as an offset for other spending increases or revenue reductions.

(B) AMOUNTS SPECIFIED.—The amounts specified in this paragraph are the amounts appropriated under the heading ''UNITED STATES QUOTA, INTERNATIONAL MONETARY FUND'', and under the heading ''LOANS TO INTERNATIONAL MONETARY FUND'', under the heading ''INTERNATIONAL MONETARY PROGRAMS'' under the heading ''INTERNATIONAL ASSISTANCE PROGRAMS'' in title XIV of the Supplemental Appropriations Act, 2009 (Public Law 111–32; 123 Stat. 1916).

AMENDMENT NO. 510

Mr. DEMINT. Mr. President, I call up amendment No. 510.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from South Carolina [Mr. DEMINT] proposes an amendment numbered 510.

Mr. DEMINT. I ask unanimous consent further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To strike the provision relating to the Director, Bureau of Justice Statistics)

On page 50, strike lines 19 through 23.

AMENDMENT NO. 511

Mr. DEMINT. Mr. President, I call up amendment No. 511.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from South Carolina [Mr. DEMINT] proposes an amendment numbered 511.

Mr. DEMINT. I ask further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To enhance accountability and transparency among various Executive agencies)

On page 36, lines 7 and 8, strike ''ASSISTANT SECRETARY OF AGRICULTURE FOR CONGRESSIONAL RELATIONS AND''.

On page 36, line 14, insert ''(a)(1) or'' after ''subsection''.

On page 37, beginning on line 7, strike all through line 20.

On page 38, lines 2 and 3, strike ''ASSISTANT SECRETARIES OF DEFENSE FOR LEGISLATIVE AFFAIRS, PUBLIC AFFAIRS, AND'' and insert ''ASSISTANT SECRETARY OF DEFENSE FOR''.

On page 38, line 14 through line 16, strike ''Assistant Secretary of Defense referred to in subsection (b)(5), the Assistant Secretary of Defense for Public Affairs, and the''.

On page 38, line 17, strike ''each''.

On page 46, lines 7 and 8, strike ''ASSISTANT SECRETARY FOR LEGISLATION AND CONGRESSIONAL AFFAIRS AND''.

On page 46, lines 14 and 15, strike ''Assistant Secretary for Legislation and Congressional Affairs and the''.

On page 47, strike lines 3 through 9.

On page 47, strike lines 12 through 23.

On page 49, strike lines 7 through 21.

On page 49, beginning on line 23, strike all through page 50, line 18.

On page 50, strike the item between lines 18 and 19.

On page 51, line 20 through line 22, strike ''ASSISTANT SECRETARIES FOR ADMINISTRATION AND MANAGEMENT, CONGRESSIONAL AFFAIRS, AND PUBLIC AFFAIRS'' and insert ''ASSISTANT SECRETARY FOR ADMINISTRATION AND MANAGEMENT''.

On page 51, beginning on line 25 through page 52, line 2, strike '', the Assistant Secretary for Congressional Affairs, and the Assistant Secretary for Public Affairs''.

On page 52, line 9 through line 11, strike ''ASSISTANT SECRETARY FOR LEGISLATIVE AND INTERGOVERNMENTAL AFFAIRS, ASSISTANT SECRETARY FOR PUBLIC AFFAIRS, AND''.

On page 52, line 21 through line 24, strike ''Assistant Secretary for Legislative and Intergovernmental Affairs, the Assistant Secretary for Public Affairs, and the''.

On page 53, lines 17 and 18, strike ''and an Assistant Secretary for Governmental Affairs''.

On page 54, lines 24 and 25, strike ''ASSISTANT SECRETARIES FOR LEGISLATIVE AFFAIRS, PUBLIC AFFAIRS, AND'' and insert ''ASSISTANT SECRETARY FOR''.

On page 55, line 4, strike ''7'' and insert ''9''.

On page 55, line 6, strike ''3 Assistant Secretaries'' and insert ''1 Assistant Secretary''.

On page 55, strike lines 8 through 9.

On page 57, strike lines 1 through 4.

On page 60, beginning on line 22, strike all through page 61, line 4.

Mr. DEMINT. Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant editor of the Daily Digest proceeded to call the roll.

Mr. VITTER. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 499

Mr. VITTER. Mr. President, I call up and would make pending amendment No. 499, which is part of the agreement in terms of the debate on this bill.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Louisiana [Mr. VITTER], for himself, Mr. PAUL, Mr. HELLER and Mr. GRASSLEY, proposes an amendment numbered 499.

Mr. VITTER. I ask unanimous consent further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To end the appointments of presidential Czars who have not been subject to the advice and consent of the Senate and to prohibit funds for any salaries and expenses for appointed Czars)

On page 75, between lines 20 and 21, insert the following:

SEC. 5. PROHIBITION OF FUNDS FOR OFFICES HEADED BY CZARS.

(a) DEFINITION.—In this section, the term ''Czar''—

(1) means the head of any task force, council, policy office, or similar office established by or at the direction of the President who—

(A) is appointed to such position (other than on an interim basis) without the advice and consent of the Senate;

(B) is excepted from the competitive service by reason of such position's confidential, policy-determining, policy-making, or policy-advocating character; and

(C) performs or delegates functions which (but for the establishment of such task force, council, policy office, or similar office) would be performed or delegated by an individual in a position that the President appoints by and with the advice and consent of the Senate; and

(2) does not include—

(A) any individual who, before the date of the enactment of this Act, was serving in the position of Assistant Secretary, or an equivalent position, that requires confirmation by and with the advice and consent of the Senate, or a designee; or

(B) the Assistant to the President for National Security Affairs.

(b) PROHIBITION OF FUNDS.—Appropriated funds may not be used to pay for any salaries or expenses of any task force, council, policy office within the Executive Office of the President, or similar office—

(1) that is established by or at the direction of the President; and

(2) the head of which is a Czar.

Mr. VITTER. Mr. President, I thank Senators PAUL and HELLER and GRASSLEY for cosponsoring this amendment, which is about czars—this administration, any administration, usurping the appropriate role and authority of the Senate in the advice and consent process. This is, obviously, directly relevant to this legislation.

As we debate this legislation designed to reduce the number of positions in the government that require Senate confirmation, we should also ensure that the Senate's role is not eroded by unconfirmed Federal czars in very significant positions which should be subject to advice and consent. That is what my amendment is about. That is what my amendment would correct.

This amendment would ensure that any administration—not just this one, any administration, Republican, Democrat, other—is prevented from using so-called czars for similar positions to perform duties that are the responsibility of those positions subject to confirmation by prohibiting funding of those so-called czar positions. Specifically, the amendment would prohibit funding for these czar positions.

The amendment does not unduly restrict Presidential advisory staff. We all agree the President is entitled to direct advisers. Instead, it focuses on ''the head of any task force, council, policy office or similar office established by or at the direction of the President.'' It is aimed squarely at positions created in order to circumvent the advice and consent role of the Senate. Unfortunately, that is exactly what has happened at greatly increasing frequency over the last several years.

It also carves out of the prohibition and allows two things: No. 1, any individuals who are serving in the position of Assistant Secretary or the equivalent position that requires Senate confirmation, that situation is living by the normal, appropriate advice and consent requirement. It also carves out the assistant to the President for National Security Affairs, and we include this carve-out simply to ensure that national security concerns are not impacted.

As a result of these carefully crafted exemptions, my amendment would not remove the President's ability to have advisory staff and keeps the focus on the intended targets and the real abuses—czars created to circumvent the scrutiny of the Senate and the advice and consent and the confirmation process.

Under the current administration, we have seen dramatic increases in this practice—in the amount of power given to these so-called czars appointed directly by the President and not subject to advice and consent and confirmation by the Senate.

Politico has written that President Obama ''is taking the notion of a powerful White House staff to new heights'' and he is creating ''perhaps the most powerful staff in modern history.''

President Obama has created many of these new czar positions. Some include a climate czar, a health care czar, a pay czar, and more.

The power of implementing policy and directing Federal agencies was never meant to be put in these czar positions, subject only to the control of the President. That was always meant to be put in high-level administration positions, subject to the advice and consent role of the Senate and subject to Senate confirmation.

So in this bill, which is all about advice and consent and which is all about the confirmation process, we should certainly address the single biggest problem with that process in the eyes of the American people, which is recent administrations—particularly the current administration—just doing a straight end run around the Constitution, trying to ignore the genius of the Constitution, trying to ignore one of the fundamental balances created by the Constitution through Senate confirmation.

With that in mind, I urge all my colleagues, Democratic and Republican, to support this Vitter amendment. This isn't an amendment against the Obama administration; this is an amendment for the advice and consent role of the Senate. This is an amendment in support of balance of powers. This is an amendment to preserve the significance of the confirmation process. Every Member of this Senate should be for that, no matter whose administration it is. Unfortunately, this czar practice has reached new heights recently, which is all the more reason we need to act. But we need to act to preserve and defend the Constitution, to preserve and defend the appropriate role of the Senate under the Constitution, advice and consent and confirmation.

With that, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mrs. HAGAN). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. COBURN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ENUMERATED POWERS ACT OF 2011

Mr. COBURN. Madam President, in a few minutes, I will offer an amendment, but first I wish to speak about a bill that myself and 26 other Senators have introduced today, and it is called The Enumerated Powers Act. Our Founding Fathers understood the only way to preserve our freedom for future generations was to limit Federal authority. They understood the tendency of government to seize increasing power, and thus they created protections in our Constitution for posterity.

Earlier this year, newly elected and returning Members of the Senate took an oath to support and defend the Constitution of the United States. In my case, that oath never mentioned the State of Oklahoma or any other State an individual Senator might represent. Rather, the oath each of us took was to uphold the Constitution for the betterment of the country as a whole.

Yet every day, Members of Congress ignore their oath and the protective principles embodied in the Constitution, trampling both the freedom and the prosperity of the American people. This has never been as evident as in the congressional spending spree we have seen over the last 3½ to 4 years.

At the beginning of the 111th Congress, our national debt stood at $10.6 trillion. Today it is over $14.4 trillion, an increase of nearly $4 trillion in the last 3-plus years. How did we get there? How did we get into such deep debt? How did we shackle our children and grandchildren to an increasing deficit and an inevitable decreased standard of living? It doesn't lie with any President having done that. Where it lies is with the Congress of the United States.

Today, along with the Senator from Kentucky, Dr. RAND PAUL, and 23 other cosponsors, I am introducing the Enumerated Powers Act. This legislation ensures Members of Congress truly follow article I, section 8 of the Constitution. That section plainly lists the enumerated powers given to Congress, of which there are 18, and they are very well defined.

One of the major reasons why we are facing such tough economic times and such tough fiscal challenges is because Congress routinely in the recent past has ignored this aspect of the Constitution. Until we reconnect Congress with its limited and enumerated powers, we will never put our Nation back on a sustainable basis.

James Madison stated in Federalist 51:

> If men were angels, no government would be necessary. If angels were to govern men, neither external nor internal controls on government would be necessary. In framing a government which is to be administered by men over men, the great difficulty lies in this: you must first enable the government to control the governed; and in the next place, oblige it to control itself.

Clearly, we have a government administered by men over men, and the government has failed to control itself. The best way for the Federal Government to appropriately restrain itself is for Congress to abide by the enumerated powers of the Constitution.

The Supreme Court noted at the beginning of the 21st century:

> Every law enacted by Congress must be based on one or more of its powers enumerated in the Constitution. ''The powers of the legislature are defined and limited; and that those limits may not be mistaken or forgotten, the constitution is written.''

In an 1831 letter, James Madison also stated:

> With respect to the words ''general welfare''—

Which is what is so often used to justify new government programs—

I have always regarded them as qualified by the detail of [enumerated] powers connected with them. To take them in a literal and unlimited sense would be a metamorphosis of the Constitution into a character which there is a host of proofs was not contemplated by its creators.

Moreover, the 10th amendment states:

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

In other words, everything outside of those 18 enumerated powers are reserved for the States and the people. They are not ours to deal with.

Our Founding Fathers intended for the Federal Government to be one of limited powers that cannot encroach on the powers reserved to the States or to the people. What this bill does is highlight the importance of those principles embodied in our Constitution and gives Members of Congress a new procedural tool to stop unconstitutional legislation.

A former Representative from Arizona, Congressman John Shadegg, took the lead on this issue starting in 1994, and introduced it every year up until he left Congress this last year. I joined Representative Shadegg in offering this bill, starting in the 110th Congress, and again in the 111th. Today I am delighted, along with these 24 cosponsors—and many other Republicans joining me—to reintroduce an updated version of this important legislation.

The Enumerated Powers Act requires each act of Congress, bill, and resolution to contain a concise explanation of the specific authority in the Constitution under which the measure would be enacted. It also states Members cannot merely mindlessly invoke subsections of article I, section 8, such as the Commerce, General Welfare, or Necessary and Proper Clauses to meet that test.

The goal of this legislation is to ensure Congress is accountable to the American people for its actions. The very least we can do—if we are going to violate article I, section 8—is explain our constitutional basis to the American people for that.

With a sufficient two-thirds vote of the Senate, a point of order raised against a bill for failure to cite specific constitutional authority for the legislation can still be overcome. However, the Enumerated Powers Act requires both Houses of Congress to debate that point of order. The American people need to see the transparency when we violate the Constitution and what our basis is for doing that.

As I mentioned earlier, as Members of the Senate, we have each taken an oath to uphold the Constitution, not to put our individual States first. If each of us abides by that oath, we will improve our country as a whole. For Oklahoma, Kentucky, Maine, or any other State to fare well in our country, they cannot do so if the country as a whole is not faring well.

AMENDMENT NO. 500

Madam President, let me take a moment and use as an example one of the reasons I would like the Enumerated Powers Act passed, but also why I am going to discuss the amendment I have at the desk.

Here is what we know right now from the first third of the Federal Government that was studied by the Government Accountability Office. They just looked at the first third of the Federal Government. We asked them in the last debt limit increase to give us the list of duplications of programs that do essentially the same thing across that first third. We will get the next third about 6 months from now, and the final third a year from then.

But what you see and what they came up with is we have more than 100 different Federal programs for surface transportation. That is 100 sets of agencies. That is 100 sets of bureaucracies. That is mindless and thousands upon hundreds of thousands of rules and regulations just on surface transportation. Nobody in Congress knew we had 100 agencies.

Teacher quality. We have 82 separate teacher quality programs across 6 different government agencies. One question is whether that is a responsibility of the Federal Government under the Enumerated Powers Act. But to have 82?

Or how about economic development. Eighty-eight programs, eighty of which are under four different agencies. We just had a bill on the floor, the Economic Development Act, and it is one of 80 programs run by those four agencies. None of them have metrics to see if they are effective. They have anecdotal evidence, but there are no metrics to see if they are. Again, 88 sets of bureaucracies within all these agencies—duplication after duplication after duplication.

Transportation assistance. Eighty different programs.

Financial literacy. A government that is $14 trillion in debt, running a $1.6 trillion deficit, has no business telling anybody about financial literacy. Yet we have 56 programs across multiple agencies teaching the American people about financial literacy. I think the source of that wisdom is somewhat questionable.

We have 47 different job training programs that cost $18 billion a year, run across 9 different agencies. Not one of them has a metric, and all but 3 duplicate what the other 44 are doing. Why would we do that? Why would we have all that?

Homeless prevention and assistance. We have 20 programs out of the Federal Government for homeless prevention and assistance.

Food for the hungry. We have 18 separate programs.

Disaster response and preparedness through FEMA. We have 17 different programs.

So the point is, we got there for two reasons. No. 1, we did not look at the enumerated powers; and, No. 2, too often we are trying to fix a problem with great intent, with the right heart, even when it is constitutional and would meet the demands of article I, section 8, and we have no idea what else is out there, so when we see a problem, rather than go see what we are doing now, we create a new program.

I would ask consideration of my amendment, which is amendment No. 500, which is an amendment to change the Standing Rules of the Senate. What it does is it mandates a rule in the Senate that every report that comes to the Senate on every bill or joint resolution shall contain ''an analysis by the Congressional Research Service to determine if the bill or joint resolution creates any new Federal program, office, or initiative that would duplicate or overlap any existing Federal program, office, or initiative with similar mission, purpose, goals, or activities along with a listing of all of the overlapping or [duplication]. . . . '' and ''an explanation provided by the committee as to why the creation of each new program, office, or initiative is necessary if a similar program or programs, office or offices, or initiative or initiatives already exist.''

So it is a rule change. The reason I bring it to this bill is because this is a bill for rule changes. It requires 67 votes for this to pass. I understand we have heard some concerns from the Congressional Research Service. But with the work the Government Accountability Office has done, and will do, it will be very easy for them to look at the results of the Government Accountability Office and their list of duplications. It is very straightforward. It is less than 100 pages. They can see, and then they can advise the Congress on what we have.

If we cannot depend on the Congressional Research Service to tell us where we have multiple programs when that is available from the Government Accountability Office, and list what their intentions and what their budgets are, then we need to relook at the congressional office and what it does.

They do great work for me. We ask them for things all the time, and they do great. This is something they can accomplish. It is going to get easier as we go forward. But without this knowledge of what we are already doing, we will never solve our problems.

I know my chairman has some concerns with this initiative in terms of how it might affect this bill, but I plan on going right back to the Congressional Research Service to have a discussion with them after I have been on the floor. But if we cannot do this, we cannot do anything. If we cannot change the rules so we actually know what we are doing, so we can actually know if a new bill duplicates something that is already operating, when we have this tremendous list—and this shown on the chart is just a small set of the list. I picked some of the obvious

ones. There are hundreds of thousands of duplicate programs in the Federal Government, wasting billions if not trillions of dollars every year. So if we cannot do something like this, then what can we do to solve our problems?

Knowledge is power. Not knowing what programs are intended to do now before we create another new program to me is the height of insanity. We should be aggressively asking for as much information as we can get, so we know what we are doing when we pass new pieces of legislation.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Madam President, I am not going to take long at this point. I absolutely support the policy behind the amendment offered by my friend and colleague Senator COBURN. In fact, I am a cosponsor of a standalone bill he has on this issue. My concern is that it is a rules change, and the bill before us is not a rules change. It is not a resolution. It is not a rules change. It is legislation.

Coming up after this bill is the second half of the nominations reform package, and that is a rules change that is coming from the Rules Committee.

My suggestion to my colleague and friend from Oklahoma is that his amendment would be better directed to the second half than to this bill. But, again, I am a cosponsor of his standalone bill, so it is not that I object to the policy.

I would note for the information of my colleagues, the Congressional Research Service does have concerns about whether it has the resources and the ability to carry out the task the Senator would assign it.

From my many years of working both with GAO and CRS, this sounds to me like a job for GAO, which has the auditors and the experience to do this kind of review and, indeed, has already started due to the good Senator's farsighted amendment which became law to identify duplication.

The PRESIDING OFFICER (Mr. BINGAMAN). The Senator from Oklahoma.

Mr. COBURN. Mr. President, I will call up my amendment No. 500. I also tell the Senator from Maine, I will very much consider her recommendation in terms of trying to put it on the second half of this. But I wish to call it up now, and then maybe ask that we withdraw it.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN], for himself, Mr. MCCAIN, Mr. BURR, and Mr. PAUL, proposes an amendment numbered 500.

Mr. COBURN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To prevent the creation of duplicative and overlapping Federal programs)

At the appropriate place, insert the following:

AMENDMENT TO THE STANDING RULES OF THE SENATE.

Paragraph 11 of rule XXVI of the Standing Rules of the Senate is amended—

(1) in subparagraph (c), by striking ''and (b)'' and inserting ''(b), and (c)'';

(2) by redesignating subparagraph (c) and subparagraph (d); and

(3) by inserting after subparagraph (b) the following:

''(c) Each such report shall also contain—

''(1) an analysis by the Congressional Research Service to determine if the bill or joint resolution creates any new Federal program, office, or initiative that would duplicate or overlap any existing Federal program, office, or initiative with similar mission, purpose, goals, or activities along with a listing of all of the overlapping or duplicative Federal program or programs, office or offices, or initiative or initiatives; and

''(2) an explanation provided by the committee as to why the creation of each new program, office, or initiative is necessary if a similar program or programs, office or offices, or initiative or initiatives already exist.''.

Mr. DURBIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KERRY. 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. KERRY. Mr. President, I ask unanimous consent that I be permitted to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

LIBYA

Mr. KERRY. Mr. President, yesterday Senator MCCAIN and I introduced a resolution with respect to our engagement in a support role in Libya. I think the majority leader is making a determination about exactly when the Senate might consider this. But a number of colleagues on our side have sort of expressed some questions about it, and because of those questions, I thought it was important that we clarify for the record, as Senators consider this over the course of the next days, the answers to their questions.

With that in mind, I am happy to engage in a colloquy now with both the Senator from California, Mrs. BOXER, and the Senator from Illinois, Mr. DURBIN. I think Senator BOXER wishes to lead off.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. BOXER. Mr. President, is it in order for me to ask some questions of the distinguished chairman of the Foreign Relations Committee at this time?

The PRESIDING OFFICER. Without objection, the Senators may engage in a colloquy.

Mrs. BOXER. I want to say to my chairman, whom I sit next to on the Foreign Relations Committee, how much I admire his work in the arena of foreign policy, and everything he has given to become one of the most informed human beings on the planet in terms of the challenges this country faces.

I want to thank him so much for his hard work on a resolution regarding Libya. I also want to make sure today, by asking him a couple of questions, that the clear intent of this resolution, S. J. Res. 20 regarding our engagement in Libya, is that it does not authorize whatsoever, any troops on the ground, any boots on the ground, any ground forces of America in Libya. So I am going to ask him a couple of questions, and assuming those questions are answered the way I hope they will be, I will be much at peace with this resolution.

My understanding from reading this resolution is that while it does not explicitly prohibit the use of U.S. ground forces in Libya, it also does nothing to authorize the use of U.S. ground forces in Libya. Is that correct?

Mr. KERRY. Mr. President, I would say to the Senator from California, first of all, I am very appreciative for her generous comments at the beginning of this colloquy. I thank her. I thank her for her support and involvement on the committee, which is critical.

Secondly, I fully understand and am very sympathetic with the concerns of a lot of Senators, given our engagement in Afghanistan, Pakistan, the Middle East, Yemen, Africa, and elsewhere. People are deeply concerned about the question of where we are heading. So I would answer her question very directly with respect to the authorization. Unequivocally, this resolution does not authorize ground troops with respect to Libya operations. There is no affirmative language in this resolution authorizing the use of U.S. ground forces.

Mrs. BOXER. I thank the Senator. I also wish to ask this: Although there is no authorization in this resolution for the use of ground forces in Libya, for which I am pleased, are there any circumstances where ground forces could be deployed?

Mr. KERRY. Mr. President, the resolution states that Congress opposes the use of forces on the ground in Libya, except in the exceptional case where they might be needed for the immediate personal defense of U.S. government officials or for rescuing a member of the NATO forces from imminent danger. Those are the only circumstances in which it might be contemplated.

The intent of this resolution is to authorize only the very limited mission—the continuation of the very limited mission—in Libya that is a support role, and that does not include the use of U.S. ground forces.

Mrs. BOXER. I have two more questions. If the President decides to change the mission and order the use of U.S. ground forces for reasons other

than the circumstances previously mentioned, does the chairman agree that nothing in this resolution would authorize him to take that step?

Mr. KERRY. I agree.

Mrs. BOXER. It is my understanding that the authorization provided for under this resolution would expire 1 year after its enactment; is that correct?

Mr. KERRY. Mr. President, the Senator from California is correct.

Mrs. BOXER. I want to say thank you very much to Chairman JOHN KERRY for his work on this. I also want to thank the others who helped work on it. I know other Senators did, in addition to Senator MCCAIN. On our side, I know Senator DURBIN, Senator CARDIN, and others had a lot to say. This is important. I so appreciate the Senator's willingness and his staff's willingness to work with us, because words matter, intent matters, and I think we have cleared it up. I am feeling a lot better about this resolution.

I yield back my time to Senator KERRY.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, first let me thank my colleague from California, Senator BOXER. I want to associate myself with her remarks and her colloquy with Senator KERRY, because I believe we are making a clear record in the debate of this important resolution relative to America's role in Libya. The pointed questions asked by Senator BOXER and the responses given by Senator KERRY are consistent with what he has described to me as the legislative intent of this resolution.

I am a newcomer to the Senate Foreign Relations Committee. This is my first year serving. I sit way at the end of the table, even though I have been around Congress for a number of years. I want to salute the chairman of that committee. I do not think the American people can appreciate the hard work Senator KERRY puts into that committee and to his responsibilities with this administration. It is an indication of the trust which he has earned with the President and the Secretary of State that he has been called on often to visit important places around the world at very critical moments to represent the United States and the Congress.

The trip he made to Pakistan a few weeks ago could not have come at a more important moment. He returned to not only brief the administration but also his colleagues in Congress. I know he will be taking other journeys in his capacity with the Senate Foreign Relations Committee. I want to tell him how much I appreciate it, as all Americans should. I also want to tell him how much I appreciate the effort he put into this resolution relative to our assistance to NATO in Libya.

If you look back in terms of this debate on the floor of the Senate, you realize it goes back to the origins of America, when the Founding Fathers sat down and defined what this Congress had the power to do. I do not think they wasted words. Those who will look at article I, section 8, clause 11, will see that Congress is given the authority to declare war. It is one of the most awesome responsibilities given to Congress. But it was clearly given to Congress so, the Founding Fathers said, we would represent the feelings of the people of America, the people whose children, sons and daughters, and husband and wives would be called into combat, and we would make the decision: Will this America go to war?

The President as Commander in Chief certainly has authority to defend America and Americans, but when it came to involvement in war, Congress was given the constitutional responsibility.

Throughout history, many Presidents have honored that clause and have come to Congress asking for the authority to proceed to war. Probably one of the most notable and historic was Franklin Roosevelt who came the day after Pearl Harbor, in December of 1941, hobbled up to the rostrum in the House of Representatives, and declared ''a day that would live in infamy'' and asked for a declaration of war against those who had attacked the United States. It was a clear exercise of constitutional responsibility given to Congress and exercised accordingly.

After that, though, there was a long period of uncertainty. The so-called Korean conflict, where two of my brothers served in the U.S. Navy, was characterized as a ''police action,'' some action that was inspired and authorized by the United Nations. Many men and women died in that conflict, but it was not an official declaration of war that led to it.

Then came the war in Vietnam, where Senator KERRY served with such distinction in the U.S. Navy, literally risking his life in a conflict where there was no official declaration of war. The controversy that came out of that Vietnam conflict led to proposed legislation called the War Powers Act. The War Powers Act set out to describe in statute what we believe the Constitution said in its clear language. That is, at some point, a President must step forward and say to Congress: We need your authority to go forward with this conflict involving hostilities.

There have been debates back and forth about whether it was to be applied. Some Presidents came here asking for authority. President George Herbert Walker Bush did before our invasion of Kuwait. George W. Bush did before the invasions of Iraq and Afghanistan. But there were exceptions also—in Panama, Grenada, Bosnia, and other places.

This has been an ongoing battle between the White House—or executive branch—and the Congress about when the President, as Commander in Chief, has to come to Congress and ask for a declaration of war. It has become even more complicated because war has changed. There was a time in history when the onset of war was very visible: the marching of troops, the weighing of anchors, planes lifting off in flight. You knew a war was underway. Now we live in a different age—an age of no-fly zones, embargoes, predatory drones, and cyber security. The definition of war is one we need to look at in this new context.

I have felt from the beginning that President Obama handled this right in Libya. Senator KERRY and others, like me, were privy to early conversations before the decision was made, when the President briefed us on what we were setting out to do—stop Qadhafi from massacring his own individual citizens in that country, particularly as he said he will march into Benghazi and kill the people of Libya like rats in the street. President Obama said to us: We cannot let this massacre of innocent people continue.

But the President went on to say that the United States will play a specific and limited role in this conflict. First, we come to it at the invitation of the Arab League. This is significant because before the United States gets involved in anything of a military nature in a Muslim nation, we are looking for at least an invitation or cooperation from Arab nations. In this case, the President had it. Then, he went on to say we will use the NATO alliance in Europe to initiate this action, and we will support this. We may play a larger role in the beginning of the conflict but a more diminished role as it continues.

The President went on to say there will be no ground troops from the United States committed to Libya. That was the early briefing. Of course, it has gone on for several months and the question is where it goes from here.

I salute Senator KERRY. He has used the War Powers Act to authorize what the President is doing in Libya. That way there is no question about the authority of the President to go forward, and he has done more. Chairman KERRY has reached out, in a bipartisan fashion, to bring in Senators MCCAIN, KYL, GRAHAM, and others from the Republican side of the aisle, in a bipartisan approval of what we are doing in Libya.

I think this is consistent with the Constitution, with the War Powers Act, and with the finest traditions of the Senate, where we can fight like cats and dogs night and day on many things, but when it comes to the use of our military and our commitment to the men and women in uniform, we do our very best to come together in a bipartisan fashion.

What Senator KERRY offers is consistent with that. The answers he gave earlier to the questions by Senator BOXER satisfy my concerns that there is no authorization in this resolution for the use of ground troops, other than in the specific example given by Senator KERRY when it comes to rescuing government officials and military personnel of the NATO alliance. He goes

on to say, in answers to Senator BOXER, that if this President wanted to use ground troops, it would take an additional passage of legislation authorizing the President to do so.

For the record, President Obama has been clear in his statements. On March 18, he said:

> I also want to be clear about what we will not be doing. The United States is not going to deploy ground troops into Libya.

On March 28, he reiterated that point in an address to America when he said:

> I said that America's role would be limited; that we would not put ground troops into Libya; that we would focus our unique capabilities on the front end of the operation and that we would transfer responsibility to our allies and partners. Tonight, we are fulfilling that pledge.

Finally, the administration's communication with Congress last week summarizes the President's clear public statements against the deployment of U.S. ground troops. That report, entitled ''United States Activities in Libya,'' reads, in part:

> As President Obama has clearly stated, our contributions do not include deploying U.S. military ground forces into Libya, with the exception of personnel recovery operations as may be necessary.

I will close by thanking Senator KERRY for those direct answers to Senator BOXER, and I will make one last point before I yield the floor. First, I thank my colleague from Maryland, Senator CARDIN, who has led the way. I was happy to partner with him in this effort to use the War Powers Act for approval of this action.

There are rumors afloat on Capitol Hill that some on the other side of the Rotunda are going to try to stop funding for our military operations that are supportive of the NATO alliance in Libya. I sincerely hope that does not occur. If that occurs, it will, unfortunately, give hope to this dictator, Qadhafi, that he can somehow survive. It will, unfortunately, undermine the efforts of innocent people in Libya from risking their lives to end his administration and bring a new day to that poor, beleaguered country.

Finally, it would strike a blow at the NATO alliance, which is critically important for the security of America, Europe, and the world. So I hope the House will follow suit, in a bipartisan fashion, and follow this resolution Senator KERRY has authored and brought others together on a bipartisan basis.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Mr. President, I wish to begin by thanking the Senator from Illinois, and I thank him for his generous comments. Much more important to this effort, I thank him for the serious and entirely appropriate consideration he has given this very important issue. He has been a leader in our caucus on making certain the Constitution, which he read from and cited, has been properly adhered to and lived up to by this body, which is our solemn responsibility. After all, we all take an oath when we are sworn in to promise to uphold it. That is first and foremost.

This tension that has existed, as he rightly points out, going back to the Vietnam war, is real. President after President has declared that they simply believe the law is unconstitutional, and they don't follow it. President Obama, to his credit, has not asserted that. He has, in fact, written a letter to the Congress in which he said he would not assert that but, rather, he asked us for the appropriate authorization. He did that, I might add, before the 60 days that expired. So it is up to us to be responsible and to do our duty.

I thank Senator DURBIN for the careful way in which he has taken the past slippages or problems, whether inadvertent or advertent, that have followed the War Powers Act through its history, and we have either seen the law not applied or simply ignored. He has been diligent in insisting we have a responsibility we need to live up to. Together with Senator CARDIN, they have been important voices in helping to structure this resolution and together with Senator MCCAIN, Senator GRAHAM, Senator KYL, and others on the other side of the aisle who have been equally committed to making certain we live up to our responsibilities. This has been a bipartisan effort. That is when the Senate works best. That is when our foreign policy, I might add, is strongest.

I hope the Senate will have some impact, perhaps, on the thinking in the House. But no matter what, I hope the Senate will have its opportunity to be able to be heard with respect to this issue.

In response to the remarks of the Senator from Illinois, I wish to make it clear that I agree with the statements he has made. It is the clear understanding of the Senate, based on the President's repeated statements, as reflected in the resolution, that U.S. operatives, with respect to Libya operations, will not involve the introduction of ground troops, with the very narrow exception that I cited earlier to the Senator from California with respect to rescue or grievous, immediate danger to American Government officials—not military but government officials. That language is very carefully structured in the resolution, where in section 2(a) it says:

> The President is authorized to continue [by virtue of raising the word ''continue,'' we are embracing the current status] the limited use of the United States Armed Forces in Libya, in support of U.S. national security policy interests, as part of the NATO mission to enforce United Nations Security Council resolution 1973, as requested by the Transitional National Council, the Gulf Cooperation Council, and the Arab League.

This resolution simply authorizes the President to continue the limited support operations in which we are currently engaged in Libya. I think the resolution is explicit about what it entails, just as I think it is explicit about what it does not entail.

The second to last whereas clause quotes the President in his letter to the Senate leadership on May 20 as describing exactly what we are doing in Libya: ''Since April 4, U.S. participation has consisted of: (1) Non-kinetic support to the NATO-led operation, including intelligence, logistical support, and search and rescue assistance; (2) aircraft that have assisted in the suppression and destruction of air defenses in support of the no-fly zone; and (3) since April 23, precision strikes by unmanned aerial vehicles against a limited set of clearly defined targets in support of the NATO-led coalition's efforts;''

Listen to those words: Non-kinetic support of the NATO operation and support of the no-fly zone. Folks, we are not in the lead here—we are playing a supporting role to the NATO mission that is being led by the British and French.

And there is obviously no mention of ground troops in that description of the U.S. role, because the President has been crystal clear that there are not—and will not—be U.S. ground troops deployed in Libya.

But just so there is not the shadow of doubt on this point, the resolution quotes the President from his March 18 address as saying that: The United States ''is not going to deploy ground troops into Libya.''

And the Senator from Illinois rightly points out, the President made the same point in an address to the Nation on March 28, saying that ''we would not put ground troops into Libya.''

Finally, the materials provided by the administration last week unequivocally reiterated this position, saying ''As President Obama has clearly stated, our contributions do not include deploying U.S. military ground forces into Libya, with the exception of personnel recovery operations as may be necessary.''

So I think it should be absolutely clear to Senators that is the limited use of U.S. Armed Forces—with no involvement of ground troops, except in clearly defined circumstances—that the President authorized to continue under this resolution. And moreover, it should be absolutely clear that the President has no intention whatsoever of putting ground troops into Libya.

But in fact, the resolution actually goes further in reinforcing this point in section 3, which is entitled: Opposition, to the Use of United States Ground Troops. It reads:

> (a) Consistent with the policy and statements of the President of the United States, the Senate does not support deploying, establishing or maintaining the presence of units and members of the United States Armed Forces on the ground in Libya unless the purpose of the presence is limited to the immediate personal defense of United States Government officials (including diplomatic representatives) or to rescuing members of NATO forces from imminent danger.

So I appreciate the opportunity to make sure Senators are clear on my understanding of what is being authorized here.

Unless the Senator has additional questions, I think we are crystal clear about what the resolution says.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

Mr. CARDIN. Mr. President, I wish to join in the comments of Senator DURBIN and Senator KERRY. First—and I think Senator KERRY will agree—Senator DURBIN may be a new member of the Foreign Relations Committee, but he is one of the most thoughtful Members of the Senate on foreign policy issues and many other issues. He has been extremely helpful in working our way through what is the proper responsibility of the Senate and the Congress relating to the deployment of our troops.

I concur completely in Senator DURBIN's comments about Senator KERRY. We are proud of the work Senator KERRY does. He has traveled around the world representing our Nation and advancing the cause and issues of freedom and democracy, giving hope to so many people. We have seen the universality of democratic aspirations springing up around the world. They look to the United States as a facilitator to make those aspirations real. He has been an incredible voice in their hopes. We thank him for the personal commitment he has made.

I thank Senator KERRY and Senator DURBIN for their colloquy on this issue. I join in their view that we have a responsibility to act whenever our military is placed in harm's way, when the President commits our troops. I think we have a responsibility to act under the War Powers Act. I understand there may be different views about this. But I think most of us agree there is a responsibility for us to pass the resolution.

I think the resolution brought forward by Senator KERRY clearly complies with that responsibility, first and foremost, making it clear we are acting under the authority given to us by the War Powers Act.

Second, I appreciate the clarification the Senator made on the record about how this resolution limits the authority of the President, consistent with the current mission, which I think is very important. I agree with Senator DURBIN that President Obama did the right thing in calling on our military to join the international community. This was a matter in which there was a clear will internationally to stop the atrocities being committed by Qadhafi on his own innocent people. The U.N. Security Council acted by resolution. Many other countries stepped forward, and NATO was prepared to take the lead. The United States was not going to have to take the lead. It is required of us to give some air support, which we are, in fact, doing.

I think the President did the right thing. We want to make sure our resolution not only complies with the War Powers Act but makes it clear—and it is consistent on the authority given under the U.N. Resolution—that we are limiting our involvement. Senator KERRY has made that point very clear. It is limited in time, limited to the fact that U.S. ground troops cannot be deployed, except for the limited causes Senator KERRY pointed out. It is clear our authorization is consistent with the NATO mission to enforce Security Council Resolution 1973, as requested by the Transitional National Council. We have made it clear it is continuing the current mission, it is limited in time, it is limited in scope, and it is the right and responsible thing for us to do as Members of the Senate.

I thank Senator KERRY and Senator DURBIN for taking the time to explain the intent of the legislation. I think we could not be more clear. The President has been very clear, as it relates to the use of ground troops, and the Senate is very clear that ground troops cannot be interjected into this conflict under the authorization we are given.

With that, Mr. President, I yield to Senator KERRY.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Mr. President, I thank the Chair and, for the purpose of my colleagues, I will say we will wrap up very quickly.

Again, I think I said it earlier, but I want to thank the Senator from Maryland, whose thoughtful involvement in this and his leadership in the caucus has been critical to helping us build a consensus. He heads up our Helsinki Commission, travels himself significantly in the cause of human rights and carrying America's flag with respect to that, and I think he does a superb job. So I am grateful to him for his cosponsorship together with Senator DURBIN in this initiative, and my hope is the Senate will be able to proceed to this relatively rapidly.

Mr. President, I yield the floor.

Mr. HATCH. Mr. President, when Thomas Jefferson wrote the Declaration of Independence, he produced an argumentative masterpiece. He announced to a candid world that all people—regardless of their circumstances—are created free and equal in their natural God-given rights to life, liberty, and the pursuit of happiness.

After announcing these fundamental principles, this great lawyer then turned to proving his case—that King George III and Parliament had violated these principles so repeatedly, and so extensively, that Americans were justified in a revolution that would secure us as a free nation committed to the principles of the Declaration.

Though it does not compare to the ringing rhetoric of the philosophical commitment to rights in the Declaration, we should not forget Jefferson's listing of the colonists' grievances—the long train of abuses that justified our revolution against King George.

Among those grievances, Jefferson and the Second Continental Congress claimed that the King ''has erected a Multitude of new Offices, and sent hither Swarms of Officers to harass our People, and eat out their Substance.'' Since 1776, even before our Constitution was conceived of, much less written, Americans have resented their subjugation to unelected and unaccountable bureaucrats. Americans strove to establish an accountable government that left them free to build their own families and livelihoods.

King George had fair warning. A government that views the people as a draft horse to be exploited for power and resources will be bucked off, and that is what the colonists did.

Following the Revolution, our Founding Fathers sought to construct a government consistent with the principles of the Declaration of Independence. In an effort to keep their new republic accountable to the people, and to provide for the balance of powers between our three branches of government, our forefathers were careful in their assignment of powers regarding executive branch personnel in article II, Section 2 of our Constitution. In speaking of the powers of the President, that section reads in part, ''he shall nominate, and by and with the Advice and Consent of the Senate, shall appoint Ambassadors, other public Ministers and Consuls, Judges of the supreme Court, and all other Officers of the United States, whose Appointments are not herein otherwise provided for, and which shall be established by Law:''

Let me repeat that.

By and with the advice and consent of the Senate.

In our country, the people are sovereign, and that sovereignty is reflected in the accountability of executive branch officials not only to the President but to the people's elected representatives in Congress.

Even with these constitutional safeguards, we have met with only mixed success in making sure that government officials are accountable to the people. In remarks originally delivered in 1980, former-Senator James L. Buckley—who also went on to be one of our Nation's great appellate court judges here on the DC Circuit—issued the following lament about the growing power of government bureaucrats. ''We have, in short, managed to vest these individuals with a degree of authority over others that the Founders of the Republic went to great pains to prevent anyone from acquiring.''

Things have only gotten worse since Senator Buckley gave that warning, and I think that in no small measure this growing lack of accountability is reflected in citizens' growing despair, and occasional anger, about the responsiveness of their government.

That is why I am very surprised that this body is considering legislation that would further eliminate the accountability of roughly 200 powerful executive branch positions.

I can tell you that I am hearing from my constituents on this. For them, this is more than an academic separation of powers, or checks and balances, issue, where Congress further delegates authority to the executive branch. For them, it is another example of Congress permitting the government bureaucracy to operate with less and less public accountability.

Quite simply, the Federal Government is massive.

And for all of the increases in its size since the founding, for all of the traditional powers of the States that it has displaced, the increases of the last few years stand out as historic.

Congress passed a $1 trillion stimulus, on a largely partisan basis.

It has passed Dodd-Frank, massively burdening our financial and banking sectors with new government mandates.

And the icing on the cake was ObamaCare, a $2.6 trillion spending bill that has resulted in tens of thousands of pages of regulations drafted secretively by unaccountable Washington bureaucrats.

And in this environment, we are urging legislation that would decrease oversight of the executive branch?

With a national debt of more than $14 trillion and deficits that have topped $1 trillion in each of the last 3 years, we are ready to give the President greater discretion?

We are going to give the administration more freedom to act without the oversight of the people's elected representatives?

It is little wonder that the American people are increasingly concluding that no matter what they say or do, Washington won't listen to them.

Commensurate with the increase in the size of government is the employment by the executive branch of unelected and unconfirmed special assistants and advisers with substantial power. These positions are commonly referred to as czars. President Obama is not the first President to appoint these so-called czars, but over the past few years their numbers seems to have increased. In a 2009 Washington Post editorial, current House Majority Leader ERIC CANTOR discussed his concerns with the administration's reliance on 32 identified czars who have not been examined by the legislative branch.

The legislation before us will only increase the number of executive branch staff that are beyond the scope of effective congressional oversight.

I appreciate the arguments of my colleagues who are promoting this legislation, but I respectfully disagree with their conclusions. Proponents believe that many of the positions where advice and consent is eliminated do not exercise a substantive policy role, have responsibilities that are managerial in nature, or have responsibilities that overlap or are duplicative of those of another confirmed officeholder. I am not able to speak on behalf of other committees, but as ranking member of the Finance Committee I can say that the Finance Committee was not consulted on this legislation until less than a week before the Committee on Homeland Security and Government Reform reported its bill.

I am concerned that, though well-intentioned, the architects of this bill did not have the detailed knowledge of the positions being impacted to determine fully the appropriateness of advice and consent. A list of the positions that was circulated by the Rules Committee prior to the Homeland Security markup actually misidentified several Finance Committee nominees as falling within the jurisdiction of the Committee on Health, Education, Labor, and Pensions, and to my knowledge an updated list has not been made available.

Chairman BAUCUS and I sent a letter to the leadership of the Homeland Security Committee before their markup, and I will ask that the letter be printed in the RECORD. That letter discusses the impact of this legislation on seven positions currently subject to the Finance Committees jurisdiction, and we both oppose this bill's removal of our constitutional power of advice and consent with respect to these nominees.

However, the fundamental matter of accountability that we raise in that letter is an issue far broader than the Finance Committee's jurisdiction. I would like to highlight the position of Assistant Secretary for Legislation, and Assistant Secretary for Public Affairs at the Department of Health and Human Services. In light of the controversial passage, and now implementation, of ObamaCare, does it really make sense to relinquish direct oversight over the Assistant Secretary of Legislation, a position which, according to the HHS Web page, ''is responsible for the development and implementation of the Department's legislative agenda''? Regardless of how one voted on the passage of the health care law, does anyone in this body really think that it makes sense for Congress to deliberately minimize oversight of its implementation?

Additionally, I know some Members of this body have been concerned with how HHS has publicly discussed health care reform and have taken issue with the accuracy of information provided to the public. Regardless of whether this applies to any particular Senators, don't all of us want to ensure that HHS provides accurate and substantive information to the public regarding health reform?

The Constitution in general terms provides Congress with the vital function of exercising oversight over the executive branch to ensure that our laws are carried out appropriately.

Let me put that another way.

The people, in ratifying their Constitution, gave to their elected representatives in Congress the solemn duty of supervising the administration of the law.

And the constitutional power that guarantees this critical responsibility is the power of Senate confirmation.

Some justify the legislation before us on the grounds that the Senate takes too long to process nominations for various reasons. I'm not here to say that these claims are totally without merit.

However, I am confident that eliminating the constitutional requirement for advice and consent for hundreds of positions is the wrong solution. Any issues with the nomination process could and should be handled at the committee level, if not by the Senate as a whole, through the rules adopted by this Chamber. If some of us believe that we could carry out our responsibilities better, I am open to those ideas. However, I do believe that each Senate Committee should be able to determine how that committee will handle nominees, and then reexamine that decision as time passes. Enacting this legislation would significantly diminish, if not completely destroy, the possibility for reexamination of our decisions. If we surrender our jurisdiction over hundreds of executive branch positions and turn them into czars, that decision will likely be permanent.

The choice we have to make now is whether we will abdicate part of our constitutional responsibilities or gives ourselves the opportunity to examine how we exercise those responsibilities. Will we share in the madness of King George?

Or will we follow the trail blazed by or forefathers, like Thomas Jefferson?

I think it is critical that we recommit ourselves to a government of the people, one that guarantees the representative character of executive branch officials.

For that reason, I will be voting against cloture on the motion to proceed to this bill, and I urge my colleagues to do the same.

Mr. President, I ask unanimous cnosent to have printed in the RECORD the letter to which I referred.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON FINANCE,
Washington, DC, April 13, 2011.

Hon. JOSEPH I. LIEBERMAN,
Chairman, Committee on Homeland Security and Government Affairs, Dirksen Senate Office Building, Washington, DC.

Hon. SUSAN M. COLLINS,
Ranking Member, Committee on Homeland Security and Government Affairs, Dirksen Senate Office Building, Washington, DC.

DEAR CHAIRMAN LIEBERMAN AND RANKING MEMBER COLLINS: We are writing to express our concerns with S. 679, the Presidential Appointment Efficiency and Streamlining Act of 2011, which we understand the Committee on Homeland Security and Government Affairs will consider at a business meeting on April 13. We understand that if enacted, this bill would eliminate the requirement of Senate confirmation for seven positions appointed by the President that fall within the jurisdiction of the Senate Committee on Finance (Finance Committee).

We respectfully request that S. 679 be amended to remove reference to these seven positions, which are: (1) the Deputy Under Secretary/Assistant Secretary for Legislative Affairs, Department of Treasury; (2) the Assistant Secretary for Public Affairs and Director of Policy Planning, Department of Treasury; (3) the Assistant Secretary for Management and Chief Financial Officer, Department of Treasury; (4) the Treasurer of the United States; (5) the Assistant Secretary for Public Affairs, Department of Health and Human Services (HHS); (6) the Assistant Secretary for Legislation, Department of HHS; and (7) the Commissioner, Administration for Children, Youth, and Families at HHS.

While we fully support the bill's goal of ensuring timely confirmation of qualified Presidential nominees, we believe that the seven positions described above fulfill important policy roles that warrant continued Senate confirmation of nominees chosen to fulfill those roles. And maintaining Senate advice and consent for the seven nominees listed above is important to ensure that the Finance Committee can continue to exercise its robust oversight of two cabinet agencies that directly impact the lives of hundreds of millions of Americans.

The Treasury Department is responsible for implementing numerous economic programs and collecting revenues on behalf of the United States. HHS is responsible for administering several health-related programs for millions of Americans. Exempting the seven positions covered by S. 679 from Senate confirmation would make it more difficult to exercise effective oversight over the Treasury Department and HHS for the reasons we describe below.

First, the Assistant Secretaries of Treasury and HHS for Legislative Affairs advise the Secretaries of these agencies on Congressional input to help formulate policy for their respective agencies. These Assistant Secretaries serve as Congress' conduit to the Treasury Department and HHS. And they are the primary point of contact for Congressional Members and staff, collect Congressional inquiries, and coordinate agency responses. As such, Congress has a direct interest in ensuring that the nominees who fulfill these roles remain accountable to not only the Secretaries of the Treasury and HHS, but also to Congress.

Second, the Assistant Secretaries of Treasury and HHS for Public Affairs are responsible for communicating to the media and the public information about the myriad policies and programs implemented by these agencies. It is imperative that these Assistant Secretaries carry out this role in an objective and transparent manner that adequately provides essential information to the public. Given the importance of the media in communicating policy options and shaping public opinion, it is appropriate for the Senate to continue to provide its advice and consent on this position.

Third, the job description of the Assistant Secretary of Treasury for Management and Chief Financial Officer notes that the position ''is the principal policy advisor to the Secretary and Deputy Secretary on the development and execution of the budget for the Department of the Treasury and the internal management of the Department and its bureaus.'' Although it may appear that the Assistant Secretary for Management has responsibility for matters that impact only the inner workings of the Treasury Department, this responsibility inherently impacts critical policy decisions. For example, just last week the Assistant Secretary for Management was involved in determining how Treasury would continue essential operations, including the administration of tax collection and tax refunds, in the event of a government shutdown. These decisions immediately impact Treasury's most vital functions and the Senate should continue to confirm a position that carries out this substantive role.

Fourth, the Treasurer of the United States also ''serves as a senior advisor and representative of the Treasury on behalf of the Secretary in the areas of community development and public engagement.'' The Treasurer has effective oversight over the U.S. Mint which creates U.S. coins and the Bureau of Engraving and Printing, which prints U.S. currency. And the Treasurer advises the Secretary on important policy decisions such as when the United States should print a new currency. As such, the Treasurer plays a policy role that warrants Senate confirmation.

Fifth, S. 679 removes the requirement for Senate confirmation from the Commissioner of the Administration on Children, Youth and Families (Commissioner) at HHS. Although the Commissioner is overseen by the Assistant Secretary of HHS for Children and Families, the Commissioner has direct responsibility for policies and programs dealing with child welfare. These programs are critical not only to Members of the Finance Committee, but also to Members of the Senate as whole. The Members of the Senate have an interest in confirming a position that oversees substantive policy programs affecting millions of American children.

For the reasons discussed above, we hope that you will modify any product reported by your Committee such that the seven positions that fall within the jurisdiction Finance Committee are not implicated. If you have any further questions pertaining to this issue, we are ready to help you in any way possible.

Sincerely,

MAX BAUCUS,
Chairman.
ORRIN G. HATCH,
Ranking Member.

The PRESIDING OFFICER (Mr. WHITEHOUSE). The Senator from Ohio.

AMENDMENT NO. 509

Mr. PORTMAN. Mr. President, I ask unanimous consent to set aside the pending amendment and call up amendment No. 509.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Ohio [Mr. PORTMAN], for himself, Mr. UDALL of New Mexico, and Mr. CORNYN, proposes an amendment numbered 509.

Mr. PORTMAN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide that the provisions relating to the Assistant Secretary (Comptroller) of the Navy, the Assistant Secretary (Comptroller) of the Army, and the Assistant Secretary (Comptroller) of the Air Force, the chief financial officer positions, and the Controller of the Office of Management and Budget shall not take effect)

On page 76, after line 6, add the following:

(c) PROVISIONS NOT TAKING EFFECT.—Notwithstanding any other provision of this Act, the amendments made by section 2(c)(2) through (6), (u), and (ll) shall not take effect.

Mr. PORTMAN. Mr. President, I rise today to offer amendment No. 509 to the underlying bill, S. 679, which is the Presidential Appointment Efficiency and Streamlining Act of 2011. I am pleased to have Senator TOM UDALL and other cosponsors of this bipartisan amendment.

The aim of the amendment is very simple and straightforward. It would preserve the Senate-confirmed status of our Nation's major chief financial officers. I appreciate very much the thoughtful efforts behind the underlying legislation that is before us today. I want to particularly commend my colleague, Senator COLLINS, who is on the Senate floor, Senator LIEBERMAN, as well as Senator ALEXANDER and Senator SCHUMER, for their hard work in being sure the nomination process is streamlined. Having been through the process twice myself, it could use some streamlining, and I know they will continue in their efforts to reduce even more some of the barriers to public service so many people feel, and I look forward to working with them.

Having said that, in terms of the specific issue of the chief financial officers, I think it would be a mistake to take them out of the confirmation process and a very unwise thing to do at this point in our Nation's history when we are facing such serious financial challenges. These are, after all, the chief financial management people and the chief budget people in our agencies and departments. We need them right now to be at the highest level possible.

Some of my colleagues will recall the Chief Financial Officers Act of 1990 created or consolidated the financial or executive positions across 23 Federal agencies. It specifically requires Senate confirmation for the 16 most important departmental CFO positions, as well as for the Controller of the Office of Federal Financial Management in the Office of Management and Budget. As Director of the Office of Management and Budget, I worked closely with that individual. It also, by separate law, requires Senate confirmation of the Assistant Secretaries of the Army, Navy, and Air Force who serve as Comptrollers for those military services.

In its current form, the legislation before us today would eliminate the statutory requirement that those positions be Senate confirmed. The basic principle behind the CFO Act of 1990 is that an agency's top financial officer should be a key influential figure in the agency's top management. I believe that principle is more true and urgent today than ever.

With our Federal deficits expected to reach over $1.4 trillion this year, diligent and skillful stewardship of taxpayer dollars is more critical than ever, and these CFOs are at the front lines of that effort. The nominations reform bill now pending would weaken the institutional accountability that is currently in law by denying the Senate a say and by lowering the stature of these individuals in their departments. The practical importance of Senate

confirmation is that it gives individuals the stature and credibility they often need to do their jobs effectively.

I don't believe we want to have a situation in which, for example, the Energy Department's Assistant Secretary for Electricity Delivery and Energy Reliability is a Senate-confirmed appointee. Yet the CFO down the hall—who is supposed to be working with this person on his budget, and, frankly, directing this person in terms of financial management—is not a Senate-confirmed individual or the Interior Assistant Secretary for Water and Science would be a Senate-confirmed appointee but not the Interior CFO down the hall.

When I served as the Director of OMB, I made it a point to meet regularly and personally with the CFOs of our major Cabinet departments. Their roles are critical, and we should be empowering those individuals and giving them not less but more responsibility. These officials do one of the most important jobs in our government. They are responsible for ensuring the integrity of multibillion-dollar agency budgets.

I have spoken to CFOs about this amendment, and they make some very good points. In fact, earlier today I spoke to the CFO of one of the major Cabinet agencies, and he was passionate and very articulate in talking about this issue. As he told me, by law, CFOs oversee the financial management activities relating to all the programs and operations of their agencies, but they also play a lead role in preparing the agency budgets and presenting and explaining those budgets to the Congress. Often this is a more political or strategic role than many realize. During program execution, they are responsible for cost management and auditing to detect and eliminate wasteful spending, and they are closely involved in determining which programs are effective and which programs should be terminated—a tough decision in an agency. You want to be sure that person has the stature to make that argument and to be heard.

These duties are at the heart of sound financial management but also budget policy and strategy, and I believe we should seek to strengthen these positions not weaken them, particularly given the situation we are in with our fiscal problems.

I urge my colleagues to support this amendment, which simply preserves the stature of chief financial officers within Federal agencies and the accountability that is made possible through Senate advice and consent.

Mr. President, I see one of my colleagues on the Senate floor, and so I yield the floor and again urge support of this amendment.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. BARRASSO. Mr. President, I ask unanimous consent that the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BARRASSO. I ask unanimous consent to speak for up to 10 minutes as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

SECOND OPINION

Mr. BARRASSO. I come to the floor, as I have each week since the health care law was signed, with a doctor's second opinion about the health care law because it does seem that each week there is more information that comes out about this health care law that is bothersome to the people of this great country. The more they learn about it, the more concerned they are. And, as NANCY PELOSI said last year: First, you must pass it before you get to find out what is in it. Well, the people of this country continue to learn what is in this health care law, and they continue to be opposed to it.

Last Friday, the administration released another round of waivers from the President's health care law. They issued waivers to another 117,000 people, a total of 62 new waivers, which brings the total waivers to well over 1,400 covering 3.2 million individuals. What does that mean if they have a waiver? That means they don't have to live under the specifics of the law the President signed.

Over 49 percent of these waivers have gone to union employees, to people who get their insurance through union plans. These are many of the people who actually lobbied to support the health care law. So isn't it interesting that these are the same people who have come out and, after they have read it and found out what is in it, have said: We don't want this to apply to us. And it is interesting because that many union members have gotten these waivers when the number of people in this country who work as members of the union is actually a much smaller percentage.

But then let's not forget how the President said in a radio interview while the 2010 elections were going on that he would remember and would reward our friends, he said, and punish our enemies. Well, by issuing these waivers each month, this administration has reminded the American people how flawed the President's health care law is. Waivers have turned into a nightmare for this administration.

In May, I explained that the waiver recipients got a waiver for 1 year, and they would have to then apply again for a waiver year after year, all the way through 2014 when ObamaCare fully kicks in. We just learned last Friday that the administration is switching course. In fact, the Centers for Medicare and Medicare Services just announced that employers and unions, even those with the 1-year waivers, must now apply again by September of this year for a long-term waiver to take them all the way to 2014. It seems to me this new scheme is designed so the administration can dodge issuing more waivers leading up to the 2012 Presidential election so the American people aren't reminded month after month of the significant flaws of the health care law. It is clear that continuing to issue waivers in 2012 was going to be an embarrassment for the President.

It is also clear that this new change in policy means that even the administration admits that the new health care law does not work. The President promised—promised all of us in Congress—that if we like the health insurance plan we have we can keep it. But what he meant was that to keep the coverage that we have today we will need a waiver from Washington mandates. We will need to get permission from the Obama administration to keep the insurance we like.

Companies and businesses across the country must apply before September if they want to avoid the health care law's crushing costs. In my opinion, I think we are going to see a tidal wave of waivers before this deadline in September. In fact, I predict that 5 million people will eventually have to get waivers from this top-down government mandate. There is going to be increased demand for waivers as more and more people see that they will lose what they have today. As business owners look into this and see how the health care law will cause their cost of providing insurance to go up over the next 2 years, they are going to be lining up for waivers over the next few months. Once again, we are witnessing the horrible economic impacts of this new law.

I also want to talk for a minute about what happens after this September deadline, after the door closes on waivers. Let's take a look at the economy—9.1 percent unemployment and job creators sitting on the sidelines due to the significant expenses of trying to open a business. Hard-working Americans who want to start a new business are going to be forced to choose between two less desirable choices. No. 1, they can offer high-cost, government-approved health insurance, making it much more expensive for them to try to open a new business and hire workers or, No. 2, they will not offer any health coverage because they cannot afford the health care law's out-of-touch and expensive insurance mandates.

With the skyrocketing debt we are facing in this country and 9.1 percent unemployment, this administration's signature piece of legislation, the President's health care law, discourages America's best and brightest from starting new businesses and providing for their employees. That is what the

President's health care law does. It stifles innovation, strangles the free market, and saddles the American people with more debt.

Once again, this is another example of how the President's health care policies are making things worse. His policies are making the economy in America worse. His policies are making the standard of living in America worse. His policies are making health care in America worse. And his policies are making America's debt worse.

Just this week we learned of another enormously expensive error in the law. This has to be what NANCY PELOSI meant when she said: First, you have to pass the bill before you find out what's in it. It turns out now the President's health care law will let several million middle-class people get insurance meant for people with low income. It would allow 3 million, by the estimates—3 million members of the middle class to receive Medicaid. The Associated Press reported that this would be like letting middle-class families get food stamps. The Medicare Chief Actuary, Richard Foster, said the situation keeps him up at night.

This health care law is not fixable. This health care law is bad for patients, it is bad for providers—the nurses and doctors who take care of those patients—and it is terrible for the taxpayers of this country. This health care law needs to be repealed and replaced. That is why I come to the Senate floor week after week with a doctor's second opinion about the President's health care law.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

AMENDMENT NO. 504

Mr. CORNYN. Mr. President, I ask unanimous consent to set aside the pending amendment and call up my amendment No. 504. I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Texas [Mr. CORNYN] proposes an amendment numbered 504.

Mr. CORNYN. I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To strike the provisions relating to the Comptroller of the Army, the Comptroller of the Navy, and the Comptroller of the Air Force)

On page 38, line 19, strike all through page 45, line 16.

Mr. CORNYN. Mr. President, I congratulate Senators SCHUMER and ALEXANDER and COLLINS and others for working through this bipartisan legislation. It is nice to actually have a piece of legislation we can work on together, in this case to help streamline the appointment process for some of these lower level positions. I congratulate them for their work.

I do, however, have an amendment that I think makes an important correction. I have discussed this with both Senator ALEXANDER and others. I think they understand and they tend to agree that this amendment is important.

Under this bill, the Presidential Appointment Efficiency and Streamlining Act of 2011, three important Presidential appointments within the Department of Defense that are currently Senate-confirmed positions would no longer be subject to Senate confirmation. These positions within our military departments are aimed at a very important goal; that is, to attain better stewardship of taxpayer dollars by our military. I am talking about specifically the Assistant Secretaries of Financial Management for the Army, the Navy, and the Air Force.

It is no secret that during these tough budgetary times, when 43 cents out of every dollar that the Federal Government spends is borrowed money, and we are looking at an impending debt ceiling vote sometime probably in July where we are going to be asked to vote to increase the debt ceiling because we have maxed out the Nation's credit card, there is no doubt in my mind we are going to be looking at all sources for budgetary cuts and elimination of waste and overspending. I do not suggest for a minute the Department of Defense should be exempt from that kind of scrutiny. In fact, I think it should be scrutinized. But it is important, if we are going to make sure that every dollar of taxpayer money being spent by the Department of Defense for our security is being spent efficiently and well, that the best way we can do that is assure that professionals who are skilled in financial management at the various departments of the Navy, Army, and Air Force are in place and subject to appropriate oversight by the Senate.

These officials oversee financial management processes that involve more than $300 billion in taxpayer money. These are, in fact, the budgets of the military services themselves. None of the military services are currently able to render a clean audit opinion, something that Congress has said must change and will change by the year 2017. But we have been working on the sad reality that, frankly, the Department of Defense has been spending so much money that it doesn't even know where all the money is. We need to change that. We need to increase transparency and accountability.

The only way we are going to be able to do that and to put them in a position to produce that clean financial audit is by making sure that the correct type of professionals, well-qualified professionals, are in place.

Under the fiscal year 2000 Defense authorization bill, the Department of Defense is going to be required to produce those auditable financial statements no later than September 30, 2017. I think most people are going to be shocked to find out that the Department of Defense cannot do that today, but in fact that is the sad reality. Yet it is my understanding the Department of Defense is not currently on track to meet this requirement of the law despite the fact that we are 6 years away from that deadline. Removing the officials in charge of accomplishing this objective from Senate oversight would make it even less likely to happen.

In accordance with the Chief Financial Officer and Federal Financial Reform Act of 1990, the so-called CFO Act, these three Assistant Secretaries have been designated as the chief financial officers for their respective branches of the military service. As such, this law invests them with certain financial management functions.

These Secretaries formulate, submit, and defend the budgets of these military branches to Congress. They also oversee the proper and effective use of appropriated funds to accomplish missions and provide timely, accurate, and reliable financial information to enable leaders to incorporate cost considerations into their decisionmaking and provide reporting to Congress on the use of appropriated resources.

This is a high standard and, unfortunately, one that is not being met today, but one that Congress must, in the exercise of our stewardship over tax dollars and making sure that every dollar is spent efficiently in a nonwasteful way—this is a high standard we must insist is met.

I believe removing these key positions from the Senate confirmation process will inadvertently undermine the effort to reform financial management at the Department of Defense. I am not alone. We received informal comments from the Department of Defense Comptroller saying that while they agree in principle with S. 679, this underlying legislation with which I also agree in principle goes too far by eroding the status and ability of these financial managers to manage these dollars.

I ask unanimous consent that the comments received from the DOD Comptroller be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. CORNYN. Let me conclude by saying these three Assistant Secretaries should remain Senate-confirmed, Presidential appointees. I ask my colleagues to support my amendment to ensure they remain Senate confirmable and subject to robust and much needed congressional oversight.

EXHIBIT 1

DOD FEEDBACK ON SCHUMER-ALEXANDER BILL (S. 679)

(From DoD Comptroller Office)

The Department of Defense believes that it would be appropriate to reduce the number of government positions subject to Senate confirmation. We therefore agree in principle with Senate Bill 679, which makes such reductions.

We disagree, however, with the provision of S. 679 which eliminates Senate confirmation

for the Assistant Secretaries (Financial Management and Comptroller) in the Departments of the Army, Navy, and Air Force. By downgrading these financial management positions, we believe that S. 679 will erode civilian control of the military with regard to resources. Each of the military departments manages huge amounts of federal dollars, ranging from $166 billion to $216 billion in FY 2012. These sums far exceed the funding for any non-defense federal agency. In the military services, these dollars are managed by the most senior military officers, and the Service Secretaries need to have a Senate-confirmed political appointee to provide appropriate civilian control. This legislation would be a significant step back from the landmark Goldwater-Nichols legislation, which sought to increase civilian control of the military.

We also believe that downgrading these three Assistant Secretary positions is inappropriate in view of the focus being placed on improving financial management and achieving auditable financial statements. Congress has established a deadline for achieving auditable financials in each military department and has indicated a strong desire to have the departments comply. The three departmental Assistant Secretaries have the lead responsibility for this challenging task. Downgrading the positions may well slow down efforts to achieve auditable financial statements, an outcome that seems to contradict Congressional priorities.

Overall, the Assistant Secretaries have substantial policy making authority over key aspects of defense financial management. For all these reasons, we believe that the three Assistant Secretaries should remain as Senate-confirmed political appointees.

Mr. CORNYN. I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BEGICH). Without objection, it is so ordered.

Mr. REID. Mr. President, I ask unanimous consent that at 11:30 a.m. tomorrow, Thursday, June 23, the Senate resume consideration of S. 679; that the Vitter amendment No. 499 regarding czars and the DeMint amendment No. 510 regarding Bureau of Justice Statistics be debated concurrently; that there be up to 30 minutes of debate with Senators VITTER, DEMINT, REID or designee and MCCONNELL or designee, each controlling 7½ minutes; that upon the use or yielding back of time the Senate proceed to vote in relation to the Vitter amendment and the DeMint amendment in that order; that there be no amendments, motions, or points of order in order to either amendment prior to the votes other than budget points of order on each and the applicable motions to waive; further, that the motions to reconsider be considered made and laid upon the table; finally, that provisions of the previous order regarding amendments remain in effect.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

HONORING OUR ARMED FORCES

SPECIALIST MICHAEL B. COOK

Mrs. SHAHEEN. Mr. President, it is with a heavy heart that I rise today to honor the life of SPC Michael B. Cook, who died on June 6, 2011, from injuries sustained from indirect rocket fire in Baghdad, Iraq, while supporting Operation New Dawn. He gave his life in service to his country on his 27th birthday. Michael was assigned to the B Battery, 1st Battalion, 7th Field Artillery Regiment, 1st Infantry Division, based at Fort Riley, KS.

Growing up in the towns of Pelham and Salem, NH, Michael graduated from Salem High School in 2003. He enlisted as a way to pay for his education and serve his country. Like so many brave sons and daughters of New Hampshire, Michael sought to serve his country and did so with honor. Tragically, Michael is the fifth Salem High School graduate killed in action in the war on terror, and the third from his class.

Michael is remembered by his family as a devoted father and son. Friends described him as hardworking and dedicated to the service of others. It was therefore no surprise when he answered the call to serve his country and protect his fellow Americans.

While no words can diminish the loss of this brave New Hampshire son, I hope his family can find comfort in knowing that all Americans appreciate and respect his heroic service and sacrifice.

Michael is survived by his wife Samantha and their two children, Hailee and Michael at Fort Riley, KS, and his parents Patti and Michael B. Cook Sr., and his siblings Lucas and Kimberly of Salem, NH. He also leaves behind a caring extended family and many dear friends. He will be missed by all.

I ask my colleagues and all Americans to join me in honoring the life, service, and sacrifice of SPC Michael B. Cook.

JUNE 22, 2009, METRORAIL TRAGEDY

Mr. CARDIN. Mr. President, 2 years ago today the Washington Metropolitan Area Transit Authority experienced the most tragic metrorail accident the Greater Washington region has ever seen. With time, the wounds of this tragedy's survivors continue to heal, but the loss and pain will never be forgotten. My heart goes out to the families and loved ones of those who lost their lives in the tragic collision of two Metro trains on the Red Line at the Fort Totten metrorail station. My deepest sympathies remain with their families and friends whose lives will forever be affected having lost someone dear to them in this tragedy.

Last summer, the National Transportation Safety Board, NTSB, and the Federal Transit Administration, FTA, concluded their investigations into the crash. The investigations revealed many troubling findings with the operation, maintenance, and management of the metrorail system, not the least of which is that the June 22, 2009, crash was entirely preventable and resulted from systemic failures to address ongoing track signal problems and a work culture that ignored safety.

For several years WMATA failed to respond to or take adequate operational safety measures in response to repeated signal failures along the section of track where the accident occurred. During WMATA's efforts to fix the problem, Metro refused to heed warnings from the signal manufacturers about using third-party components to repair failed track signal equipment and in doing so prolonged and exacerbated the signal relay problems on the track.

These findings coupled with an extensive Federal Transit Administration safety audit that revealed several shocking systemwide safety lapses, which include systemic failures to notify train operators about the presence of track maintenance workers on the right-of-way in tunnels throughout the system, helped shed light on the inexcusable and tragic series of accidents that have taken 12 lives and injured more than 80 people in the last year.

I am pleased to say that under new leadership in the general manager and CEO position as well as the placement of several new members of the board of directors that Metro is working hard to resolve the safety issues that were becoming commonplace in the headlines of area newspapers. Metro's new comprehensive safety plan outlines a number of procedures that are being put in place to improve worker training and safety preparedness and a zero tolerance policy for texting and cell phone use by vehicle operators. According to the general manager, every Metro employee, including himself, has gone through the safety training program. Management is clearly making an effort to establish a culture of safety that has been absent at Metro for many years. These are important steps in the right direction but developing safety measures for employees to follow is just one piece of making Metro safer for years to come.

There are, however, encouraging and lasting developments at Metro to improve safety. A year ago, the Metro board of directors announced that it was placing an order for 428 new 7000 Series railcars. These new safer railcars are in the prototype development phase and when the order is fulfilled, all of the remaining 1000 series that have been in use since the system opened in 1976 will finally be replaced. The 1000 series cars have always presented a safety hazard and it is the 1000 series cars that buckled and sheared apart on June 22, 2009, compounding the seriousness and costliness of the Red Line crash. Retiring and replacing

these cars is a major step in the right direction towards improving the safety of the system.

It is also worth noting that for the first time Metrorail cars will be built here in the United States at a rail car manufacturing facility in Lincoln, NE.

Still, funding shortfalls hinder Metro's ability to make lasting infrastructure repairs and replacements throughout the system. I have visited the Shady Grove Station and witnessed firsthand how they literally are using wood planks and iron rods to prop up crumbling station platforms. Metro is forced to make improvised accommodations to keep the system running in the safest way possible on a diminished budget.

Seeing these unaddressed safety issues firsthand, combined with each passing revelation of management missteps and safety lapses, has grown my frustration with how Metro handles safety issues, but has also hardened my resolve to improve Metro safety.

On this somber day of remembrance we as Federal policymakers and the Washington Metropolitan Area Transit Authority need to take inspiration from this tragedy and remember our responsibility to work to improve the safety of the transit system that serves Greater Washington area residents, tens of thousands of Federal workers, and members of the staff of nearly every Senator in this body every day.

Last year's Metro tragedy has caused many of us, including the President, to address the safety crisis that looms at transit authorities across the country. I am confident that we will find a way forward through: increased Federal regulatory authority and oversight, as called for by the Federal Transit Administration; and increased openness and transparency at WMATA.

While the FTA has an established national transit safety program and is responsible for setting minimum program safety requirements for the States, the FTA is prohibited by law from establishing enforceable national safety standards, requiring Federal inspections, or dictating operating practices. In response to this lapse in public safety policy, last Congress Senators DODD, MENENDEZ, MIKULSKI, and I introduced legislation requiring the Transportation Secretary to establish and implement a comprehensive transit public transportation safety program. Our legislation from last year would have given the FTA the ability to take decisive actions such as conducting inspections, investigations, audits, and examinations of federally funded public transportation systems.

It makes sense for public transit systems that receive Federal funding to meet Federal safety requirements set by the FTA. It makes even more sense to grant FTA a degree of Federal authority to establish safety guidance over WMATA given Metro's unique relationship to the Federal Government.

The Washington metrorail system is the second busiest subway system in America, carrying as many as 1 million passengers a day. It carries the equivalent of the combined subway ridership of BART in San Francisco, MARTA in Atlanta, and SEPTA in Philadelphia each day.

Every workday, Metro provides tens of thousands of Federal employees rides to work. During peak ridership, more than 40 percent of riders on Metro are Federal employees and 10 percent of the overall ridership serves Congress and the Pentagon alone. Metrorail's alignment was designed to serve the Federal Government, with more than half of the system's stations located at or near Federal buildings. GSA has also established guidance that requires all new Federal facilities in the Greater Washington area be metrorail accessible.

Traffic congestion in the DC metropolitan area is tied with Chicago for the worst in the Nation. Some may wonder how, or even if, Washington could function without Metro. Sure enough, in the winter of 2010 we learned that the Federal Government, in fact, cannot function without Metro. The Office of Personnel Management based its decision to shut down the Federal Government on WMATA's inability to operate above ground rail lines during the February snowstorms. This not only points out the Federal Government's reliance on Metro, but also highlights Metro's lack of resources to operate under weather conditions that other city transit systems like Chicago, New York, or Boston manage to do so.

More than three decades after the first trains started running, the system is showing severe signs of its age. Sixty percent of the Metrorail system is more than 20 years old. The costs of operations, maintenance, and rehabilitation are tremendous.

It is not just the responsibility of the local jurisdictions that are served by Metro—Maryland, Virginia, and Washington, DC—but it is also a Federal responsibility.

Just like I believe that the Federal Government has a role in ensuring the safety of Metro for its riders and employees, I also believe the Federal Government has a responsibility to help fund the safe operation of the system since Metro provides the Federal Government and its employees vital transportation service.

I was proud to work alongside Senator BARBARA MIKULSKI and Senator JIM WEBB and former Senator John Warner to pass the Federal Rail Safety Improvement Act, which was signed into law in October 2008. This law authorizes $1.5 billion over 10 years in Federal funds for Metro's governing Washington Metropolitan Area Transportation Authority, matched dollar for dollar by the local jurisdictions, for capital improvements. This arrangement will finally provide Metro with the dedicated funding the system needs.

President Obama's fiscal year 2011 and 2012 budget requests to Congress included $150 million for Metro. This builds on the substantial down payment Senators MIKULSKI, WEBB, MARK WARNER, and I were able to secure for Metro in fiscal year 2010, and with the intrepid support of Chairmen MURRAY and INOUYE we were able to secure this essential funding for Metro again in fiscal year 2011.

While these are important investments, it is not nearly enough to fulfill all of Metrorail's obligations. Metro maintains a list of ready-to-go projects totaling about $530 million and $11 billion in capital funding needs over the next decade.

Federal Transit Administrator Peter Rogoff, in testimony before the House Oversight and Government Reform Committee, made special note of the fact that WMATA does not have a dedicated revenue stream, rather it relies heavily on congressional appropriations which can fluctuate from year to year.

Fortunately, Congress has taken an important step forward to remedy this situation. The Senate recently passed a new Metro Compact further advancing the final step in authorizing a 10-year $1.5 billion authorization providing Metro with a dedicated funding stream to ensure the safe and efficient operation of the system.

For years, while Metro was a relatively new transit system, Metro was the epitome of safe, reliable, and modern public transit. After 35 years of operation, the results of placing disproportionate resources towards expanding the system rather than attending to growing repairs and maintenance needs of the existing infrastructure, Metro's age is beginning to take its toll on the safe operation and functionality of the system.

I am hopeful that with the opportunities we have to establish better and more consistent funding for Metro, improved and enforceable Federal safety requirements for transit systems across the country, and the establishment of firm, accountable, and transparent leadership at WMATA we will restore the public standing and reputation of ''America's Subway System'' as one of the safest and most reliable transit systems in the country.

I find it unacceptable that the transit system in our Nation's Capital does not have enough resources to improve safety and upgrade its aging infrastructure.

I would again like to extend my deepest sympathies to all those who were affected by this horrific accident, especially to the families and loved ones of those who have been killed on Metro. I hope my colleagues will join together with me in working to ensure that this body is doing everything it can to prevent similar tragedies in the future.

JOINT COMMITTEE ON THE LIBRARY RULES OF PROCEDURE

Mr. SCHUMER. Mr. President, on May 22, 2011, the Joint Committee on

the Library organized, elected a chairman, a vice chairman, and adopted its rules for the 112th Congress. Members of the Joint Committee on the Library elected Senator CHARLES E. SCHUMER as chairman and Congressman GREGG HARPER as vice chairman. Pursuant to rule XXVI, paragraph 2, of the Standing Rules of the Senate, I ask unanimous consent that a copy of the committee rules be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

RULES OF PROCEDURE OF THE JOINT COMMITTEE OF CONGRESS ON THE LIBRARY—112TH CONGRESS

TITLE I—MEETINGS OF THE COMMITTEE

1. Regular meetings may be called by the chairman, with the concurrence of the vice-chairman, as may be deemed necessary or pursuant to the provision of paragraph 3 of rule XXVI of the Standing Rules of the Senate.

2. Meetings of the committee, including meetings to conduct hearings, shall be open to the public, except that a meeting or series of meetings by the committee on the same subject for a period of no more that 14 calendar days may be closed to the public on a motion made and seconded to go into closed session to discuss only whether the matters enumerated in subparagraphs (A) through (F) would require the meeting to be closed followed immediately by a recorded vote in open session by a majority of the members of the committee when it is determined that the matters to be discussed or the testimony to be taken at such meeting or meetings—

(A) will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of the foreign relations of the United States;

(B) will relate solely to matters of the committee staff personnel or internal staff management or procedures;

(C) will tend to charge an individual with a crime or misconduct, to disgrace or injure the professional standing of an individual, or otherwise to expose an individual to public contempt or obloquy, or will represent a clearly unwarranted invasion of privacy of an individual;

(D) will disclose the identity of any informer or law enforcement agent or will disclose any information relating to the investigation or prosecution of a criminal offense that is required to be kept secret in the interest of effective law enforcement;

(E) will disclose information relating to the trade secrets or financial or commercial information pertaining specifically to a given person if—

(1) an Act of Congress requires the information to be kept confidential by Government officers and employees; or

(2) the information has been obtained by the Government on a confidential basis, other than through an application by such person for a specific Government financial or other benefit, and is required to be kept secret in order to prevent undue injury to the benefit, and is required to be kept secret in order to prevent undue injury to the competitive position of such person; or

(F) may divulge matters required to be kept confidential under the provisions of law or Government regulation. (Paragraph 5(b) of rule XXVI of the Standing Rules of the Senate.)

3. Written notices of committee meetings will normally be sent by the committee's staff director to all members at least 3 days in advance. In addition, the committee staff will email or telephone reminders of committee meetings to all members of the committee or to the appropriate staff assistants in their offices.

4. A copy of the committee's intended agenda enumerating separate items of committee business will normally be sent to all members of the committee by the staff director at least 1 day in advance of all meetings. This does not preclude any member of the committee from raising appropriate non-agenda topics.

5. Any witness who is to appear before the committee in any hearing shall file with the clerk of the committee at least 3 business days before the date of his or her appearance, a written statement of his or her proposed testimony and an executive summary thereof, in such form as the chairman may direct, unless the chairman waived such a requirement for good cause.

TITLE II—QUORUMS

1. Pursuant to paragraph 7(a)(1) of rule XXVI of the Standing Rules, 4 members of the committee shall constitute a quorum.

2. Pursuant to paragraph 7(a)(2) of rule XXVI of the Standing Rules, 2 members of the committee shall constitute a quorum for the purpose of taking testimony; provided, however, once a quorum is established, any one member can continue to take such testimony.

3. Under no circumstance may proxies be considered for the establishment of a quorum.

TITLE III—VOTING

1. Voting in the committee on any issue will normally be by voice vote.

2. If a third of the members present so demand, a recorded vote will be taken on any question by rollcall.

3. The results of the rollcall votes taken in any meeting upon a measure, or any amendment thereto, shall be stated in the committee report on that measure unless previously announced by the committee, and such report or announcement shall include a tabulation of the votes cast in favor and the votes cast in opposition to each measure and amendment by each member of the committee. (Paragraph 7(b) and (c) of rule XXVI of the Standing Rules.)

4. Proxy voting shall be allowed on all measures and matters before the committee. However, the vote of the committee to report a measure or matters shall require the concurrence of a majority of the members of the committee who are physically present at the time of the vote. Proxies will be allowed in such cases solely for the purpose of recording a member's position on the question and then only in those instances when the absentee committee member has been informed of the question and has affirmatively requested that he be recorded. (Paragraph 7(a)(3) of rule XXVI of the Standing Rules.)

TITLE IV—DELEGATION AND AUTHORITY TO THE CHAIRMAN AND VICE CHAIRMAN

1. The chairman and vice chairman are authorized to sign all necessary vouchers and routine papers for which the committee's approval is required and to decide in the committee's behalf on all routine business.

2. The chairman is authorized to engage commercial reporters for the preparation of transcripts of committee meetings and hearings.

3. The chairman is authorized to issue, on behalf of the committee, regulations normally promulgated by the committee at the beginning of each session.

CONGRATULATING SLOVENIA ON ITS TWENTIETH ANNIVERSARY

Mr. HARKIN. Mr. President, I have come to the floor today to speak on S. Res. 212, congratulating the people and Government of Slovenia on the 20th anniversary of their nation's independence. I am pleased that the Senate passed this resolution yesterday by unanimous consent and I am grateful to my colleagues Senators SHAHEEN, KLOBUCHAR, BARRASSO, BROWN of Ohio and PORTMAN for joining with me in submitting this resolution.

As many of my colleagues know, the Republic of Slovenia holds a very special place in my heart. Ninety years ago, my mother came to America from the village of Suha in what is now Slovenia.

The modern Republic of Slovenia is only 20 years old. But more than 1,000 years ago, in what is now the Slovenian state of Carinthia, there was a duke who later served as one of Thomas Jefferson's inspirations for American democracy. What inspired President Jefferson? It was the tradition that the dukes of Carinthia could take office only after being questioned by a simple peasant to test their worthiness. If the peasant was satisfied with the answers, then he gently slapped the duke as a symbol of accountability to the people. Imagine that: people slapping around politicians in a democracy!

I have been tremendously impressed by the great strides Slovenia has made since breaking away from Yugoslavia two decades ago. In this short period of time, Slovenia has become one of the world's most successful democracies, which I witnessed firsthand during a visit 5 years ago.

Slovenia is what you might call an ''overachiever'' among new nations. In a short period of time, it has gained entry into NATO and the European Union. Indeed, it has already held the rotating Presidency of the EU. Slovenia has built the most successful economy in Central and Eastern Europe and has been a force for stability and democratic reform in the Balkans.

On a personal note, I am especially grateful for the Republic of Slovenia's outstanding leadership in the campaign to rid the world of landmines and to assist the victims, especially children. This is a humanitarian mission of profound importance—a mission that I have worked on, with many of my colleagues, including Senator KLOBUCHAR and former Senator Voinovich, to secure support from the U.S. Congress.

The world looks at Slovenia's success, and wonders: How could a nation of just 2 million people accomplish so much in such a short period of time? As an American, I know the answer.

Bear in mind that, when Jefferson wrote the Declaration of Independence, America was also a nation of just 2 million people. Like Americans in 1776, Slovenians in 1991 dared to break away from a much larger and more powerful mother country. Like Americans, Slovenians paid in blood for their freedom. Like Americans, Slovenians demanded a democratic course for their new country.

Nine decades ago, my mother left Slovenia—a Slovenia that was impoverished, ruled by autocrats, and dominated by foreign powers; a nation that sent forth immigrants desperate to find a better life. Today, a free, prosperous, and democratic Slovenia sends forth global leaders and humanitarians who are helping to build a better world.

This is a magnificent achievement—a testament to the vision, courage, and talents of the Slovenian people. On this proud anniversary, I join with all of my colleagues here in the Senate in saluting our friend and ally, the Republic of Slovenia.

10TH ANNIVERSARY OF THE OHIO RIVER WAY PADDLEFEST

Mr. PORTMAN. Mr. President, I rise today to recognize the Ohio River Way, a nonprofit, volunteer-led organization working to promote, protect and celebrate the natural beauty and recreational benefits of the Ohio River.

This year is the 10th anniversary of the Annual Ohio River Way Paddlefest, the largest paddling event in the country. Each year, Paddlefest attracts more than 2,000 paddlers to Cincinnati to canoe and kayak down the Ohio River and enjoy the gorgeous natural resources in Southwest Ohio. I have been a regular participant in the canoe races as part of Paddlefest and plan to participate again this year.

Due in no small part to the efforts of the Ohio River Way and the widespread popularity of Paddlefest, Greater Cincinnati has been designated as the Paddling Capital of The United States. Cincinnati enjoys a great selection of paddling-friendly waterways including the Ohio, Great Miami, Little Miami, Whitewater and Licking Rivers as well as the Four Mile, Caesar, Stonelick, O'Bannon, Indian and White Oak Creeks. Additionally, Cincinnati is home to the largest number of paddling-access points with more than 25 places to launch canoes and kayaks.

I congratulate the Ohio River Way on the 10th anniversary of Paddlefest and thank Paddlefest chair Brewster Rhodes and the hardworking volunteers of the Ohio River Way for the tireless work they do each year to ensure that Paddlefest is an enjoyable experience for all participants.

TRIBUTE TO WILLIAM HAWKINS

Mr. FRANKEN. Mr. President, I would like to honor a leader from my home State of Minnesota, William A. Hawkins. Bill, who is retiring with distinction as the chairman and CEO of Medtronic, has achieved great professional success through his dedication to and advancement of life-saving innovations. Approximately every 4 seconds, the life of someone somewhere in the world is improved by a Medtronic product or therapy.

Medical technology is an important solution to our Nation's health care challenges. Under Bill's leadership, Medtronic has helped to maintain Minnesota's world leadership in medical innovation.

Bill has nearly 35 years of career experience in the medical device industry, serving in leadership positions at Novoste Corporation, American Home Products, Johnson and Johnson, Guidant Corporation, and Eli Lilly. He began his medical technology career with Carolina Medical Electronics in 1977. While reflecting on his career at Medtronic, he recently said, ''I have seen many product launches—from the ear thermometer to the automatic external defibrillator.''

He joined Medtronic in 2002 as senior vice president and president of the company's vascular business before serving as corporate president and chief operating officer. Bill Hawkins was named chief executive officer of Medtronic in 2007 and assumed the additional role of chairman in 2008.

Under his guidance, Medtronic's capacity to serve patients extended further to provide an array of diagnostic, preventive, and chronic disease management solutions. With a breadth and depth of expertise across more than 30 major chronic conditions, he recognized the unique position to play a larger role in the health care industry.

In March of 2010, Bill received the Biomedical Engineering Society's Distinguished Achievement Award. This award is given to recognize those that have made great contributions to the field of biomedical engineering and bioengineering.

Mr. Hawkins serves on the Board of Visitors for the Duke University School of Engineering and the Board of Directors for the Guthrie Theater and the University of Minnesota Foundation.

I ask my colleagues to join me, his friends, family, and colleagues in commending Bill Hawkins on his numerous achievements and wishing him well as he begins a new journey.

Congratulations, Bill.

ADDITIONAL STATEMENTS

TRIBUTE TO MARC MILANI

● Mr. RUBIO. Mr. President, today I recognize Marc Milani, a spring intern in my Washington, DC, office for all of the hard work he has done for me, my staff, and the people of the State of Florida.

Marc is a graduate of Christopher Columbus High School in Miami, FL. Currently, he is a sophomore pursuing a major in philosophy at Dartmouth College. He is a dedicated and diligent worker who has been devoted to getting the most out of his internship experience.

I would like to extend my sincere thanks and appreciation to Marc for all the fine work he has done and wish him continued success in the years to come.●

TRIBUTE TO OLIVIA VOLSLOW

● Mr. RUBIO. Mr. President, today I recognize Olivia Voslow, a spring intern in my Washington, DC, office for all of the hard work she has done for me, my staff, and the people of the State of Florida.

Olivia is a graduate of the Holton-Arms School in Bethesda, MD. Currently, Olivia is preparing to enter into her freshman year at Middlebury College. She is a dedicated and diligent worker who has been devoted to getting the most out of her internship experience.

I would like to extend my sincere thanks and appreciation to Olivia for all the fine work she has done and wish her continued success in the years to come.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Pate, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 10:21 a.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 711. An act to designate the facility of the United States Postal Service located at 1081 Elbel Road in Schertz, Texas, as the ''Schertz Veterans Post Office''.

H.R. 1632. An act to designate the facility of the United States Postal Service located at 5014 Gary Avenue in Lubbock, Texas, as the ''Sergeant Chris Davis Post Office''.

The message also announced that the House has passed the following bills, without amendment:

S. 349. An act to designate the facility of the United States Postal Service located at 4865 Tallmadge Road in Rootstown, Ohio, as the ''Marine Sgt. Jeremy E. Murray Post Office''.

S. 655. An act to designate the facility of the United States Postal Service located at 95 Dogwood Street in Cary, Mississippi, as the ''Spencer Byrd Powers, Jr. Post Office''.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 771. An act to designate the facility of the United States Postal Service located at 1081 Elbel Road in Schertz, Texas, as the ''Schertz Veterans Post Office''; to the Committee on Homeland Security and Governmental Affairs.

H.R. 1632. An act to designate the facility of the United States Postal Service located at 5014 Gary Avenue in Lubbock, Texas, as the ''Sergeant Chris Davis Post Office''; to the Committee on Homeland Security and Governmental Affairs.

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–2231. A communication from the Deputy Director, National Institute of Food and Agriculture, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Competitive and Noncompetitive Non-Formula Federal Assistance Programs—Specific Administrative Provisions for the Beginning Farmer and Rancher Development Program'' (RIN0524–AA59) received in the Office of the President of the Senate on June 20, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2232. A communication from the Deputy Director, National Institute of Food and Agriculture, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Competitive and Noncompetitive Non-Formula Federal Assistance Programs—Administrative Provisions for Biomass Research and Development Initiative'' (RIN0524–AA61) received in the Office of the President of the Senate on June 20, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2233. A communication from the Associate Director, Office of Foreign Assets Control, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Final Rule Amending CFR Part 588; Final Rule Removing Parts 585–587 from 31 CFR Chapter V'' (31 CFR Parts 588, 585–587) received in the Office of the President of the Senate on June 20, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC–2234. A communication from the Associate Director, Office of Foreign Assets Control, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Alphabetical Listing of Blocked Persons, Blocked Vessels, Specially Designated Nationals, Specially Designated Terrorists, Specially Designated Global Terrorists , Foreign Terrorist Organizations....'' (31 CFR Chapter V) received in the Office of the President of the Senate on June 21, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC–2235. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency that was declared in Executive Order 13348 relative to the former Liberian regime of Charles Taylor; to the Committee on Banking, Housing, and Urban Affairs.

EC–2236. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures (163); Amdt. No. 3428'' (RIN2120–AA65) received in the Office of the President of the Senate on June 21, 2011; to the Committee on Commerce, Science, and Transportation.

EC–2237. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report relative to the review of all complaints received by air carriers alleging discrimination on the basis of disability; to the Committee on Commerce, Science, and Transportation.

EC–2238. A communication from the Director of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Draft Safety Evaluation for Westinghouse Electric Company....'' received in the Office of the President of the Senate on June 20, 2011; to the Committee on Environment and Public Works.

EC–2239. A communication from the Acting Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed amendment to a manufacturing license agreement for the export of defense articles, including, technical data, and defense services to the Republic of Korea for the manufacture, assembly, test, support, repair, overhaul, and sale of T–62T–46LC–2A auxiliary power units for T–50 aircraft in the amount of $100,000,000 or more; to the Committee on Foreign Relations.

EC–2240. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, as amended, the report of the texts and background statements of international agreements, other than treaties (List 2011–0090–2011–0102); to the Committee on Foreign Relations.

EC–2241. A communication from the Acting Director of the Office of Standards, Regulations, and Variances, Mine Safety and Health Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled ''Maintenance of Incombustible Content of Rock Dust in Underground Coal Mines'' (RIN1219–AB76) received in the Office of the President of the Senate on June 21, 2010; to the Committee on Health, Education, Labor, and Pensions.

EC–2242. A communication from the Chairman and President of the Export-Import Bank, transmitting, pursuant to law, the Semi-Annual Report of the Inspector General for the period October 1, 2010 through March 31, 2011; to the Committee on Homeland Security and Governmental Affairs.

EC–2243. A communication from the Assistant Secretary, Indian Affairs, Department of the Interior, transmitting, pursuant to law, a report relative to the Contract Support Costs of Self-Determination Awards to Congress; to the Committee on Indian Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. KERRY, from the Committee on Foreign Relations, with an amendment in the nature of a substitute:

S. 618. A bill to promote the strengthening of the private sector in Egypt and Tunisia (Rept. No. 112–25).

By Mr. LEVIN, from the Committee on Armed Services, without amendment:

S. 1253. An original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes (Rept. No. 112–26).

S. 1254. An original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, to prescribe military personnel strengths for such fiscal year, and for other purposes.

S. 1255. An original bill to authorize appropriations for fiscal year 2012 for military construction, and for other purposes.

S. 1256. An original bill to authorize appropriations for fiscal year 2012 for defense activities of the Department of Energy, and for other purposes.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. INOUYE (for himself, Mr. BLUNT, Mr. REID, and Mr. AKAKA):

S. 1244. A bill to provide for preferential duty treatment to certain apparel articles of the Philippines; to the Committee on Finance.

By Mr. BLUNT (for himself and Mr. LEVIN):

S. 1245. A bill to provide for the establishment of the Special Envoy to Promote Religious Freedom of Religious Minorities in the Near East and South Central Asia; to the Committee on Foreign Relations.

By Mr. COBURN (for himself and Mrs. SHAHEEN):

S. 1246. A bill to reduce the number of nonessential new vehicles purchased and leased by the Federal Government; to the Committee on Homeland Security and Governmental Affairs.

By Mr. WARNER:

S. 1247. A bill to develop and recruit new, high-value jobs to the United States, to encourage the repatriation of jobs that have been off-shored to other countries, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. COBURN (for himself, Mr. PAUL, Mr. BARRASSO, Mr. BLUNT, Mr. BURR, Mr. CORKER, Mr. CRAPO, Mr. DEMINT, Mr. ENZI, Mr. GRAHAM, Mr. GRASSLEY, Mr. HATCH, Mrs. HUTCHISON, Mr. INHOFE, Mr. ISAKSON, Mr. JOHNSON of Wisconsin, Mr. KYL, Mr. LEE, Mr. MCCAIN, Mr. RISCH, Mr. RUBIO, Mr. SESSIONS, Mr. THUNE, Mr. VITTER, and Mr. WICKER):

S. 1248. A bill to prohibit the consideration of any bill by Congress unless the authority provided by the Constitution of the United States for the legislation can be determined and is clearly specified; to the Committee on Rules and Administration.

By Mr. UDALL of Colorado (for himself, Mr. RISCH, Mr. TESTER, and Mr. BENNET):

S. 1249. A bill to amend the Pittman-Robertson Wildlife Restoration Act to facilitate the establishment of additional or expanded public target ranges in certain States; to the Committee on Environment and Public Works.

By Mr. BENNET (for himself, Mr. ALEXANDER, Ms. MIKULSKI, Mr. KIRK, and Ms. LANDRIEU):

S. 1250. A bill to create and expand innovative teacher and principal preparation programs known as teacher and principal preparation academies; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CARPER (for himself, Mr. COBURN, Mr. BENNET, Mr. ENZI, Mr. CORKER, Mr. BROWN of Massachusetts, Ms. KLOBUCHAR, and Mr. THUNE):

S. 1251. A bill to amend title XVIII and XIX of the Social Security Act to curb waste, fraud, and abuse in the Medicare and Medicaid programs; to the Committee on Finance.

By Ms. MIKULSKI (for herself and Mrs. GILLIBRAND):

S. 1252. A bill to promote the economic self-sufficiency of low-income women through their increased participation in high-wage, high-demand occupations where they currently represent 25 percent or less of the workforce; to the Committee on Health, Education, Labor, and Pensions.

By Mr. LEVIN:

S. 1253. An original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; from the Committee on Armed Services; placed on the calendar.

By Mr. LEVIN:

S. 1254. An original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, to prescribe military personnel strengths for such fiscal year, and for other purposes; from the Committee on Armed Services; placed on the calendar.

By Mr. LEVIN:

S. 1255. An original bill to authorize appropriations for fiscal year 2012 for military construction, and for other purposes; from the Committee on Armed Services; placed on the calendar.

By Mr. LEVIN:

S. 1256. An original bill to authorize appropriations for fiscal year 2012 for defense activities of the Department of Energy, and for other purposes; from the Committee on Armed Services; placed on the calendar.

By Mr. BINGAMAN (for himself and Mrs. HUTCHISON):

S. 1257. A bill to establish grant programs to improve the health of border area residents and for all hazards preparedness in the border area including bioterrorism and infectious disease, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. MENENDEZ (for himself, Mr. REID, Mr. LEAHY, Mr. DURBIN, Mr. SCHUMER, Mr. KERRY, Mrs. MURRAY, and Mrs. GILLIBRAND):

S. 1258. A bill to provide for comprehensive immigration reform, and for other purposes; to the Committee on the Judiciary.

By Mr. DURBIN (for himself and Mr. BOOZMAN):

S. 1259. A bill to amend the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 to prohibit the provision of peacekeeping operations assistance to governments of countries that recruit and use child soldiers; to the Committee on Foreign Relations.

By Mr. AKAKA:

S. 1260. A bill to require financial literacy and economic education counseling for student borrowers, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. KIRK (for himself, Mr. BLUMENTHAL, and Mr. HELLER):

S. 1261. A bill to amend title 5, United States Code, to deny retirement benefits accrued by an individual as a Member of Congress if such individual is convicted of certain offenses; to the Committee on Homeland Security and Governmental Affairs.

By Mr. MENENDEZ (for himself, Mr. WHITEHOUSE, and Mr. LEVIN):

S.J. Res. 21. A joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 155

At the request of Mr. KOHL, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 155, a bill to amend the Internal Revenue Code of 1986 to provide an enhanced credit for research and development by companies that manufacture products in the United States.

S. 201

At the request of Mr. CARPER, his name was withdrawn as a cosponsor of S. 201, a bill to clarify the jurisdiction of the Secretary of the Interior with respect to the C.C. Cragin Dam and Reservoir, and for other purposes.

S. 202

At the request of Mr. PAUL, the name of the Senator from Nevada (Mr. HELLER) was added as a cosponsor of S. 202, a bill to require a full audit of the Board of Governors of the Federal Reserve System and the Federal reserve banks by the Comptroller General of the United States before the end of 2012, and for other purposes.

S. 260

At the request of Mr. NELSON of Florida, the names of the Senator from Indiana (Mr. COATS), the Senator from Louisiana (Ms. LANDRIEU) and the Senator from Arkansas (Mr. PRYOR) were added as cosponsors of S. 260, a bill to amend title 10, United States Code, to repeal the requirement for reduction of survivor annuities under the Survivor Benefit Plan by veterans' dependency and indemnity compensation.

S. 312

At the request of Mrs. HUTCHISON, the name of the Senator from Ohio (Mr. PORTMAN) was added as a cosponsor of S. 312, a bill to amend the Patient Protection and Affordable Care Act to repeal certain limitations on health care benefits.

S. 438

At the request of Ms. STABENOW, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 438, a bill to amend the Public Health Service Act to improve women's health by prevention, diagnosis, and treatment of heart disease, stroke, and other cardiovascular diseases in women.

S. 506

At the request of Mr. CASEY, the name of the Senator from North Carolina (Mrs. HAGAN) was added as a cosponsor of S. 506, a bill to amend the Elementary and Secondary Education Act of 1965 to address and take action to prevent bullying and harassment of students.

S. 534

At the request of Mr. KERRY, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of S. 534, a bill to amend the Internal Revenue Code of 1986 to provide a reduced rate of excise tax on beer produced domestically by certain small producers.

S. 545

At the request of Mr. UDALL of Colorado, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of S. 545, a bill to amend the Energy Employees Occupational Illness Compensation Program Act of 2000 to strengthen the quality control measures in place for part B lung disease claims and part E processes with independent reviews.

S. 547

At the request of Mrs. MURRAY, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 547, a bill to direct the Secretary of Education to establish an award program recognizing excellence exhibited by public school system employees providing services to students in pre-kindergarten through higher education.

S. 678

At the request of Mr. KOHL, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 678, a bill to increase the penalties for economic espionage.

S. 705

At the request of Mr. CARPER, the name of the Senator from Missouri (Mr. BLUNT) was added as a cosponsor of S. 705, a bill to amend the Internal Revenue Code of 1986 to provide for collegiate housing and infrastructure grants.

S. 722

At the request of Mr. WYDEN, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 722, a bill to strengthen and protect Medicare hospice programs.

S. 733

At the request of Mr. ROBERTS, the name of the Senator from North Carolina (Mrs. HAGAN) was added as a cosponsor of S. 733, a bill to amend part B of title XVIII of the Social Security Act to exclude customary prompt pay discounts from manufacturers to wholesalers from the average sales price for drugs and biologicals under Medicare.

S. 815

At the request of Ms. SNOWE, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 815, a bill to guarantee that military funerals are conducted with dignity and respect.

S. 876

At the request of Mr. LAUTENBERG, the name of the Senator from Missouri (Mrs. MCCASKILL) was added as a cosponsor of S. 876, a bill to amend title 23 and 49, United States Code, to modify provisions relating to the length and weight limitations for vehicles operating on Federal-aid highways, and for other purposes.

S. 922

At the request of Mrs. GILLIBRAND, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 922, a bill to amend the Workforce Investment Act of 1998 to authorize the Secretary of Labor to provide grants for Urban Jobs Programs, and for other purposes.

S. 948

At the request of Mr. MERKLEY, the names of the Senator from Delaware (Mr. COONS) and the Senator from Maine (Ms. COLLINS) were added as cosponsors of S. 948, a bill to promote the deployment of plug-in electric drive vehicles, and for other purposes.

S. 949

At the request of Mrs. SHAHEEN, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 949, a bill to amend the National Oilheat Research Alliance Act of 2000 to reauthorize and improve that Act, and for other purposes.

S. 951

At the request of Mrs. MURRAY, the name of the Senator from New Mexico (Mr. UDALL) was added as a cosponsor of S. 951, a bill to improve the provision of Federal transition, rehabilitation, vocational, and unemployment benefits to members of the Armed Forces and veterans, and for other purposes.

S. 957

At the request of Mr. BOOZMAN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 957, a bill to amend title 38, United States Code, to improve the provision of rehabilitative services for veterans with traumatic brain injury, and for other purposes.

S. 1002

At the request of Mr. SCHUMER, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. 1002, a bill to prohibit theft of medical products, and for other purposes.

S. 1048

At the request of Mr. MENENDEZ, the names of the Senator from Georgia (Mr. ISAKSON), the Senator from Florida (Mr. NELSON), the Senator from North Dakota (Mr. CONRAD) and the Senator from Washington (Mrs. MURRAY) were added as cosponsors of S. 1048, a bill to expand sanctions imposed with respect to the Islamic Republic of Iran, North Korea, and Syria, and for other purposes.

At the request of Mr. THUNE, his name was added as a cosponsor of S. 1048, supra.

S. 1131

At the request of Mrs. HAGAN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1131, a bill to authorize the Secretary of Health and Human Services, acting through the Director of the Centers for Disease Control and Prevention, to establish and implement a birth defects prevention, risk reduction, and public awareness program.

S. 1189

At the request of Mr. PORTMAN, the names of the Senator from Arkansas (Mr. BOOZMAN) and the Senator from Kansas (Mr. MORAN) were added as cosponsors of S. 1189, a bill to amend the Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1501 et seq.) to provide for regulatory impact analyses for certain rules, consideration of the least burdensome regulatory alternative, and for other purposes.

S. 1200

At the request of Mr. SANDERS, the names of the Senator from Maryland (Ms. MIKULSKI) and the Senator from Maryland (Mr. CARDIN) were added as cosponsors of S. 1200, a bill to require the Chairman of the Commodity Futures Trading Commission to impose unilaterally position limits and margin requirements to eliminate excessive oil speculation, and to take other actions to ensure that the price of crude oil, gasoline, diesel fuel, jet fuel, and heating oil accurately reflects the fundamentals of supply and demand, to remain in effect until the date on which the Commission establishes position limits to diminish, eliminate, or prevent excessive speculation as required by title VII of the Dodd-Frank Wall Street Reform and Consumer Protection Act, and for other purposes.

S. 1206

At the request of Mr. ROCKEFELLER, the name of the Senator from New Mexico (Mr. UDALL) was added as a cosponsor of S. 1206, a bill to amend title XVIII of the Social Security Act to require drug manufacturers to provide drug rebates for drugs dispensed to low-income individuals under the Medicare prescription drug benefit program.

S. 1241

At the request of Mr. RUBIO, the names of the Senator from Mississippi (Mr. COCHRAN), the Senator from Oklahoma (Mr. INHOFE), the Senator from Wisconsin (Mr. JOHNSON), the Senator from Kentucky (Mr. MCCONNELL) and the Senator from Kansas (Mr. ROBERTS) were added as cosponsors of S. 1241, a bill to amend title 18, United States Code, to prohibit taking minors across State lines in circumvention of laws requiring the involvement of parents in abortion decisions.

S.J. RES. 19

At the request of Mr. HATCH, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of S.J. Res. 19, a joint resolution proposing an amendment to the Constitution of the United States authorizing Congress to prohibit the physical desecration of the flag of the United States.

S.J. RES. 20

At the request of Mr. FRANKEN, his name was added as a cosponsor of S.J. Res. 20, a joint resolution authorizing the limited use of the United States Armed Forces in support of the NATO mission in Libya.

S. RES. 80

At the request of Mr. KIRK, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of S. Res. 80, a resolution condemning the Government of Iran for its state-sponsored persecution of its Baha'i minority and its continued violation of the International Covenants on Human Rights.

S. RES. 185

At the request of Mr. CARDIN, the names of the Senator from Alabama (Mr. SESSIONS), the Senator from Rhode Island (Mr. REED), the Senator from Tennessee (Mr. ALEXANDER) and the Senator from North Dakota (Mr. CONRAD) were added as cosponsors of S. Res. 185, a resolution reaffirming the commitment of the United States to a negotiated settlement of the Israeli-Palestinian conflict through direct Israeli-Palestinian negotiations, reaffirming opposition to the inclusion of Hamas in a unity government unless it is willing to accept peace with Israel and renounce violence, and declaring that Palestinian efforts to gain recognition of a state outside direct negotiations demonstrates absence of a good faith commitment to peace negotiations, and will have implications for continued United States aid.

S. RES. 213

At the request of Mr. DEMINT, the name of the Senator from Massachusetts (Mr. BROWN) was added as a cosponsor of S. Res. 213, a resolution commending and expressing thanks to professionals of the intelligence community.

AMENDMENT NO. 468

At the request of Mrs. HUTCHISON, the name of the Senator from Ohio (Mr. PORTMAN) was added as a cosponsor of amendment No. 468 intended to be proposed to S. 782, a bill to amend the Public Works and Economic Development Act of 1965 to reauthorize that Act, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. INOUYE (for himself, Mr. BLUNT, Mr. REID, and Mr. AKAKA):

S. 1244. A bill to provide for preferential duty treatment to certain apparel articles of the Philippines; to the Committee on Finance.

Mr. INOUYE. Mr. President, I am pleased to introduce legislation today, cosponsored by my colleagues Senator REID of Nevada, Senator BLUNT of Missouri, and Senator AKAKA of Hawaii, that will provide duty-free treatment to U.S. imports of finished Philippine apparel in return for purchasing and using fabrics and yarns made in the United States. This bill will promptly create an incentivized export market for our shrinking textile industry, and create new jobs.

The Philippine apparel industry estimates that U.S. fabric sales spurred by the SAVE Act could reach potentially hundreds of millions of dollars and translate into upwards of 2,000 additional jobs in the United States fabric mill sector. With almost 99 percent of the U.S. apparel market now served by imports, U.S. textile manufacturers are reliant on export markets for their survival.

The SAVE Act is patterned after the Dominican Republic, Central America Free Trade Agreement, or CAFTA, which permits tariff-free import of apparel assembled in those countries in return for using cotton and manmade fiber fabrics still made in the United States. The SAVE Act will provide our textile companies with a new opportunity to export fabrics into the dynamic Asian market.

The Philippine apparel manufacturing industry is well established and known for its quality needlework and high-end fashion. It has been supplying top American brands and U.S. retailers for decades. With the growth of China in apparel production and the end of the quota system, Philippine apparel exports to the United States have dropped by 50 percent in the last five years. The Philippine apparel sector is in critical decline, with employment dropping by 75 percent since 2003.

The Philippines has been, arguably, our closest and most steadfast friend in Southeast Asia. They were our protectorate and strategic partner from the Spanish-American War through World War II. 10,000 American and Filipino servicemen died together in the infamous Bataan Death March after our forces were overwhelmed by the Japanese Army in 1942. More than 100,000 Filipinos then volunteered to fight alongside the United States and under U.S. command.

More recently, the United States and the Philippines have partnered in successful efforts to combat terrorists in and around their islands. Campaigns by the Armed Forces of the Philippines, trained in counterterrorism by U.S. troops, resulted in the deaths of the Abu Sayyaf leader and his deputy in 2006, as well as two other leaders in 2010.

Our close partnership deserves to be mutually rewarding on an economic level. The SAVE Act would represent the first trade initiative with the Philippines in nearly four decades. Unlike other countries in the region, the United States and the Philippines share a balanced trade relationship. The SAVE Act would continue to build on this positive trade relationship and strengthen our economic ties with the Philippines by helping each other reestablish competitive textile industries.

The SAVE Act would also allow duty-free treatment for a limited range of apparel not using U.S. fabrics so Philippine manufacturers can offer a complementary product line to U.S. brands and retailers. This category of apparel, which includes certain lines of coats, dresses, skirts, blouses, and infants' wear, will not contain any components that could have been made in the United States. These lines of apparel also will not compete against imports from third countries using U.S. components.

With the Republic of the Philippines as a partner, we can expect proper customs enforcement. We believe the enforcement provisions of the SAVE Act are more rigorous than any comparable bill. At our request, Customs and Border Patrol, CBP, conducted an informal technical review of the SAVE bill. With their recommendations included, CBP concluded that the SAVE Act can be administered and enforced. The Philippine Department of Trade and Industry then reviewed and agreed to all the enforcement provisions.

This bill will provide our manufacturers with new export markets and provide mutual benefits to a longstanding and erstwhile friend in Southeast Asia. The Philippines, in my view, should never be relegated to secondary consideration even as our focus shifts from one priority to another.

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. 1244

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 ''Save Our Industries Act of 2011'' or the ''SAVE Act''.

SEC. 2. FINDINGS; PURPOSES.

(a) FINDINGS.—Congress finds the following:

(1) The United States and the Republic of the Philippines (in this Act referred to as the ''Philippines''), a former colony, share deep historical and cultural ties. The Philippines holds enduring political and security significance to the United States. The 2 countries have partnered very successfully in combating terrorism in Southeast Asia.

(2) The United States and the Philippines maintain a fair trading relationship that should be expanded to the mutual benefit of both countries. In 2010, United States exports to the Philippines were valued at $7,375,000,000, and United States imports from the Philippines were valued at $7,960,000,000.

(3) United States textile exports to the Philippines were valued at just over $48,000,000 in 2010, consisting mostly of industrial, specialty, broadwoven, and nonwoven fabrics. The potential for export growth in this area can sustain and create thousands of jobs.

(4) The Philippines' textile and apparel industries, like that of their counterparts in the United States, share the same challenges and risks stemming from the end of the textile and apparel quota system and from the end of United States safe-guards that continued to control apparel imports from the People's Republic of China until January 1, 2009.

(5) The United States apparel fabrics industry is heavily dependent on sewing outside the United States, and, for the first time, United States textile manufacturers would have a program that utilizes sewing done in an Asian country. In contrast, most sewing of United States fabric occurs in the Western Hemisphere, with about two-thirds of United States fabric exports presently going to countries that are parties to the North American Free Trade Agreement and the Dominican Republic-Central America-United States Free Trade Agreement. Increased demand for United States fabric in Asia will increase opportunities for the United States industry.

(6) Apparel producers in the Western Hemisphere are excellent at making basic garments such as T-shirts and standard 5-pocket jeans. However, the needle capability does not exist to make high fashion, more sophisticated garments such as embroidered T-shirts and fashion jeans with embellishments. Such apparel manufacturing is done almost exclusively in Asia.

(7) A program that provides preferential duty treatment for certain apparel articles of the Philippines will provide a strong incentive for Philippine apparel manufacturers to use United States fabrics, which will open new opportunities for the United States textile industry and increase opportunities for United States yarn manufacturers. At the same time, the United States would be provided a more diverse range of sourcing opportunities.

(b) PURPOSES.—The purposes of this Act are—

(1) to encourage higher levels of trade in textiles and apparel between the United States and the Philippines and enhance the commercial well-being of their respective industries in times of global economic hardship;

(2) to enhance and broaden the economic, security, and political ties between the United States and the Philippines;

(3) to stimulate economic activity and development throughout the Philippines, including regions such as Manila and Mindanao; and

(4) to provide a stepping stone to an eventual free trade agreement between the United States and the Philippines, either bilaterally or as part of a regional agreement.

SEC. 3. DEFINITIONS.

In this Act:

(1) CLASSIFICATION UNDER THE HTS.—The term ''classification under the HTS'' means, with respect to an article, the 6-digit subheading or 10-digit statistical reporting number under which the article is classified in the HTS.

(2) DOBBY WOVEN FABRIC.—The term ''dobby woven fabric'' means fabric, other than jacquard fabric, woven with the use of a dobby attachment that raises or lowers the warp threads during the weaving process to create patterns including, stripes, and checks and similar designs.

(3) ENTERED.—The term ''entered'' means entered, or withdrawn from warehouse for consumption, in the customs territory of the United States.

(4) HTS.—The term ''HTS'' means the Harmonized Tariff Schedule of the United States.

(5) KNIT-TO-SHAPE.—An article is ''knit-to shape'' if 50 percent or more of the exterior surface area of the article is formed by major parts that have been knitted or crocheted directly to the shape used in the article, with no consideration being given to patch pockets, appliqués, or the like. Minor cutting, trimming, or sewing of those major parts shall not affect the determination of whether an article is ''knit-to-shape''.

(6) WHOLLY ASSEMBLED.—An article is ''wholly assembled'' in the Philippines or the United States if—

(A) all components of the article pre-existed in essentially the same condition as the components exist in the finished article and the components were combined to form the finished article in the Philippines or the United States; and

(B) the article is comprised of at least 2 components.

(7) WHOLLY FORMED.—A yarn is ''wholly formed in the United States'' if all of the yarn forming and finishing operations, starting with the extrusion of filaments, strips, film, or sheet, and including slitting a film or sheet into strip, or the spinning of all fibers into yarn, or both, and ending with a finished yarn or plied yarn, takes place in the United States.

SEC. 4. TRADE BENEFITS.

(a) ELIGIBLE APPAREL ARTICLE.—For purposes of this section, an eligible apparel article is any one of the following:

(1) Men's and boys' cotton shirts, T-shirts and tank tops (other than underwear T-shirts and tank tops), pullovers, sweatshirts, tops, and similar articles classifiable under subheading 6105.10, 6105.90, 6109.10, 6110.20, 6110.90, 6112.11, or 6114.20 of the HTS.

(2) Women's and girls' cotton shirts, blouses, T-shirts and tank tops (other than underwear T-shirts and tank tops), pullovers,

sweatshirts, tops, and similar articles classifiable under subheading 6106.10, 6106.90, 6109.10, 6110.20, 6110.90, 6112.11, 6114.20, or 6117.90 of the HTS.

(3) Men's and boys' cotton trousers, breeches, and shorts classifiable under subheading 6103.10, 6103.42, 6103.49, 6112.11, 6113.00, 6203.19, 6203.42, 6203.49, 6210.40, 6211.20, 6211.32 of the HTS.

(4) Women's and girls' cotton trousers, breeches, and shorts classifiable under subheading 6104.19, 6104.62, 6104.69, 6112.11, 6113.00, 6117.90, 6204.12, 6204.19, 6204.62, 6204.69, 6210.50, 6211.20, 6211.42, or 6217.90 of the HTS.

(5) Men's and boys' cotton underpants, briefs, underwear-type T-shirts and singlets, thermal undershirts, other undershirts, and similar articles classifiable under subheading 6107.11, 6109.10, 6207.11, or 6207.91 of the HTS.

(6) Men's and boys' manmade fiber underpants, briefs, underwear-type T-shirts and singlets, thermal undershirts, other undershirts, and similar articles classifiable under subheading 6107.12, 6109.90, 6207.19, or 6207.99 of the HTS.

(7) Men's and boys' manmade fiber shirts, T-shirts and tank tops (other than underwear T-shirts and tank tops), pullovers, sweatshirts, tops, and similar articles classifiable under subheading 6105.20, 6105.90, 6110.30, 6110.90, 6112.12, 6112.19, or 6114.30 of the HTS.

(8) Women's and girls' manmade fiber shirts, blouses, T-shirts and tank tops (other than underwear T-shirts and tank tops), pullovers, sweatshirts, tops, and similar articles classifiable under subheading 6106.20, 6106.90, 6110.30, 6110.90, 6112.12, 6112.19, 6114.30, or 6117.90 of the HTS.

(9) Men's and boys' manmade fiber trousers, breeches, and shorts classifiable under subheading 6103.43, 6103.49, 6112.12, 6112.19, 6112.20, 6113.00, 6203.43, 6203.49, 6210.40, 6211.20, or 6211.33 of the HTS.

(10) Women's and girls' manmade fiber trousers, breeches, and shorts classifiable under subheading 6104.63, 6104.69, 6112.12, 6112.19, 6112.20, 6113.00, 6117.90, 6204.63, 6204.69, 6210.50, 6211.20, 6211.43, or 6217.90 of the HTS.

(11) Men's and boys' manmade fiber shirts classifiable under subheading 6205.30, 6205.90, or 6211.33 of the HTS.

(12) Cotton brassieres and other body support garments classifiable under subheading 6212.10, 6212.20, or 6212.30 of the HTS.

(13) Manmade fiber brassieres and other body support garments classifiable under subheading 6212.10, 6212.20, or 6212.30 of the HTS.

(14) Manmade fiber swimwear classifiable under subheading 6112.31, 6112.41, 6211.11, or 6211.12 of the HTS.

(15) Cotton swimwear classifiable under subheading 6112.39, 6112.49, 6211.11, or 6211.12 of the HTS.

(16) Men's and boys' manmade fiber coats, overcoats, carcoats, capes, cloaks, anoraks (including ski-jackets), windbreakers, padded sleeveless jackets with attachments for sleeves, and similar articles classifiable under subheading 6101.30, 6101.90, 6112.12, 6112.19, 6112.20, or 6113.00 of the HTS.

(17) Women's and girls' manmade fiber coats, overcoats, carcoats, capes, cloaks, anoraks (including ski-jackets), windbreakers, padded sleeveless jackets with attachments for sleeves, and similar articles classifiable under subheading 6102.30, 6102.90, 6104.33, 6104.39, 6112.12, 6112.19, 6112.20, 6113.00, or 6117.90 of the HTS.

(18) Gloves, mittens, and mitts of manmade fibers classifiable under subheading 6116.10, 6116.93, 6116.99, or 6216.00 of the HTS.

(b) DUTY-FREE TREATMENT FOR CERTAIN ELIGIBLE APPAREL ARTICLES.—

(1) DUTY-FREE TREATMENT.—Subject to paragraphs (2) and (3), an eligible apparel article shall enter the United States free of duty if the article is wholly assembled in the United States or the Philippines, or both, and if the component determining the article's classification under the HTS consists entirely of—

(A) fabric cut in the United States or the Philippines, or both, from fabric wholly formed in the United States from yarns wholly formed in the United States;

(B) components knit-to-shape in the United States from yarns wholly formed in the United States; or

(C) any combination of fabric or components knit-to-shape described in subparagraphs (A) and (B).

(2) DYEING, PRINTING, OR FINISHING.—An apparel article described in paragraph (1) shall be ineligible for duty-free treatment under such paragraph if any component determining the article's classification under the HTS comprises any fabric, fabric component, or component knit-to-shape in the United States that was dyed, printed, or finished at any place other than in the United States.

(3) OTHER PROCESSES.—An apparel article described in paragraph (1) shall not be disqualified from eligibility for duty-free treatment under such paragraph because it undergoes stone-washing, enzyme-washing, acid-washing, permapressing, oven baking, bleaching, garment-dyeing, screen printing, or other similar processes in either the United States or the Philippines.

(c) KNIT-TO-SHAPE APPAREL ARTICLES.—A knit-to-shape apparel article shall enter the United States free of duty if it is wholly assembled in the Philippines and if the component determining the article's classification under the HTS consists entirely of components knit-to-shape in the Philippines from yarns wholly formed in the United States.

(d) DE MINIMIS RULES.—

(1) IN GENERAL.—An article that would otherwise be ineligible for preferential treatment under this section because the article contains fibers or yarns not wholly formed in the United States or in the Philippines shall not be ineligible for such treatment if the total weight of all such fibers or yarns is not more than 10 percent of the total weight of the article.

(2) ELASTOMERIC YARNS.—Notwithstanding paragraph (1), an article described in subsection (b) or (c) that contains elastomeric yarns in the component of the article that determines the article's classification under the HTS shall be eligible for duty-free treatment under this section only if such elastomeric yarns are wholly formed in the United States or the Philippines.

(3) DIRECT SHIPMENT.—Any apparel article described in subsection (b) or (c) is an eligible article only if it is imported directly into the United States from the Philippines.

(e) SINGLE TRANSFORMATION RULES.—Any of the following apparel articles that are cut and wholly assembled, or knit-to-shape, in the Philippines from any combination of fabrics, fabric components, components knit-to-shape, or yarns and are imported directly into the United States from the Philippines shall enter the United States free of duty, without regard to the source of the fabric, fabric components, components knit-to-shape, or yarns from which the articles are made:

(1) Except for brassieres classified in subheading 6212.10 of the HTS, any apparel article that is of a type listed in chapter rule 3(a), 4(a), or 5(a) for chapter 62 of the HTS, as such chapter rule is contained in paragraph 9 of section A of the Annex to Proclamation 8213 of the President of December 20, 2007, (as amended by Proclamation 8272 of June 30, 2008, or any subsequent proclamation by the President).

(2) Any article not described in paragraph (1) that is any of the following:

(A) Baby garments, clothing accessories, and headwear classifiable under subheading 6111.20, 6111.30, 6111.90, 6209.20, 6209.30, 6209.90, or 6505.90 of the HTS.

(B) Women's and girls' cotton coats, over coats, carcoats, capes, cloaks, anoraks (including ski-jackets), windbreakers, padded sleeveless jackets with attachments for sleeves, and similar articles classifiable under subheading 6102.20, 6102.90, 6104.19, 6104.32, 6104.39, 6112.11, 6113.00, 6117.90, 6202.12, 6202.19, 6202.92, 6202.99, 6204.12, 6204.19, 6204.32, 6204.39, 6210.30, 6210.50, 6211.20, 6211.42, or 6217.90 of the HTS.

(C) Cotton dresses classifiable under subheading 6104.42, 6104.49, 6204.42, or 6204.49 of the HTS.

(D) Manmade fiber dresses classifiable under subheading 6104.43, 6104.44, 6104.49, 6204.43, 6204.44, or 6204.49 of the HTS.

(E) Men's and boys' cotton shirts classifiable under statistical reporting number 6205.20.1000, 6205.20.2021, 6205.20.2026, 6205.20.2031, 6205.20.2061, 6205.20.2076, 6205.90, or 6211.32 of the HTS.

(F) Men's and boys' cotton shirts not containing dobby woven fabric classifiable under statistical reporting number 6205.20.2003, 6205.20.2016, 6205.20.2051, 6205.20.2066 of the HTS.

(G) Manmade fiber pajamas and sleepwear classifiable under subheading 6107.22, 6107.99, 6108.32, 6207.22, 6207.99, or 6208.22 of the HTS.

(H) Women's and girls' wool coats, overcoats, carcoats, capes, cloaks, anoraks (including ski-jackets), windbreakers, padded sleeveless jackets with attachments for sleeves, and similar articles classifiable under subheading 6102.10, 6102.30, 6102.90, 6104.31, 6104.33, 6104.39, 6117.90, 6202.11, 6202.13, 6202.19, 6202.91, 6202.93, 6202.99, 6204.31, 6204.33, 6204.39, 6211.20, 6211.41, or 6117.90 of the HTS.

(I) Women's and girls' wool trousers, breeches, and shorts classifiable under subheading 6104.61, 6104.63, 6104.69, 6117.90, 6204.61, 6204.63, 6204.69, 6211.20, 6211.41, or 6217.90 of the HTS.

(J) Women's and girls' cotton shirts and blouses classifiable under subheading 6206.10, 6206.30, 6206.90, 6211.42, or 6217.90 of the HTS.

(K) Women's and girls' manmade fiber shirts, blouses, shirt-blouses, sleeveless tank styles, and similar upper body garments classifiable under subheading 6206.10, 6206.40, 6206.90, 6211.43, or 6217.90 of the HTS.

(L) Women's and girls' manmade fiber coats, jackets, carcoats, capes, cloaks, anoraks (including ski-jackets), windbreakers, padded sleeveless jackets with attachments for sleeves, and similar articles classifiable under subheading 6202.13, 6202.19, 6202.93, 6202.99, 6204.33, 6204.39, 6210.30, 6210.50, 6211.20, 6211.43, or 6217.90 of the HTS.

(M) Cotton skirts classifiable under subheading 6104.19, 6104.52, 6104.59, 6204.12, 6204.19, 6204.52, or 6204.59 of the HTS.

(N) Manmade fiber skirts classifiable under subheading 6104.53, 6104.59, 6204.53, or 6204.59 of the HTS.

(O) Men's and boys' manmade fiber coats, overcoats, carcoats, capes, cloaks, anoraks (including ski-jackets), windbreakers, padded sleeveless jackets with attachments for sleeves, and similar articles classifiable under subheading 6201.13, 6201.19, 6201.93, 6201.99, 6210.20, 6210.40, 6211.20, or 6211.33 of the HTS.

(P) Women's and girls' manmade fiber slips, petticoats, briefs, panties, and underwear classifiable under subheading 6108.11, 6108.22, 6108.92, 6109.90, 6208.11, or 6208.92 of the HTS.

(Q) Gloves, mittens, and mitts of cotton classifiable under subheading 6116.10, 6116.92, 6116.99, or 6216.00 of the HTS.

(R) Other men's or boys' garments classifiable under statistical reporting number 6211.32.0081 of the HTS.

(f) REVIEW AND REPORT.—

(1) IN GENERAL.—The Comptroller General of the United States shall, not later than 3 years after the date of the enactment of this Act, and every 3 years thereafter, review the effectiveness of this section in supporting the use of United States fabrics and make recommendations necessary to improve or expand the provisions of this section to ensure support for the use of United States fabrics.

(2) RECOMMENDATIONS.—After the second review required under paragraph (1), the Comptroller General shall make a determination regarding whether this section is effective in supporting the use of United States fabrics and recommend to Congress whether or not this section should be renewed.

(g) ENFORCEMENT.—Preferential treatment under this section shall not be provided to textile and apparel articles that are imported from the Philippines unless the President certifies to Congress that the Philippines is meeting the following conditions:

(1) A valid original textile visa issued by the Philippines is provided to U.S. Customs and Border Protection with respect to any article for which preferential treatment is claimed. The visa issued is in the standard 9-digit format required under the Electronic Visa Information System (ELVIS) and meets all reporting requirements of ELVIS.

(2) The Philippines is implementing the Electronic Visa Information System (ELVIS) to assist in the prevention of transshipment of apparel articles and the use of counterfeit documents relating to the importation of apparel articles into the United States.

(3) The Philippines is enforcing the Memorandum of Understanding between the United States of America and the Republic of the Philippines Concerning Cooperation in Trade in Textile and Apparel Goods, signed on August 23, 2006.

(4) The Philippines agrees to provide, on a timely basis at the request of U.S. Customs and Border Protection, and consistently with the manner in which the records are kept in the Philippines, a report on exports from the Philippines of apparel articles eligible for preferential treatment under this section, and on imports into the Philippines of yarns, fabrics, fabric components, or components knit-to-shape that are wholly formed in the United States.

(5) The Philippines agrees to cooperate fully with the United States to address and take action necessary to prevent circumvention as provided in Article 5 of the Agreement on Textiles and Clothing referred to in section 101(d)(4) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(4)).

(6) The Philippines agrees to require Philippines producers and exporters of articles eligible for preferential treatment under this section to maintain, for at least 5 years after the date of export, complete records of the production and the export of such articles, including records of yarns, fabrics, fabric components, and components knit-to-shape and used in the production of such articles.

(7) The Philippines agrees to provide, on a timely basis, at the request of U.S. Customs and Border Protection, documentation establishing the country of origin of articles eligible for preferential treatment under this section, as used by that country in implementing an effective visa system.

(8) The Philippines is to establish, within 60 days after the date of the President's certification under this paragraph, procedures that allow the Office of Textiles and Apparel of the Department of Commerce (OTEXA) to obtain information when fabric wholly formed in the United States is exported to the Philippines to allow for monitoring and verification before the imports of apparel articles containing the fabric for which preferential treatment is sought under this section reach the United States. The information provided upon export of the fabrics shall include, among other things, the name of the importer of the fabric in the Philippines, the 8-digit HTS subheading covering the apparel articles to be made from the fabric, and the quantity of the apparel articles to be made from the fabric for importation into the United States.

(9) The Philippines has enacted legislation or promulgated regulations to allow for the seizure of merchandise physically transiting the territory of the Philippines and that appears to be destined for the United States in circumvention of the provisions of this Act.

(h) CUSTOMS PROCEDURES.—

(1) IN GENERAL.—

(A) PENALTIES FOR EXPORTERS.—If the President determines, based on sufficient evidence, that an exporter has engaged in transshipments as defined in paragraph (2), then the President shall deny for a period of 5 years all benefits under this section to such exporter, any successor of such exporter, and any other entity owned or operated by the principal of the exporter.

(B) PENALTIES FOR IMPORTERS.—If the President determines, based on sufficient evidence, that an importer has engaged in transshipments as defined in paragraph (2), then the President shall deny for a period of 5 years all benefits under this section to such importer, any successor of such importer, or any entity owned or operated by the principal of the importer.

(2) DEFINITION OF TRANSHIPMENT.—For purposes of paragraph (1) and subsection (g), transshipment has occurred when preferential treatment for an apparel article under this section has been claimed on the basis of material false information concerning the country of origin, manufacture, processing, cutting, or assembly of the article or of any fabric, fabric component, or component knit-to-shape from which the apparel article was cut and assembled. For purposes of this paragraph, false information is material if disclosure of the true information would have meant that the article is or was ineligible for preferential treatment under this section.

(i) PROCLAMATION AUTHORITY.—The President shall issue a proclamation to carry out this section not later than 60 days after the date of the enactment of this Act. The President shall consult with the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives in preparing such proclamation.

SEC. 5. EFFECTIVE DATE.

This Act shall apply to articles entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date on which the President issues the proclamation required by section 4(i).

SEC. 6. TERMINATION.

(a) IN GENERAL.—The preferential duty treatment provided under this Act shall remain in effect for a period of 7 years beginning on the effective date provided for in section 5.

(b) GSP ELIGIBILITY.—The preferential duty treatment provided under this Act shall terminate if and when the Philippines becomes ineligible for designation as a beneficiary developing country under title V of the Trade Act of 1974 (19 U.S.C. 2461 et seq.).

By Mr. BLUNT (for himself and Mr. LEVIN):

S. 1245. A bill to provide for the establishment of the Special Envoy to Promote Religious Freedom of Religious Minorities in the Near East and South Central Asia; to the Committee on Foreign Relations.

Mr. BLUNT. Mr. President, I am pleased to join my friend Senator CARL LEVIN in introducing this legislation to create a new U.S. Department of State special envoy for religious minorities in the Middle East.

As we observe the political upheavals occurring throughout the region, we need to remember that this region is the birthplace of three of the world's major religions. I am particularly interested in ensuring that the shrinking minority of Christians in places like Egypt, Iraq, the West Bank, and Afghanistan receive adequate attention by our foreign emissaries.

I expect this bill to encourage the State Department to redouble its efforts to call attention to all religious minorities and demonstrate to leaders in the region that the United States takes religious freedom seriously. I am hopeful that as change takes place in many of these countries, they will look to the United States as a model of religious tolerance and freedom.

I thank my friends in the House of Representatives, FRANK WOLF, ANNA ESHOO, JOE PITTS, and many others, for their efforts on this bill's House companion, which was introduced earlier this year.

I look forward to working with my colleagues on both sides of the Capitol and with the Administration to enact this important legislation.

Mr. LEVIN. Mr. President, today Senator BLUNT and I have introduced the Near East and South Central Asia Religious Freedom Act of 2011. The purpose of this legislation is to establish within the State Department a special envoy to promote freedom of worship for religious minorities in this important region of the world.

It is a tragic fact that in many of the nations of the Near East and South Central Asia, this universal human right, the freedom to worship in keeping with one's conscience, is in doubt. I would point my colleagues to the State Department's most recent Report on International Religious Freedom, published late last year. The report concludes, among other things, that: in Iran, ''government respect for religious freedom in the country continued to deteriorate''; in Iraq, ''violence conducted by terrorists, extremists, and criminal gangs restricted the free exercise of religion and posed a significant threat to the country's vulnerable religious minorities''; in Afghanistan, respect for the rights of religious minorities deteriorated; in Pakistan organized violence against religious minorities had increased; and in Tajikistan the government passed new laws restricting religious practice.

The legislation we introduce today seeks to combat such abuses by placing a high-level official within the State Department to focus the Nation's diplomatic efforts on promoting freedom

of worship. The special envoy would be tasked with promoting religious freedom within the Near East and South Central Asia; monitoring and combating intolerance and incitements to violence against religious minorities within the region; and working with the region's governments to address laws and practices that infringe on religious freedom.

It is in the interest of the United States to promote freedom of worship and the rights of religious minorities around the world, and especially in nations where those freedoms are under threat. Such violence is a threat to regional stability in a part of the world where U.S. interests are great. Moreover, our support for these universal human values affirms the principles upon which our own Nation was founded.

I thank my colleague from Missouri for joining with me in introducing this important legislation. I urge my colleagues to support our efforts to protect the lives and freedoms of religious minorities, and to promote the universal values upon which our Nation is built.

By Mr. UDALL of Colorado (for himself, Mr. RISCH, Mr. TESTER, and Mr. BENNET):

S. 1249. A bill to amend the Pittman-Robertson Wildlife Restoration Act to facilitate the establishment of additional or expanded public target ranges in certain States; to the Committee on Environment and Public Works.

Mr. UDALL of Colorado. Mr. President, today I am introducing the Target Practice and Marksmanship Training Support Act with the support of Senators RISCH, TESTER, and BENNET. I thank my colleagues for joining me in this bipartisan effort.

This bill would provide funding flexibility to the states to help construct and maintain needed public shooting ranges, designated areas where people can sharpen their marksmanship skills and safely enjoy recreational shooting.

For a variety of reasons, the number of places where people can safely engage in recreational shooting and target practicing has steadily dwindled. This includes areas on our public lands. In an effort to establish, maintain and promote safe and established areas for such activities, this legislation would allow States to allocate a greater proportion of their Federal wildlife funds for these purposes.

Currently, states are allocated funds for a variety of wildlife purposes under the Pittman-Robertson Wildlife Restoration Act. This act established an excise tax on sporting equipment and ammunition that is used to fund many state activities, including wildlife restoration and hunter education and safety programs. Pittman-Robertson funds can also be used for the development and maintenance of shooting ranges. However, the Pittman-Robertson Wildlife Restoration Act contains certain restrictions on the use of Pittman-Robertson funds that limit their effectiveness for establishing and maintaining shooting ranges.

The Target Practice and Marksmanship Training Support Act would amend the Pittman-Robertson Wildlife Restoration Act to adjust certain funding limitations so that States have greater flexibility over the use of funds available for the creation and maintenance of shooting ranges.

To be clear, the bill would not allocate any new funding to the construction of shooting ranges, it would not raise any fees or taxes, nor would it require states to apply their allocated Pittman-Robertson funds to shooting ranges. Instead, by reducing the amount of other funds states would have to raise and allowing states to ''bank'' Pittman-Robertson funds for 5 years for shooting ranges, the bill gives States greater flexibility to use their existing Pittman-Robertson funds as they think best. Also as a result of this bill, States will be able to extend their existing license fee revenue and other State-generated funds on other important programs, such as wildlife habitat conservation.

Hunting and recreational shooting are an integral part of the Colorado way of life, activities that also are appropriate where not prohibited on our public lands. This bill is designed to improve the quality of the recreational shooting experience by promoting safe, designated places to shoot. In addition to the improvements this bill contains, it is my hope that the public land management agencies will continue to work with the States, sportsmen and women, the recreational shooting interests, local communities, and others so that these opportunities are safe and available.

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. 1249

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 ''Target Practice and Marksmanship Training Support Act''.

SEC. 2. FINDINGS; PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) the use of firearms and archery equipment for target practice and marksmanship training activities on Federal land is allowed, except to the extent specific portions of that land have been closed to those activities;

(2) in recent years preceding the date of enactment of this Act, portions of Federal land have been closed to target practice and marksmanship training for many reasons;

(3) the availability of public target ranges on non-Federal land has been declining for a variety of reasons, including continued population growth and development near former ranges;

(4) providing opportunities for target practice and marksmanship training at public target ranges on Federal and non-Federal land can help—

(A) to promote enjoyment of shooting, recreational, and hunting activities; and

(B) to ensure safe and convenient locations for those activities;

(5) Federal law in effect on the date of enactment of this Act, including the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669 et seq.), provides Federal support for construction and expansion of public target ranges by making available to States amounts that may be used for construction, operation, and maintenance of public target ranges; and

(6) it is in the public interest to provide increased Federal support to facilitate the construction or expansion of public target ranges.

(b) PURPOSE.—The purpose of this Act is to facilitate the construction and expansion of public target ranges, including ranges on Federal land managed by the Forest Service and the Bureau of Land Management.

SEC. 3. DEFINITION OF PUBLIC TARGET RANGE.

In this Act, the term ''public target range'' means a specific location that—

(1) is identified by a governmental agency for recreational shooting;

(2) is open to the public;

(3) may be supervised; and

(4) may accommodate archery or rifle, pistol, or shotgun shooting.

SEC. 4. AMENDMENTS TO PITTMAN-ROBERTSON WILDLIFE RESTORATION ACT.

(a) DEFINITIONS.—Section 2 of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669a) is amended—

(1) by redesignating paragraphs (2) through (8) as paragraphs (3) through (9), respectively; and

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

''(2) the term 'public target range' means a specific location that—

''(A) is identified by a governmental agency for recreational shooting;

''(B) is open to the public;

''(C) may be supervised; and

''(D) may accommodate archery or rifle, pistol, or shotgun shooting;''.

(b) EXPENDITURES FOR MANAGEMENT OF WILDLIFE AREAS AND RESOURCES.—Section 8(b) of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669g(b)) is amended—

(1) by striking ''(b) Each State'' and inserting the following:

''(b) EXPENDITURES FOR MANAGEMENT OF WILDLIFE AREAS AND RESOURCES.—

''(1) IN GENERAL.—Except as provided in paragraph (2), each State'';

(2) in paragraph (1) (as so designated), by striking ''construction, operation,'' and inserting ''operation'';

(3) in the second sentence, by striking ''The non-Federal share'' and inserting the following:

''(3) NON-FEDERAL SHARE.—The non-Federal share'';

(4) in the third sentence, by striking ''The Secretary'' and inserting the following:

''(4) REGULATIONS.—The Secretary''; and

(5) by inserting after paragraph (1) (as designated by paragraph (1) of this subsection) the following:

''(2) EXCEPTION.—Notwithstanding the limitation described in paragraph (1), a State may pay up to 90 percent of the cost of acquiring land for, expanding, or constructing a public target range.''.

(c) FIREARM AND BOW HUNTER EDUCATION AND SAFETY PROGRAM GRANTS.—Section 10 of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669h–1) is amended—

(1) in subsection (a), by adding at the end the following:

''(3) ALLOCATION OF ADDITIONAL AMOUNTS.—Of the amount apportioned to a State for any fiscal year under section 4(b), the State

may elect to allocate not more than 10 percent, to be combined with the amount apportioned to the State under paragraph (1) for that fiscal year, for acquiring land for, expanding, or constructing a public target range.''';

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

''(b) COST SHARING.—

''(1) IN GENERAL.—Except as provided in paragraph (2), the Federal share of the cost of any activity carried out using a grant under this section shall not exceed 75 percent of the total cost of the activity.

''(2) PUBLIC TARGET RANGE CONSTRUCTION OR EXPANSION.—The Federal share of the cost of acquiring land for, expanding, or constructing a public target range in a State on Federal or non-Federal land pursuant to this section or section 8(b) shall not exceed 90 percent of the cost of the activity.''; and

(3) in subsection (c)(1)—

(A) by striking ''Amounts made'' and inserting the following:

''(A) IN GENERAL.—Except as provided in subparagraph (B), amounts made''; and

(B) by adding at the end the following:

''(B) EXCEPTION.—Amounts provided for acquiring land for, constructing, or expanding a public target range shall remain available for expenditure and obligation during the 5-fiscal-year period beginning on October 1 of the first fiscal year for which the amounts are made available.''.

SEC. 5. LIMITS ON LIABILITY.

(a) DISCRETIONARY FUNCTION.—For purposes of chapter 171 of title 28, United States Code (commonly referred to as the ''Federal Tort Claims Act''), any action by an agent or employee of the United States to manage or allow the use of Federal land for purposes of target practice or marksmanship training by a member of the public shall be considered to be the exercise or performance of a discretionary function.

(b) CIVIL ACTION OR CLAIMS.—Except to the extent provided in chapter 171 of title 28, United States Code, the United States shall not be subject to any civil action or claim for money damages for any injury to or loss of property, personal injury, or death caused by an activity occurring at a public target range that is—

(1) funded in whole or in part by the Federal Government pursuant to the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669 et seq.); or

(2) located on Federal land.

SEC. 6. SENSE OF CONGRESS REGARDING COOPERATION.

It is the sense of Congress that, consistent with applicable laws and regulations, the Chief of the Forest Service and the Director of the Bureau of Land Management should cooperate with State and local authorities and other entities to carry out waste removal and other activities on any Federal land used as a public target range to encourage continued use of that land for target practice or marksmanship training.

By Mr. BINGAMAN (for himself and Mrs. HUTCHISON):

S. 1257. A bill establish grant programs to improve the health of border area residents and for all hazards preparedness in the border area including bioterrorism and infectious disease, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. BINGAMAN. Mr. President, I rise today to introduce the Border Health Security Act of 2011.

This legislation is designed to make several important changes to current law to address pressing public health challenges along the U.S.-Mexico border.

In 1993, along with Senators HUTCHISON and MCCAIN, I introduced the original United States-Mexico Border Health Commission Act. With the support of Members from both chambers, and from both parties, we passed this landmark legislation, which was signed into law in 1994 by President Clinton. I was gratified when the bi-national agreement to establish the Commission was signed in 2000. And, I have monitored with interest the important work of the U.S.-Mexico Border Health Commission in the years since.

As the Commission enters its second decade, the problems it seeks to deal with are no less pressing than those we originally set out to tackle with the Border Health Commission Act.

Health disparities and chronic diseases for the over 14 million people who live in the border region, comprised of two sovereign nations, 25 Native American tribes, and four states in the United States and six states in Mexico, remain at unacceptable levels, far outpacing rates in most of the United States. Far too many border residents remain uninsured. Texas and New Mexico, for instance, rank first and fifth, respectively, in the percentage of residents who are uninsured. Many who live in the region still do not have access to adequate primary, preventive, and specialty care. If the border region were considered a state, it would rank at or near the bottom on many key health indicators, such as rates of tuberculosis, hepatitis, diabetes, and access to health professionals. Compounding all these problems are high rates of poverty; three of the ten poorest counties in the United States are located in the border area.

In addition, communicable diseases that can easily travel across borders, such as tuberculosis and H1N1, strain our border's public health systems. Amplifying our public health surveillance efforts at our border can help mitigate the impact of such diseases, as well as other bio-security threats, in the rest of the nation.

I believe, just as I did when I introduced the original legislation, that the public health problems the border region faces are truly bi-national in nature. As such, they demand a truly bi-national public health architecture. Over the last 11 years, the U.S.-Mexico Border Health Commission has provided this structure as it worked to address these issues. It has had a number of successes, including notable conferences and reports on infectious disease surveillance, childhood obesity, and tuberculosis, developed jointly by both its U.S. and Mexican members. Its programs were particularly helpful as we coordinated our response to the H1N1 pandemic in 2009.

Still, the public health challenges in the border remain great. As the Commission enters into its second decade, this bipartisan legislation will strengthen the capacity of the Commission and authorize appropriate federal resources for its important work.

The legislation does this in several ways. First, through a new grant program, it authorizes additional funding to improve the infrastructure, access, and the delivery of health care services along the entire U.S.-Mexico border.

These grants would be flexible and allow the individual communities to establish their own priorities with which to spend these funds for the following range of purposes: maternal and child health, primary care and preventative health, public health and public health infrastructure, health promotion, oral health, behavioral and mental health, substance abuse, health conditions that have a high prevalence in the border region, medical and health services research, community health workers or promotoras, health care infrastructure, including planning and construction grants, health disparities, environmental health, health education, and research.

Second, it authorizes new, funding for the successful Early Warning Infectious Disease Surveillance, EWIDS, program in the U.S.-Mexico border region. EWIDS is designed to bolster preparedness for bioterrorism and infectious disease. The legislation also establishes a health alert network to identify and communicate information quickly to health providers about emerging health care threats. It requires the Department of Health and Human Services and the Department of Homeland Security to coordinate this system.

Third, it strengthens the capacity of the U.S.-Mexico Border Health Commission by undertaking several key organizational reforms.

Finally, the legislation encourages more coordination, recommendations, and study of these complex border health challenges. The bill affirms the need for integrated efforts across national, federal, state and local agencies to properly address border health issues. It specifies that recommendations and advice on how to improve border health will be communicated to Congress. Further, the legislation authorizes two key studies conducted by the Institute of Medicine: the first on bi-national health infrastructure and a second on health insurance coverage for border residents. A total of $31 million is authorized to carry out the act.

Without the changes and resources this legislation envisions, border residents will continue to lag behind the United States in many key indicators of good public health. Without this bill, both of our countries will be less prepared when the next bi-national health security threat hits.

I would like to thank Senator HUTCHISON, who was an original cosponsor of the U.S.-Mexico Border Health Commission legislation, Public Law 103–400, that we passed in 1994 and is the lead cosponsor of this legislation today. She has also been the lead Senator in getting funding for the U.S.-

Mexico Border Health Commission since its inception.

I urge the adoption of this bipartisan legislation by this Congress.

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. 1257

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Border Health Security Act of 2011''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) The United States-Mexico border is an interdependent and dynamic region of 14,538,209 people with significant and unique public health challenges.

(2) These challenges include low rates of health insurance coverage, poor access to health care services, and high rates of dangerous diseases, such as tuberculosis, diabetes, and obesity.

(3) As the 2009 novel influenza A (H1N1) outbreak illustrates, diseases do not respect international boundaries, therefore, a strong public health effort at and along the U.S.-Mexico border is crucial to not only protect and improve the health of Americans but also to help secure the country against biosecurity threats.

(4) For 11 years, the United States-Mexico Border Health Commission has served as a crucial bi-national institution to address these unique and truly cross-border health issues.

(5) Two initiatives resulting from the United States-Mexico Border Health Commission's work speak to the importance of an infrastructure that facilitates cross border communication at the ground level. First, the Early Warning Infectious Disease Surveillance (EWIDS), started in 2004, surveys infectious diseases passing among border States allowing for early detection and intervention. Second, the Ventanillas de Salud program, allows Mexican consulates, in collaboration with United States nonprofit health organizations, to provide information and education to Mexican citizens living and working in the United States through a combination of Mexican state funds and private grants. This program reaches an estimated 1,500,000 people in the United States.

(6) As the United States-Mexico Border Health Commission enters its second decade, and as these issues grow in number and complexity, the Commission requires additional resources and modifications which will allow it to provide stronger leadership to optimize health and quality of life along the United States-Mexico border.

SEC. 3. UNITED STATES-MEXICO BORDER HEALTH COMMISSION ACT AMENDMENTS.

The United States-Mexico Border Health Commission Act (22 U.S.C. 290n et seq.) is amended—

(1) in section 3—

(A) in paragraph (1), by striking ''and'' at the end;

(B) in paragraph (2), by striking the period and inserting ''; and''; and

(C) by adding at the end the following:

''(3) to serve as an independent and objective body to both recommend and implement initiatives that solve border health issues'';

(2) in section 5—

(A) in subsection (b), by striking ''should be the leader'' and inserting ''shall be the Chair''; and

(B) by adding at the end the following:

''(d) PROVIDING ADVICE AND RECOMMENDATIONS TO CONGRESS.—A member of the Commission may at any time provide advice or recommendations to Congress concerning issues that are considered by the Commission. Such advice or recommendations may be provided whether or not a request for such is made by a member of Congress and regardless of whether the member or individual is authorized to provide such advice or recommendations by the Commission or any other Federal official.'';

(3) by redesignating section 8 as section 13;

(4) by striking section 7 and inserting the following:

''SEC. 7. BORDER HEALTH GRANTS.

''(a) ELIGIBLE ENTITY DEFINED.—In this section, the term 'eligible entity' means a State, public institution of higher education, local government, Indian tribe, tribal organization, urban Indian organization, nonprofit health organization, trauma center, or community health center receiving assistance under section 330 of the Public Health Service Act (42 U.S.C. 254b), that is located in the border area.

''(b) AUTHORIZATION.—From amounts appropriated under section 12, the Secretary, acting through the Commissioners, shall award grants to eligible entities to address priorities and recommendations outlined by the Commission's Strategic and Operational Plans, as authorized under section 9, to improve the health of border area residents.

''(c) APPLICATION.—An eligible entity that desires a grant under subsection (b) shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

''(d) USE OF FUNDS.—An eligible entity that receives a grant under subsection (b) shall use the grant funds for—

''(1) programs relating to—

''(A) maternal and child health;

''(B) primary care and preventative health;

''(C) infectious disease testing and monitoring;

''(D) public health and public health infrastructure;

''(E) health promotion;

''(F) oral health;

''(G) behavioral and mental health;

''(H) substance abuse;

''(I) health conditions that have a high prevalence in the border area;

''(J) medical and health services research;

''(K) workforce training and development;

''(L) community health workers or promotoras;

''(M) health care infrastructure problems in the border area (including planning and construction grants);

''(N) health disparities in the border area;

''(O) environmental health;

''(P) health education;

''(Q) outreach and enrollment services with respect to Federal programs (including programs authorized under titles XIX and XXI of the Social Security Act (42 U.S.C. 1396 and 1397aa));

''(R) trauma care;

''(S) health research with an emphasis on infectious disease;

''(T) epidemiology and health research;

''(U) cross-border health surveillance coordinated with Mexican Health Authorities;

''(V) obesity, particularly childhood obesity;

''(W) crisis communication, domestic violence, substance abuse, health literacy, and cancer; or

''(X) community-based participatory research on border health issues; or

''(2) other programs determined appropriate by the Secretary.

''(e) SUPPLEMENT, NOT SUPPLANT.—Amounts provided to an eligible entity awarded a grant under subsection (b) shall be used to supplement and not supplant other funds available to the eligible entity to carry out the activities described in subsection (d).

''SEC. 8. GRANTS FOR EARLY WARNING INFECTIOUS DISEASE SURVEILLANCE (EWIDS) PROJECTS IN THE BORDER AREA.

''(a) ELIGIBLE ENTITY DEFINED.—In this section, the term 'eligible entity' means a State, local government, Indian tribe, tribal organization, urban Indian organization, trauma centers, regional trauma center coordinating entity, or public health entity.

''(b) AUTHORIZATION.—From funds appropriated under section 12, the Secretary shall award grants under the Early Warning Infectious Disease Surveillance (EWIDS) project to eligible entities for infectious disease surveillance activities in the border area.

''(c) APPLICATION.—An eligible entity that desires a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

''(d) USES OF FUNDS.—An eligible entity that receives a grant under subsection (b) shall use the grant funds to, in coordination with State and local all hazards programs—

''(1) develop and implement infectious disease surveillance plans and readiness assessments and purchase items necessary for such plans;

''(2) coordinate infectious disease surveillance planning in the region with appropriate United States-based agencies and organizations as well as appropriate authorities in Mexico or Canada;

''(3) improve infrastructure, including surge capacity, syndromic surveillance, laboratory capacity, and isolation/decontamination capacity;

''(4) create a health alert network, including risk communication and information dissemination;

''(5) educate and train clinicians, epidemiologists, laboratories, and emergency personnel;

''(6) implement electronic data systems to coordinate the triage, transportation, and treatment of multi-casualty incident victims;

''(7) provide infectious disease testing in the border area; and

''(8) carry out such other activities identified by the Secretary, the United States-Mexico Border Health Commission, State and local public health offices, and border health offices at the United States-Mexico or United States-Canada borders.

''SEC. 9. PLANS, REPORTS, AUDITS, AND BY-LAWS.

''(a) STRATEGIC PLAN.—

''(1) IN GENERAL.—Not later than 5 years after the date of enactment of this section, and every 5 years thereafter, the Commission (including the participation of members of both the United States and Mexican sections) shall prepare a binational strategic plan to guide the operations of the Commission and submit such plan to the Secretary and Congress (and the Mexican legislature).

''(2) REQUIREMENTS.—The binational strategic plan under paragraph (1) shall include—

''(A) health-related priority areas determined most important by the full membership of the Commission;

''(B) recommendations for goals, objectives, strategies and actions designed to address such priority areas; and

''(C) a proposed evaluation framework with output and outcome indicators appropriate to gauge progress toward meeting the objectives and priorities of the Commission.

''(b) WORK PLAN.—Not later than January 1, 2012 and every other January 1 thereafter, the Commission shall develop and approve an

operational work plan and budget based on the strategic plan under subsection (a). At the end of each such work plan cycle, the Government Accountability Office shall conduct an evaluation of the activities conducted by the Commission based on output and outcome indicators included in the strategic plan. The evaluation shall include a request for written evaluations from the commissioners about barriers and facilitators to executing successfully the Commission work plan.

''(c) BIANNUAL REPORTING.—The Commission shall issue a biannual report to the Secretary which provides independent policy recommendations related to border health issues. Not later than 3 months following receipt of each such biannual report, the Secretary shall provide the report and any studies or other material produced independently by the Commission to Congress.

''(d) AUDITS.—The Secretary shall annually prepare an audited financial report to account for all appropriated assets expended by the Commission to address both the strategic and operational work plans for the year involved.

''(e) BY-LAWS.—Not less than 6 months after the date of enactment of this section, the Commission shall develop and approve bylaws to provide fully for compliance with the requirements of this section.

''(f) TRANSMITTAL TO CONGRESS.—The Commission shall submit copies of the work plan and by-laws to Congress. The Government Accountability Office shall submit a copy of the evaluation to Congress.

''SEC. 10. BINATIONAL HEALTH INFRASTRUCTURE AND HEALTH INSURANCE.

''(a) IN GENERAL.—The Secretary shall enter into a contract with the Institute of Medicine for the conduct of a study concerning binational health infrastructure (including trauma and emergency care) and health insurance efforts. In conducting such study, the Institute shall solicit input from border health experts and health insurance issuers.

''(b) REPORT.—Not later than 1 year after the date on which the Secretary enters into the contract under subsection (a), the Institute of Medicine shall submit to the Secretary and the appropriate committees of Congress a report concerning the study conducted under such contract. Such report shall include the recommendations of the Institute on ways to establish, expand, or improve binational health infrastructure and health insurance efforts.

''SEC. 11. COORDINATION.

''(a) IN GENERAL.—To the extent practicable and appropriate, plans, systems and activities to be funded (or supported) under this Act for all hazard preparedness, and general border health, should be coordinated with Federal, State, and local authorities in Mexico and the United States.

''(b) COORDINATION OF HEALTH SERVICES AND SURVEILLANCE.—The Secretary may coordinate with the Secretary of Homeland Security in establishing a health alert system that—

''(1) alerts clinicians and public health officials of emerging disease clusters and syndromes along the border area; and

''(2) is alerted to signs of health threats, disasters of mass scale, or bioterrorism along the border area.

''SEC. 12. AUTHORIZATION OF APPROPRIATIONS.

''There is authorized to be appropriated to carry out this Act $31,000,000 for fiscal year 2012 and each succeeding year subject to the availability of appropriations for such purpose. Of the amount appropriated for each fiscal year, at least $1,000,000 shall be made available to fund operationally-feasible functions and activities with respect to Mexico. The remaining funds shall be allocated for the administration of United States activities under this Act, border health activities under cooperative agreements with the border health offices of the States of California, Arizona, New Mexico, and Texas, the border health and EWIDS grant programs, and the Institute of Medicine and Government Accountability Office reports.''; and

(5) in section 13 (as so redesignated)—

(A) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively; and

(B) by inserting after paragraph (2), the following:

''(3) INDIANS; INDIAN TRIBE; TRIBAL ORGANIZATION; URBAN INDIAN ORGANIZATION.—The terms 'Indian', 'Indian tribe', 'tribal organization', and 'urban Indian organization' have the meanings given such terms in section 4 of the Indian Health Care Improvement Act (25 U.S.C. 1603).''.

By Mr. DURBIN (for himself and Mr. BOOZMAN):

S. 1259. A bill to amend the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 to prohibit the provision of peacekeeping operations assistance to governments of countries that recruit and use child soldiers; to the Committee on Foreign Relations.

Mr. DURBIN. 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. 1259

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 ''Trafficking Victims Enhanced Protection Act of 2011''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) There are as many as 300,000 child soldiers in use by state-run armies, paramilitaries, and guerilla groups in roughly 21 countries around the world and in almost every region of the world.

(2) The 2010 Trafficking in Persons Report defines a child soldier as any person under 18 years of age who directly takes part in hostilities, has been compulsorily or voluntarily recruited as a member of a government's armed forces, or has been recruited or used in hostilities by armed forces distinct from the armed forces of a state.

(3) Children are used as soldiers, combatants, spies, scouts, decoys, guards, cooks, human mine detectors, and even sex slaves, robbing them of their childhood. Children are forced to join such groups physically, economically, or socially, or lured with promises of food, money, or security.

(4) Exploitation of these children leaves them stigmatized and traumatized. Children also suffer higher mortality, disease, and injury rates in combat situations than adults, putting their health and lives at risk.

(5) The William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (Public Law 110–457) prohibits the provision of International Military Education and Training (IMET) and Foreign Military Funds (FMF) assistance to countries found to use child soldiers.

(6) The first report required under WTVPRA, published in 2010, identified 6 countries found to use child soldiers: Burma, Somalia, the Democratic Republic of Congo (DRC), Sudan, Yemen, and Chad.

(7) On October 25, 2010, President Barack Obama exercised his waiver authority for 4 of the 6 countries to include the Democratic Republic of Congo (DRC), Sudan, Yemen, and Chad, which allowed the United States Government to provide both IMET and FMF funding to these countries.

(8) United States peacekeeping funds that were not restricted in the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 have been provided to Somalia, despite the use of child soldiers in that country and United States efforts to halt such practices.

SEC. 3. PROHIBITION ON PROVISION OF PEACEKEEPING OPERATIONS ASSISTANCE TO CERTAIN GOVERNMENTS.

Section 404(a) of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (22 U.S.C. 2370c–1(a)) is amended by striking ''section 516 or 541 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j or 2347)'' and inserting ''section 516, 541, or 551 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j, 2347, or 2348)''.

By Mr. AKAKA:

S. 1260. A bill to require financial literacy and economic education counseling for student borrowers, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. AKAKA. 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. 1260

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 ''College Literacy in Finance and Economics Act of 2011'' or the ''College LIFE Act''.

SEC. 2. FINDINGS.

Congress finds the following:

(1) Student borrowing is widespread in higher education, and more than $100,000,000,000 in Federal education loans are originated each year. In 2008, 62 percent of recipients of a baccalaureate degree graduated with student debt.

(2) Forty-eight percent of students at 4-year public institutions of higher education borrow money to pay for college, as do 57 percent of students at 4-year private institutions of higher education, and 96 percent of students at for-profit institutions of higher education.

(3) In 2008, 92 percent of Black students, 85 percent of Hispanic students, 85 percent of American Indian/Alaska Native students, 82 percent of multi-racial students, 80 percent of Native Hawaiian/Pacific Islander students, 77 percent of White students, and 68 percent of Asian students received financial aid.

(4) Students depart from institutions of higher education with significant debt. In 2008, the average student loan debt among graduates of institutions of higher education was $23,186, and 1 in 10 recipients of a baccalaureate degree graduated at least $40,000 in debt. In 2008, 57 percent of recipients of a baccalaureate degree from a for-profit institution of higher education owed more than $30,000, and the median amount of debt was $32,700. Since 2003, the average cumulative debt among students at institutions of higher education has increased by 5.6 percent each year.

(5) Students enrolled in for-profit institutions of higher education account for 47 percent of all student loan defaults, despite representing approximately 10 percent of all

students enrolled in institutions of higher education. Since 2003, the national cohort default rate has increased from 4.5 percent to 7 percent.

(6) Students rely on access to credit. Fifty-six percent of dependent students at institutions of higher education had a credit card in their own name in 2004. The average credit card balance among such students who were carrying a balance on their cards was $2,000.

(7) According to the National Foundation for Credit Counseling, the majority of adults (56 percent of adults in the United States, or 127,000,000 people) do not have a budget or keep close track of expenses or spending.

(8) According to a 2009 National Bankruptcy Research Center study, consumers who received financial education through pre-bankruptcy counseling had 27.5 percent fewer delinquent accounts and remained current on their accounts for 29 percent longer.

(9) According to the Financial Industry Regulatory Authority Investor Education Foundation, less than one-third of young adults (ages 18 to 29) set aside emergency savings to weather unexpected financial challenges.

(10) According to a Jump$tart Coalition for Personal Financial Literacy survey, 62 percent of high school students cannot pass a basic personal finance exam, and financial literacy scores among future higher education students are low.

(11) According to research by the National Endowment for Financial Education and the University of Arizona, schools are the institutions that students trust most to help increase their knowledge of personal finance.

SEC. 3. FINANCIAL LITERACY COUNSELING.

Section 485 of the Higher Education Act of 1965 (20 U.S.C. 1092) is amended by adding at the end the following:

''(n) FINANCIAL LITERACY COUNSELING.—

''(1) IN GENERAL.—Each eligible institution shall provide financial literacy counseling to student borrowers in accordance with the requirements of this subsection, through—

''(A) financial aid offices;

''(B) an employee or group of employees designated under subsection (c); or

''(C) a partnership with a nonprofit organization that has substantial experience developing or administering financial literacy and economic education curricula, which may include an organization that has received grant funding under the Excellence in Economic Education Act of 2001 (20 U.S.C. 7267 et seq.).

''(2) ENTRANCE AND EXIT COUNSELING REQUIRED.—

''(A) IN GENERAL.—Financial literacy counseling, as required under this subsection, shall be provided to student borrowers on the following 2 occasions:

''(i) ENTRANCE COUNSELING.—Such counseling shall be provided not later than 45 days after the first disbursement of a borrower's first loan that is made, insured, or guaranteed under part B, made under part D, or made under part E. Financial literacy counseling on this occasion may be provided in conjunction with the entrance counseling described in subsection (l), if the financial literacy counseling component is provided in accordance with the requirements of subparagraph (C).

''(ii) EXIT COUNSELING.—Such financial literacy counseling shall be provided, in addition to the financial literacy counseling provided under clause (i), prior to the completion of the course of study for which the borrower enrolled at the institution or at the time of departure from such institution, to each borrower of a loan that is made, insured, or guaranteed under part B, made under part D, or made under part E. Financial literacy counseling on this occasion may be provided in conjunction with the exit counseling described in subsection (b), if the financial literacy counseling component is provided in accordance with the requirements of subparagraph (C).

''(B) EXCEPTIONS.—The requirements of subparagraph (A) shall not apply to borrowers of—

''(i) a loan made, insured, or guaranteed pursuant to section 428C;

''(ii) a loan made, insured, or guaranteed on behalf of a student pursuant to section 428B; or

''(iii) a loan made under part D that is a Federal Direct Consolidation Loan or a Federal Direct PLUS loan made on behalf of a student.

''(C) MINIMUM COUNSELING REQUIREMENTS.—Such financial literacy counseling shall include a total of not less than 4 hours of counseling on the occasion described in subparagraph (A)(i), and an additional period of not less than 4 hours of counseling on the occasion described in subparagraph (A)(ii). A total of not more than 2 hours of counseling for each of the occasions described in subparagraph (A) shall be provided electronically.

''(D) EARLY DEPARTURE.—Notwithstanding subparagraph (C), if a borrower leaves an eligible institution without the prior knowledge of such institution, the institution shall attempt to provide the information required under this subsection to the student in writing.

''(3) INFORMATION TO BE PROVIDED.—Financial literacy counseling, as required under this subsection, shall include information on the Financial Education Core Competencies as determined by the Financial Literacy and Education Commission established under title V of the Fair and Accurate Credit Transactions Act of 2003 (20 U.S.C. 9701 et seq.).

''(4) USE OF INTERACTIVE PROGRAMS.—The Secretary may encourage institutions to carry out the requirements of this subsection through the use of interactive programs that test the borrower's understanding of the financial literacy information provided through counseling under this subsection, using simple and understandable language and clear formatting.

''(5) MODEL FINANCIAL LITERACY COUNSELING CURRICULUM.—Not later than 1 year after the date of enactment of the College Literacy in Finance and Economics Act of 2011, the Secretary shall develop a curriculum in accordance with the requirements of paragraph (3), which eligible institutions may use to fulfill the requirements of this subsection. In developing such curriculum, the Secretary may consult with members of the Financial Literacy and Education Commission.''.

AMENDMENTS SUBMITTED AND PROPOSED

SA 499. Mr. VITTER (for himself, Mr. PAUL, Mr. HELLER, and Mr. GRASSLEY) submitted an amendment intended to be proposed by him to the bill S. 679, to reduce the number of executive positions subject to Senate confirmation.

SA 500. Mr. COBURN (for himself, Mr. MCCAIN, Mr. BURR, Mr. PAUL, and Mr. UDALL of Colorado) submitted an amendment intended to be proposed by him to the bill S. 679, supra.

SA 501. Mr. DEMINT (for himself, Mr. CORNYN, Mr. VITTER, and Mr. HATCH) submitted an amendment intended to be proposed by him to the bill S. 679, supra.

SA 502. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 679, supra; which was ordered to lie on the table.

SA 503. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 679, supra; which was ordered to lie on the table.

SA 504. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 679, supra.

SA 505. Mr. GRASSLEY (for himself and Mr. LEE) submitted an amendment intended to be proposed by him to the bill S. 679, supra; which was ordered to lie on the table.

SA 506. Mr. GRASSLEY (for himself and Mr. LEE) submitted an amendment intended to be proposed by him to the bill S. 679, supra; which was ordered to lie on the table.

SA 507. Mr. GRASSLEY (for himself and Mr. LEE) submitted an amendment intended to be proposed by him to the bill S. 679, supra; which was ordered to lie on the table.

SA 508. Mr. LEVIN (for himself and Mr. MCCAIN) submitted an amendment intended to be proposed by him to the bill S. 679, supra; which was ordered to lie on the table.

SA 509. Mr. PORTMAN (for himself, Mr. UDALL of New Mexico, and Mr. CORNYN) submitted an amendment intended to be proposed by him to the bill S. 679, supra.

SA 510. Mr. DEMINT proposed an amendment to the bill S. 679, supra.

SA 511. Mr. DEMINT proposed an amendment to the bill S. 679, supra.

SA 512. Mr. AKAKA submitted an amendment intended to be proposed by him to the bill S. 679, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 499. Mr. VITTER (for himself, Mr. PAUL, Mr. HELLER, and Mr. GRASSLEY) submitted an amendment intended to be proposed by him to the bill S. 679, to reduce the number of executive positions subject to Senate confirmation; as follows:

On page 75, between lines 20 and 21, insert the following:

SEC. 5. PROHIBITION OF FUNDS FOR OFFICES HEADED BY CZARS.

(a) DEFINITION.—In this section, the term ''Czar''—

(1) means the head of any task force, council, policy office, or similar office established by or at the direction of the President who—

(A) is appointed to such position (other than on an interim basis) without the advice and consent of the Senate;

(B) is excepted from the competitive service by reason of such position's confidential, policy-determining, policy-making, or policy-advocating character; and

(C) performs or delegates functions which (but for the establishment of such task force, council, policy office, or similar office) would be performed or delegated by an individual in a position that the President appoints by and with the advice and consent of the Senate; and

(2) does not include—

(A) any individual who, before the date of the enactment of this Act, was serving in the position of Assistant Secretary, or an equivalent position, that requires confirmation by and with the advice and consent of the Senate, or a designee; or

(B) the Assistant to the President for National Security Affairs.

(b) PROHIBITION OF FUNDS.—Appropriated funds may not be used to pay for any salaries or expenses of any task force, council, policy office within the Executive Office of the President, or similar office—

(1) that is established by or at the direction of the President; and

(2) the head of which is a Czar.

SA 500. Mr. COBURN (for himself, Mr. MCCAIN, Mr. BURR, Mr. PAUL, and

Mr. UDALL of Colorado) submitted an amendment intended to be proposed by him to the bill S. 679, to reduce the number of executive positions subject to Senate confirmation; as follows:

At the appropriate place, insert the following:

SEC. ___. AMENDMENT TO THE STANDING RULES OF THE SENATE.

Paragraph 11 of rule XXVI of the Standing Rules of the Senate is amended—

(1) in subparagraph (c), by striking ''and (b)'' and inserting ''(b), and (c)'';

(2) by redesignating subparagraph (c) and subparagraph (d); and

(3) by inserting after subparagraph (b) the following:

''(c) Each such report shall also contain—

''(1) an analysis by the Congressional Research Service to determine if the bill or joint resolution creates any new Federal program, office, or initiative that would duplicate or overlap any existing Federal program, office, or initiative with similar mission, purpose, goals, or activities along with a listing of all of the overlapping or duplicative Federal program or programs, office or offices, or initiative or initiatives; and

''(2) an explanation provided by the committee as to why the creation of each new program, office, or initiative is necessary if a similar program or programs, office or offices, or initiative or initiatives already exist.''.

SA 501. Mr. DEMINT (for himself, Mr. CORNYN, Mr. VITTER, and Mr. HATCH) submitted an amendment intended to be proposed by him to the bill S. 679, to reduce the number of executive positions subject to Senate confirmation; as follows:

On page 63, strike lines 3 through 18, and insert the following:

(dd) REPEAL OF AUTHORITY TO PROVIDE CERTAIN LOANS TO THE INTERNATIONAL MONETARY FUND, THE INCREASE IN THE UNITED STATES QUOTA, AND CERTAIN OTHER AUTHORITIES, AND RESCISSION OF RELATED APPROPRIATED AMOUNTS.—

(1) REPEAL OF AUTHORITIES.—The Bretton Woods Agreements Act (22 U.S.C. 286 et seq.) is amended—

(A) in section 17—

(i) in subsection (a)—

(I) by striking ''(1) In order'' and inserting ''In order''; and

(II) by striking paragraphs (2), (3), and (4); and

(ii) in subsection (b)—

(I) by striking ''(1) For the purpose'' and inserting ''For the purpose'';

(II) by striking ''subsection (a)(1)'' and inserting ''subsection (a)''; and

(III) by striking paragraph (2);

(B) by striking sections 64, 65, 66, and 67; and

(C) by redesignating section 68 as section 64.

(2) RESCISSION OF AMOUNTS.—

(A) IN GENERAL.—The unobligated balance of the amounts specified in subparagraph (B)—

(i) is rescinded;

(ii) shall be deposited in the General Fund of the Treasury to be dedicated for the sole purpose of deficit reduction; and

(iii) may not be used as an offset for other spending increases or revenue reductions.

(B) AMOUNTS SPECIFIED.—The amounts specified in this paragraph are the amounts appropriated under the heading ''UNITED STATES QUOTA, INTERNATIONAL MONETARY FUND'', and under the heading ''LOANS TO INTERNATIONAL MONETARY FUND'', under the heading ''INTERNATIONAL MONETARY PROGRAMS'' under the heading ''INTERNATIONAL ASSISTANCE PROGRAMS'' in title XIV of the Supplemental Appropriations Act, 2009 (Public Law 111–32; 123 Stat. 1916).

SA 502. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 679, to reduce the number of executive positions subject to Senate confirmation; which was ordered to lie on the table; as follows:

On page 55, strike lines 12 through 22.

SA 503. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 679, to reduce the number of executive positions subject to Senate confirmation; which was ordered to lie on the table; as follows:

On page 55, line 23, strike all through page 56, line 5.

SA 504. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 679, to reduce the number of executive positions subject to Senate confirmation; as follows:

On page 38, line 19, strike all through page 45, line 16.

SA 505. Mr. GRASSLEY (for himself and Mr. LEE) submitted an amendment intended to be proposed by him to the bill S. 679, to reduce the number of executive positions subject to Senate confirmation; which was ordered to lie on the table; as follows:

On page 49, line 22, strike all through page 51, line 18.

On page 59, line 16, strike all through page 60, line 15.

SA 506. Mr. GRASSLEY (for himself and Mr. LEE) submitted an amendment intended to be proposed by him to the bill S. 679, to reduce the number of executive positions subject to Senate confirmation; which was ordered to lie on the table; as follows:

On page 49, line 22, strike all through page 51, line 18.

SA 507. Mr. GRASSLEY (for himself and Mr. LEE) submitted an amendment intended to be proposed by him to the bill S. 679, to reduce the number of executive positions subject to Senate confirmation; which was ordered to lie on the table; as follows:

On page 59, line 16, strike all through page 60, line 15.

SA 508. Mr. LEVIN (for himself and Mr. MCCAIN) submitted an amendment intended to be proposed by him to the bill S. 679, to reduce the number of executive positions subject to Senate confirmation; which was ordered to lie on the table; as follows:

On page 38, strike line 2 and all that follows through page 46, line 5, and insert the following:

(1) ASSISTANT SECRETARIES OF DEFENSE.—

(A) IN GENERAL.—Section 138(a)(1) of title 10, United States Code, is amended by striking ''16'' and inserting ''15''.

(B) ADMINISTRATION OF REDUCTION.—The Assistant Secretary of Defense position eliminated in accordance with the reduction in numbers required by the amendment made by subparagraph (A) shall be the Assistant Secretary of Defense for Networks and Information Integration.

(2) MEMBERS OF NATIONAL SECURITY EDUCATION BOARD.—Section 803(b)(7) of the David L. Boren National Security Education Act of 1991 (50 U.S.C. 1903(b)(7)) is amended by striking ''by and with the advice and consent of the Senate,''.

(3) DIRECTOR, OFFICE OF SELECTIVE SERVICE RECORDS.—The first section of the Act entitled ''An Act to establish an Office of Selective Service Records to liquidate the Selective Service System following the termination of its functions on March 31, 1947, and to preserve and service the Selective Service records, and for other purposes'', approved March 31, 1947 (50 U.S.C. 321; 61 Stat. 31), is amended by striking '', by and with the advice and consent of the Senate''.

SA 509. Mr. PORTMAN (for himself, Mr. UDALL of New Mexico, and Mr. CORNYN) submitted an amendment intended to be proposed by him to the bill S. 679, to reduce the number of executive positions subject to Senate confirmation; as follows:

On page 76, after line 6, add the following:

(c) PROVISIONS NOT TAKING EFFECT.—Notwithstanding any other provision of this Act, the amendments made by section 2(c)(2) through (6), (u), and (ll) shall not take effect.

SA 510. Mr. DEMINT proposed an amendment to the bill S. 679, to reduce the number of executive positions subject to Senate confirmation; as follows:

On page 50, strike lines 19 through 23.

SA 511. Mr. DEMINT proposed an amendment to the bill S. 679, to reduce the number of executive positions subject to Senate confirmation; as follows:

On page 36, lines 7 and 8, strike ''ASSISTANT SECRETARY OF AGRICULTURE FOR CONGRESSIONAL RELATIONS AND''.

On page 36, line 14, insert ''(a)(1) or'' after ''subsection''.

On page 37, beginning on line 7, strike all through line 20.

On page 38, lines 2 and 3, strike ''ASSISTANT SECRETARIES OF DEFENSE FOR LEGISLATIVE AFFAIRS, PUBLIC AFFAIRS, AND'' and insert ''ASSISTANT SECRETARY OF DEFENSE FOR''.

On page 38, line 14 through line 16, strike ''Assistant Secretary of Defense referred to in subsection (b)(5), the Assistant Secretary of Defense for Public Affairs, and the''.

On page 38, line 17, strike ''each''.

On page 46, lines 7 and 8, strike ''ASSISTANT SECRETARY FOR LEGISLATION AND CONGRESSIONAL AFFAIRS AND''.

On page 46, lines 14 and 15, strike ''Assistant Secretary for Legislation and Congressional Affairs and the''.

On page 47, strike lines 3 through 9.

On page 47, strike lines 12 through 23.

On page 49, strike lines 7 through 21.

On page 49, beginning on line 23, strike all through page 50, line 18.

On page 50, strike the item between lines 18 and 19.

On page 51, line 20 through line 22, strike ''ASSISTANT SECRETARIES FOR ADMINISTRATION AND MANAGEMENT, CONGRESSIONAL AFFAIRS, AND PUBLIC AFFAIRS'' and insert ''ASSISTANT SECRETARY FOR ADMINISTRATION AND MANAGEMENT''.

On page 51, beginning on line 25 through page 52, line 2, strike '', the Assistant Secretary for Congressional Affairs, and the Assistant Secretary for Public Affairs''.

On page 52, line 9 through line 11, strike ''ASSISTANT SECRETARY FOR LEGISLATIVE AND

INTERGOVERNMENTAL AFFAIRS, ASSISTANT SECRETARY FOR PUBLIC AFFAIRS, AND''.

On page 52, line 21 through line 24, strike ''Assistant Secretary for Legislative and Intergovernmental Affairs, the Assistant Secretary for Public Affairs, and the''.

On page 53, lines 17 and 18, strike ''and an Assistant Secretary for Governmental Affairs''.

On page 54, lines 24 and 25, strike ''ASSISTANT SECRETARIES FOR LEGISLATIVE AFFAIRS, PUBLIC AFFAIRS, AND'' and insert ''ASSISTANT SECRETARY FOR''.

On page 55, line 4, strike ''7'' and insert ''9''.

On page 55, line 6, strike ''3 Assistant Secretaries'' and insert ''1 Assistant Secretary''.

On page 55, strike lines 8 through 9.

On page 57, strike lines 1 through 4.

On page 60, beginning on line 22, strike all through page 61, line 4.

SA 512. Mr. AKAKA submitted an amendment intended to be proposed by him to the bill S. 679, to reduce the number of executive positions subject to Senate confirmation; which was ordered to lie on the table; as follows:

On page 48, strike lines 4 through 9.

NOTICE OF HEARING

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. HARKIN. Mr. President, I wish to announce that the Committee on Health, Education, Labor, and Pensions will meet in executive session on June 29, 2011, at 10 a.m. to conduct a mark-up of the following: S. 958, the Children's Hospital GME Support Reauthorization Act of 2011; S. 1094, the Combating Autism Reauthorization Act; S. ____, the Workforce Investment Act Reauthorization of 2011; and, any nominations cleared for action.

For further information regarding this meeting, please contact the committee on (202) 224–5375.

AUTHORITY FOR COMMITEES TO MEET

COMMITTEE ON FINANCE

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on June 22, 2011, at 10 a.m., in 215 Dirksen Senate Office Building, to conduct a hearing entitled ''Preserving Integrity, Preventing Overpayments, and Eliminating Fraud in the Unemployment Insurance System.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. DURBIN. 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 22, 2011, at 9:30 a.m., to conduct a hearing entitled ''See Something, Say Something, Do Something: Next Steps for Securing Rail and Transit.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. DURBIN. 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 22, 2011, at 1:30 p.m., to conduct a hearing entitled ''Transforming Lives Through Diabetes Research.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate, on June 22, 2011, at 10 a.m., in room SD–226 of the Dirksen Senate Office Building, to conduct a hearing entitled ''Oversight of Intellectual Property Law Enforcement Efforts.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate, on June 22, 2011, at 2:30 p.m., in room SD–226 of the Dirksen Senate Office Building, to conduct a hearing entitled ''Nominations.''

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. HARKIN. Mr. President, I ask unanimous consent that Eric Dodd, Emily Messerly, and Courtney Greenley of my staff be granted floor privileges for the duration of today's proceedings.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DURBIN. Mr. President, I ask unanimous consent that Marie Gorence and Ben Scuderi, of Senator BINGAMAN's office, be given the privileges of the floor for the pendency of S. 679, the Presidential Appointment Efficiency and Streamlining Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CARDIN. Mr. President, I ask unanimous consent that Shane Knisley, a Department of Defense detailee, have the privilege of the floor throughout this discussion.

I think all of us understand how valuable our detailees from the Department of Defense are in the work we do. Particularly in this matter, it has been helpful to me to have his sage advice. I appreciate that he is in our office and has been a valuable member of our team on this issue.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CORNYN. Mr. President, I ask unanimous consent my Navy Fellow, LT Maxwell Keith, be granted the privilege of the floor for the remainder of this legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. REID. I ask unanimous consent that at a time to be determined by the majority and Republican leaders, the Senate proceed to executive session to consider en bloc the following nominations: Calendar Nos. 62, 110, 145; that there be 2 hours for debate concurrently on the nominations equally divided in the usual form; that upon the use or yielding back of that time the Senate proceed to vote without intervening action or debate on the nominations in the order listed; the motions to reconsider be considered made and laid upon the table, with no intervening action or debate; that no further motions be in order to the nominations; that any statements relating to the nominations be printed in the RECORD and the President be immediately notified of the Senate's action and the Senate then resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR THURSDAY, JUNE 23, 2011

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until tomorrow, Thursday, June 23, at 10 a.m.; that following the prayer and pledge, the Journal of proceedings be deemed approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day; that following any leader remarks, the Senate be in a period of morning business until 11:30 a.m. with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the majority controlling the first half and the Republicans controlling the final half; that following morning business, the Senate resume consideration of S. 679, the Presidential Appointment Efficiency and Streamling Act, under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. REID. Mr. President, there will be two rollcall votes at approximately noon in relation to the Vitter amendment No. 499 and the DeMint amendment No. 510. We hope to set up some other votes tomorrow morning for tomorrow afternoon.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. REID. If there is no further business to come before the Senate, I ask unanimous consent it adjourn under the previous order.

There being no objection, the Senate, at 7:24 p.m., adjourned until Thursday, June 23, 2011, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF AGRICULTURE

BRIAN T. BAENIG, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSISTANT SECRETARY OF AGRICULTURE, VICE KRYSTA HARDEN.

DEPARTMENT OF STATE

MARY BETH LEONARD, OF MASSACHUSETTS, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF MALI .

THE JUDICIARY

MARGARET BARTLEY, OF MARYLAND, TO BE A JUDGE OF THE UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS FOR THE TERM OF FIFTEEN YEARS, VICE A NEW POSITION CREATED BY PUBLIC LAW 110–389, APPROVED OCTOBER 10, 2008.

GLORIA WILSON SHELTON, OF MARYLAND, TO BE A JUDGE OF THE UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS FOR THE TERM OF FIFTEEN YEARS, VICE A NEW POSITION CREATED BY PUBLIC LAW 110–389, APPROVED OCTOBER 10, 2008.

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

To be colonel

THOMAS B. MURPHREE

THE FOLLOWING NAMED OFFICERS FOR A REGULAR ARMY APPOINTMENT IN THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 531:

To be major

PEDRO T. RAGA
TIMOTHY R. SHAFFER
MATTHEW H. VINNING

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

TROY D. CARR

THE FOLLOWING NAMED OFFICERS FOR TEMPORARY APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 5721:

To be lieutenant commander

DAWN C. ALLEN
JEREMY D. BARNES
MICHAEL BETSCH
CHARLES G. BIRCHFIELD
JASON B. BLACKMON
BRIAN BOURGEOIS
MICHAEL D. BROWN
JOSEPH L. CALDWELL
JOHN G. CULPEPPER
JASON A. DAVY
JOSEPH M. EDELEN
GERALD W. ELDER
JEFFREY P. HARVEY
RYAN C. HEINEMAN
HOMER F. HENSY
KIMBERLY E. JONES
DANIEL W. LANDI
BRETT C. LEFEVER
NICHOLAS T. MENZEL
JUSTIN M. NOVAK
KENNETH C. PACKARD
STEVEN C. PUSKAS
HARRELL D. REYNOLDS III
GARY A. RONEY
MICHAEL G. ROOT
MARK R. SANDERS
SCOTT P. SEDDON
ERIN E. SHERRY
JEREAD L. SINES
TIMOTHY S. SULICK
PATRICK E. TEMBREULL
JENNIFER L. TIETZ

EXTENSIONS OF REMARKS

STUDENT FEELINGS ABOUT THE UNITED STATES

HON. JOHN J. DUNCAN, JR.
OF TENNESSEE
IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 2011

Mr. DUNCAN of Tennessee. Mr. Speaker, I recently hosted at the Capitol a group of extraordinary students from Heritage Middle School located in my District in Maryville, Tennessee.

The very first time I visited the U.S. Capitol was as part of a school trip, and I know how impressionable such an experience can be to young people.

Following their visit, the students were asked by their teacher, Patricia Russell, to write a report on how their feelings about the Nation have changed since visiting Washington.

I encourage my colleagues and other readers of the RECORD to read these very impressive essays.

''FREEDOM IS NOT FREE''

(By Lindsey Basham)

It always pains me to see people talk about how hard they have it. But in reality, a homeless person in America would be a middle-classed person in a third-world country. We take for granted all that we have, and the most important thing would be freedom. The only reason we have this freedom is because of our soldiers sacrificing their lives for ours. But where would we be without a leader? My personal favorite President is Abraham Lincoln because he was the only president out of sixteen at the time to do something about the most remorseful action America ever did—slavery. Because of these two reasons, I liked the Lincoln Memorial, Vietnam Memorial, and WWII Memorial the best.

There are many people who would rather others like them instead of sticking out of the crowd, but those people do not have what it takes to run one of the most powerful countries in the world. President Abraham Lincoln did though, and one of the noblest things this man ever did was create the Emancipation Proclamation. Even against half the country, he freed the slaves of the south once and for all. He said that a house divided against itself will not stand, yet he took an enormous risk with the Proclamation making the southern states angry. Lincoln believed that owning another human being went against the Declaration of Independence and he was not going to sit back and watch inhumanity happen to such innocence. Sadly, the sixteenth president of the United States was assassinated in a movie theater by a man named John Wilkes Booth. Even so, the legend of this famous president lives on in one of my favorite memorials in the USA capitol today.

Small children learn to count to one hundred, but many times they will trip up on the numbers afterward. Later on, they will have the skill to make to one thousand, but then again, they might mess up on their correct numbers after that high number. At around the age of ten, a person can count as high as he or she wishes, but the problem is patience. Even the most patient person will get bored after around ten thousand. The number 58,267 may seem like an ordinary, random number—a number higher than most of us are willing to count—but that number is the exact number of people who are commemorated on the Vietnam Memorial. That is a number that makes me appreciate being an American because I think about those people who fought for what we all take advantage of. The moment that precious freedom is taken away from us, we will regret being so easy going about it. ''Freedom is not free'' as said on the Korean War Memorial, is very scary at how true that statement is. Tens of thousands of people have died in each and every war our nation has endured and they knew what was bound to happen. It is only common sense that these people would be honored.

Four-thousand stars all representing one-hundred soldiers is one of the key things I saw at the World War II Memorial. On the day the Japanese planes flew over Pearl Harbor, Hawaii, was a devastating day in American history. This was the day our country was launched into the Second World War. So many, many people fought and died during the years that followed the day of Pearl Harbor. As every war is, this war was as bloody as any and it makes me feel that there is a place for every single one of us. Some were destined to make that journey for the rest of us. And for all we know, a person who nobody has ever heard of could have cost us the winning of the war. Every person who is honored in those fountains and stars had a big role in a big part of history and deserve to be in one of the major memorials in Washington, D.C.

After all I have seen, I have come to appreciate the delicate balance of power and freedom our country has perfected. But I will always remember that freedom is not free, and sometimes it takes a noble person to stand up for man's natural born freedom, and sometimes it takes more. Sometimes many lives are lost and much blood is shed on the soil. But, even though we are sometimes forced to do this, that does not mean we cannot commemorate these brave men, women, and—in my opinion—the best president this country has seen yet. Therefore, it seemed necessary to create the Lincoln Memorial, Vietnam Memorial, and World War II Memorial. I have come to love this country even more so than I already did.

DC TRIP ESSAY

(By Mackenzie Kindig)

''How has your appreciation of your American Heritage increased by taking this trip?'' Many answers fill my mind as I read this question, and many experiences come to mind as well. But three places that have made me appreciate my country more is the Holocaust Museum, the Capitol Building, and Mt. Vernon.

The Holocaust Museum is truly a moving place to visit. Considering the Holocaust is my favorite period in history to learn about, I truly appreciated this museum and it's contents. Reading and seeing all the exhibits at this museum made me realize how lucky I am to be an American. While a few times I cried, I was recognizing how well off we all are to be living in the United States. All of those 11 million people suffered, but we learned from it. I know our country and government would never let something that horrible happen to their American citizens. Also, the Holocaust is a very important topic to history, and this museum portrays it perfectly and is a great learning experience, especially to 8th graders.

The Capitol Building was among the first places we visited. The beautiful archiecture is just a plus, and meeting so many important people that work for the country is truly an honor. Seeing the Capitol Building and knowing more in depth how our government works has increased my appreciation for our country, because I know in places like Egypt and Iraq they are not nearly as lucky as us to have a well organized government. I enjoyed meeting Representative Duncan and knowing the people of east Tennessee are in good hands. As well as the government, the Capitol Building contains beautiful paintings and honorable sculptures from all states.

Mt. Vernon was home to our first president, which alone is a great honor to be able to visit. But also it was built in the 1700s. I love the architecture and layout of the house, as well as the estate itself with the gardens and slave quarters. George Washington was an amazing president, and to be allowed to step into his personal home that he actually lived in is breathtaking. Mt. Vernon not only increased my appreciation of our country, but also our technology and government. Experiencing George Washington's burial site brought tears to my eyes, because I feel closer to him in a way of seeing his home. I appreciate Mr. Washington because he was our first president, and a very amazing one at that. Mt. Vernon also shows Americans how citizens lived in the 1700s, and I believe that is a tremendously important experience.

Washington DC has increased my appreciation of being an American citizen because of the Holocaust Museum, the Capitol Building, and Mt. Vernon. DC is a very educational trip that I believe everyone should experience at least once.

DC ESSAY

(By Garrett Headrick)

After going on the trip to Washington DC my appreciation of my American heritage has increased. The World War II, Vietnam War, and Lincoln memorial has made an impact on me the most.

Firstly, I was moved by the World War II memorial. After visiting the memorial and seeing all of the gold stars on the wall representing the people who have died for us. The people who have fought for us in World War II do not get enough credit for what they did for their country. It is hard to imagine what our country would be like without the freedom we have now. This is why the World War II memorial has increased appreciation of my American heritage.

Secondly, the Vietnam War memorial made me think more about what the soldiers have done for our country. While at the memorial it was quiet. Nobody dared to talk higher than a whisper. The respect to the Vietnam War memorial amazed me. I would like to know more about the memorial.

Lastly, to imagine standing in one of the greatest president's memorial is amazing. If one was to think on what Lincoln did for America is mind boggling. If it was not for Lincoln there would be a Union and a Confederate still today. To make a memorial for

him, I think, is definitely necessary. The Lincoln memorial was very fascinating.

In conclusion, my appreciation for my American heritage has increased after going to Washington, DC. The World War II, Vietnam War, and Lincoln memorial are very interesting.

DC ESSAY

(By Kayla Kirkland)

Seeing Washington, DC isn't just understanding and appreciating our heritage, it also makes you proud. My conclusion of this is thanks to being able to go inside the Capitol building, seeing the memorials of our heroes, and going through the Holocaust Museum.

Being able to go into the Capitol building is more than words. I did not fully understand how much our government is ran by the people until we were able to go in there. Meeting John Duncan was an honor. It was neat how he would take time out of his day to meet the people he represents. The input we have is real, it is seeing our future and past evolve together.

Next, walking through our heroes memorials was inspirational. I saw that people died fighting and making this country free. My personal favorite was the World War II Memorial. The stars in the water were in awe. Every star was for one hundred souls and human beings that defend our land to insure our future.

Third of all, two words . . . Holocaust Museum. People do not understand how good Americans have it. We could be in a government with a dictator whom murders millions of innocent people. We are not though. This is because our founding fathers did not want that, and some of them died to insure us ''We Are America.'' We, our Country, has it more than better compared to other countries.

I give thanks of being able to go inside the capitol building, see the memorials of our heroes, and go through the Holocaust Museum. ''. . . And so my fellow Americans, Ask what your country can do for you; Ask what you can do for your country.''

DC ESSAY

(By Michaela Hearon)

My trip to Washington DC has increased my appreciation of my American heritage because of the monuments, the American History Museum, and Arlington National Cemetery

First, the monuments made me appreciate living in America. They recognize all the people that served in the different wars and some of our past presidents. The two monuments that really touched me were the Vietnam Memorial and the Korean War Memorial. The Vietnam Memorial was very sad seeing all the names of the people who had died. I personally can't imagine loosing one of my loved ones in a war. The Korean War Memorial showed the emotions of the men in that war. They did a great job making both of these memorials; I will never forget them.

Secondly, the American History Museum made me appreciate my American heritage. This museum showed all kinds of things that have happened in America. I loved seeing the section about the different wars, the section of all our presidents, and the first ladies dresses. The section of the wars showed some cool objects from the wars, my favorite was seeing all the original guns and swords. The President section had facts about all of our presidents, my favorite president is Ronald Reagan. The first ladies dresses were beautiful and I like how they have those their so the public can see them. I enjoyed the American History Museum; it made me appreciate my American heritage.

Thirdly, The Arlington National Cemetery made me thankful for all of the men and women that gave their lives in the wars. There are so many people that are buried there that gave their lives for Americas freedoms. That makes me thankful for them to have enough courage to fight for what they believe in. We Americans are so blessed to live in the greatest country in the world. So, we need to remember the ones that gave their lives, and the ones that have served and are still serving. The Arlington National Cemetery made me thankful for all the ones that have and are still serving in the wars.

In Conclusion, my trip to Washington DC has increased my appreciation of my American heritage because of the monuments, the American History Museum, and Arlington National Cemetery. I am so blessed and proud to live in the United States of America.

HONORING THE 100TH ANNIVERSARY OF LOCAL 702 OF THE INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 2011

Mr. COSTELLO. Mr. Speaker, I rise today to ask my colleagues to join me in honoring the 100th anniversary of Local 702 of the International Brotherhood of Electrical Workers (IBEW), headquartered in West Frankfort, Illinois.

In 1911, the labor movement in the United States was in a period of rapid growth. Our economy was beginning its shift from agriculture to manufacturing and more of the population was becoming concentrated in metropolitan areas. The Triangle Shirtwaist Factory fire, in 1911, tragically exposed unsafe working conditions and provided fuel for the rise of organized labor. Also in 1911, a small group of electrical workers near Herrin, Illinois, petitioned the International Brotherhood of Electrical Workers for a charter.

The founders of Local 702 wanted the pay and working conditions of those in the electrical trade to be commensurate with those of other skilled craftsmen and they knew the only way to accomplish this was to organize. They quickly began the task of working with area utility companies, and the first recorded bargaining contract was dated January 31, 1917, with the Central Illinois Public Service Company.

During the Great Depression, as our Nation struggled with record levels of unemployment, many members of Local 702 were out of work for prolonged periods. In a display of solidarity, the working members of Local 702 accepted an assessment on their wages that provided relief funding for their unemployed brothers. Loans from Local 702 provided a critical lifeline during the 1930's and some are still being retired today.

IBEW Local 702 considers itself to be a progressive, active local. From its founding as a bargaining unit for electrical workers, Local 702 has expanded to represent workers in many different fields, including manufacturing, instrument technicians, broadcast engineers, and nursing. While the primary focus of the local is the representation of its members, they are also vested in being a positive influence within their communities.

Mr. Speaker, I ask my colleagues to join me in congratulating the leadership and members of Local 702 of the International Brotherhood of Electrical Workers as they celebrate their 100th Anniversary and to wish them continued success in the future.

HONORING THE PELICAN CHAPTER OF ASSOCIATED BUILDERS AND CONTRACTORS

HON. BILL CASSIDY

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 2011

Mr. CASSIDY. Mr. Speaker, I rise today in honor of the Pelican Chapter of Associated Builders and Contractors, located in the City of Baton Rouge in Louisiana's Sixth Congressional District. It gives me great pleasure to announce that the Pelican Chapter of Associated Builders and Contractors has voluntarily constructed two new restroom facilities for the Istrouma Area Council of the Boy Scouts of America to celebrate 100 Years of Scouting.

The facilities were constructed at the Avondale Scout Retreat in Clinton, La. to help improve the experiences of the 11,000 plus youths served by the Istrouma Area Council each year. Under the direction of leading contractor, The Lemoine Company, numerous volunteers from their company and other members of the ABC, the Pelican Chapter has dedicated countless hours and numerous resources to building these facilities, which were completed in October. Each facility encompasses over 1,550 sq. ft. and features modern appliances, providing a critical improvement to the comfort and convenience offered to campers.

The Istrouma Area Council is the largest Boy Scout Council in the state of Louisiana, serving a 13 Parish area and providing nearly $2 million of free services to the community. By providing leadership training and advancement programs, the Istrouma Area Council of the Boy Scouts of America has helped build the future leaders of this nation for nearly a century, and continues to serve the state of Louisiana. I can only hope that these new facilities that were made possible by the generosity of the ABC Pelican Chapter will allow the Istrouma Area Council to continue their legacy of stewardship for another 100 successful years.

LINDA LOPEZ CONGRESSIONAL RECOGNITION

HON. DENNIS A. CARDOZA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 2011

Mr. CARDOZA. Mr. Speaker, I rise today to honor the dedication and hard work of Ms. Linda Lopez of Merced, California. Not only is Ms. Lopez a treasured member of my staff, she is a tireless advocate and community leader in the 18th Congressional District.

Born in New Mexico, Linda moved to California's Central Valley in 1955 where she attended public school in Madera and then later college at Stanford University. She has been involved in civil rights and social justice work for over 40 years and is considered among the influential Latinos in the Central Valley.

Linda's civic participation includes serving on the City of Merced's Redevelopment Agency Gateway Projects Citizen's Advisory Committee, City of Merced's Planning Commission, several City of Merced Ad Hoc Committees including Open Space and Parks, South Merced Specific Plan, CP-42 Park Project, Wastewater Advisory Committee. She has also served on the San Joaquin Valley Partnership Telecommunications Committee and the California State Advisory Board for Transportation Planning and Environmental Justice.

Linda Lopez is also an alumnae of the Great Valley Center's IDEAL inaugural class, Hispanas Organized for Political Equality and Leadership Merced. Linda was named the 1998–99 Hispanic Woman of the Year by the Hispanic Chamber of Commerce.

Linda has held numerous positions in the community that include the Central Valley Opportunity Center, TV Guide Magazine, the National Park Service and worked with a variety of research companies. She is also a former employee of the Great Valley Center's Central Valley Digital Network working to introduce/enhance technology capacity in the Central Valley communities from Marysville to Bakersfield.

Linda has served as a Constituent Services Representative in my Merced District office since 2006 where she has worked hundreds of cases in her years of service. Linda prided herself on giving her time and energy to everyone that comes into my office seeking assistance. It was not unusual for Linda to work late nights and weekends to meet the needs of the constituents or schedule home visits for the elderly to assist them on matters for which they needed assistance. Linda's compassion is a hallmark for the work she does and it shows to not only the constituents but to the community at large. As a member of my staff, Linda has served as Field Representative where she would provide me updates and serves as my eyes and ears in the community.

Linda's passion for helping people and making a difference sets her apart from others. She offers to everyone she meets, kindness and compassion. Often times, Linda's relationship with other community members evolves into that of a mentorship, where Linda guides and mentors other aspiring community activists to find the passion and desire in themselves to serve the public.

In addition to her work as a public servant, Linda has her beautiful family for which she is so proud that include Ken, Emily and Jessica. Linda Lopez has made Merced, California a better place to live, work and raise our families. I am very proud to call her a member of Team Cardoza and more proud to call her a part of my family. Her compassion, leadership and dedication will serve our community and its children for many years to come.

Mr. Speaker, thank you for the opportunity to recognize this fine individual for her work and tireless efforts.

HONORING MR. NICHOLAS BOCCIERI

HON. TIM RYAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 2011

Mr. RYAN of Ohio. Mr. Speaker, today I rise to extend my deepest sympathies to our former colleague, the Honorable John Boccieri and his family. On Saturday, June 11th, Mr. Boccieri's father, Nicholas Boccieri passed away at the age of 72.

Born in Youngstown, Ohio, on July 9, 1938, ''Nick'' or better known to some as ''Jim'', was truly a leader in our community. After graduating from Youngstown Ursuline High School in 1956, he attended St. Mary's Seminary in Cincinnati for two years. After receiving a bachelor's degree from Youngstown State University, Nick went on to teach Latin, Spanish, Italian and English at Poland, Hubbard, and Lowellville High Schools in the Mahoning Valley for 30 years.

Married to Rosemary Filisky on August 14, 1965, the couple was blessed with three sons including our former colleague John along with brothers Gregory and Nick. They helped provide a life filled with joy, laughter and love, and the fantastic gift of nine grandchildren.

Nick was ordained as a Deacon in the Catholic Church in January of 1998. As an active member of the parish, St. Anthony of Padua in Youngstown, Nick served as the Director of Youth Ministry and taught marriage preparation and confirmation formation classes.

Please join me in extending our most sincere and heartfelt sympathies to the Boccieri family.

HONORING THE LIFE OF ''MISS PEACHES,'' ANNABEL GRINER ALDERMAN

HON. JACK KINGSTON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 2011

Mr. KINGSTON. Mr. Speaker, I rise to commemorate the passing of Mrs. Annabel Griner Alderman, also known as ''Miss Peaches.'' Mrs. Alderman was a beloved novelist, poet, talk radio show host, newspaper columnist and native of Nashville, Georgia.

Mrs. Alderman spent the majority of her life in Nashville where she became a political activist through writing and performing. She appeared as a political comic under the name ''Miss Peaches,'' a self proclaimed nickname that would serve as the moniker for her alter ego as she performed concerts and monologues with her piano playing brother, Geunie Griner.

Known for her creativity, Miss Annabel lived a colorful life and ingratiated herself in her community. Even as a child, she was very creative and talented, and wrote the song ''Willacoochee Callin' Moody Field'' after a chance meeting at a phone booth. Miss Annabel and her mother stopped to make a phone call in Ray City when she was just a girl and while they were waiting on the person inside the phone booth, she overheard the lady speaking to someone at Moody Air Force Base. She went home and wrote the song that she would later perform with her brother. This would be only the beginning of the pair's singing career; they also recorded comedy and gospel material through RCA with Mrs. Alderman acting as lyricist and lead singer.

As much as she enjoyed performing, Miss Annabel also enjoyed writing and would go on to give herself another nickname, that of ''wordsmith.'' During the 1930s and 1940s, Ward Law Starling was one of the biggest newspaper publishers in the state of Georgia, with the Nashville Herald being part of his empire. However, after his untimely death, Miss Annabel swooped in to keep the paper running and once again paired up with her brother Geunie to successfully run the paper for a number of years.

Mrs. Alderman graduated from the Georgia Regional Police Academy in 1983 and became an investigator with her family's law firm in Nashville. However, she continued to write, publishing a book of poetry, ''Lost Loves Don't Count'' in 1996. Then in 1999 she wrote her first novel, ''Family Man,'' which was nominated for several literary awards. During this time Ms. Alderman also penned a political column, ''About Right Now'' for the Valdosta Daily Times and was named Berrien County Republican Woman of the Year. Numerous poems, essays and short stories also followed and were published in Georgia magazines such as Valdosta Magazine, Flint River Review, Kennesaw State University's Golden Age of Poetry and Mercer University's Crossroads magazine.

The south has many colorful characters in its history but in Berrien County, there will only ever be one ''Miss Peaches.'' I rise today to commemorate Mrs. Annabel Alderman as an enduring part of the history of South Georgia. May the Lord bless her family and her memory.

HONORING ARMY SPECIALIST ROBERT L. VOAKES, JR.

HON. DAN BENISHEK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 2011

Mr. BENISHEK. Mr. Speaker, Northern Michigan mourns the loss of Army Specialist Robert L. Voakes, Jr., 21, from L'Anse. Robert, who was posthumously promoted from private first class, was killed during an insurgent attack in Lagham Province, Afghanistan. Robert was just three months into a 15-month Operation Enduring Freedom deployment in Afghanistan.

Robert graduated in 2009 from Baraga High School and enlisted in the military that November. He went to basic training at Fort Leonard Wood in Missouri and was then stationed at Joint Base Elmendorf-Richardson in Alaska. Robert was in the 164th Military Police Company, 793rd Military Police Battalion, 3rd Maneuver Enhancement Brigade.

Robert enjoyed sports, particularly basketball, and was a proud and active member of the Keweenaw Bay Indian Community. He is remembered as a quiet, thoughtful young man with an excellent sense of humor.

While Robert could have stayed in L'Anse, he chose instead to serve the cause of freedom and defend America's liberty in a distant country. Robert's deeds and daring will forever be illustrative of the selflessness and bravery that lives in Northern Michigan's young people. I can find no words that can express my gratitude for Robert's service or for the sypthathy I feel for his many loved ones whose lives have been shattered by this loss.

To Robert's family, I can offer only the hope that you may be comforted by the kind providence of the Almighty, and the knowledge that

so many in our area are praying for you more than they have ever prayed for themselves. I am well aware that my words will not soften your overwhelming grief, but in the words of President Lincoln, ''May God give you that consolation which is beyond all earthly power.''

On behalf of the First District of Michigan, I would like to express my profound sadness for the loss of such a noble young man as Robert Voakes. Northern Michigan has certainly lost one of its finest, and his memory and service will not be forgotten.

HONORING THE LIVES OF JOSH BURCH AND BRETT FULTON—FLORIDA DIVISION OF FORESTRY FIREFIGHTERS

HON. ANDER CRENSHAW

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 2011

Mr. CRENSHAW. Mr. Speaker, I rise to pay tribute to two Florida Division of Forestry firefighters who perished in the line of duty on June 20 while fighting the Blue Ribbon Wildfire in Hamilton County, Florida.

On Monday, June 20, Josh Burch, 31, of Lake City, Florida, and Brett Fulton, 52, of White Springs, Florida, paid the ultimate price for our safety, giving up their lives for our protection. Our hearts and prayers go out to their families and loved ones as we remember the invaluable work that they and their fellow firefighters perform each and every day.

The Blue Ribbon fire has burned across hundreds of thousands of acres in Northeast Florida and taken the lives of two courageous and dedicated firefighters and family men. Let us honor Josh and Brett and never forget their sacrifice to Florida and the nation.

KENNETH RILEY

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 2011

Mr. GRAVES of Missouri. Mr. Speaker, I proudly pause to recognize Kenneth Riley, a Staff Sergeant in the Army retiring following more than 30 years of military service. He joined the Army in 1976 through the delayed entry program, and after high-school graduation in June 1977 he was called to active duty. After finishing basic training at Fort Leonard Wood, Missouri, he was deployed to Karlsruhe, Germany until October of 1979.

Upon returning Mr. Riley was stationed at Fort Riley, Kansas. After serving 6 years of active duty, he was discharged in June of 1980 at which time he entered the Army Reserves. Mr. Riley served in Operation Iraqi Freedom from 2003–2004, 2005–2006, and 2009–2010, eventually retiring in November of 2010.

Mr. Riley has been married to Mrs. Helen Riley for 32 years. They have two children, Tabitha Brown and Tanya Riley. Mr. Riley has 6 grandchildren with another on the way.

Mr. Speaker, I proudly ask you to join me in recognizing Kenneth Riley, a true patriot that has dedicated a major portion of his life to serve his nation. It is truly an honor to serve Mr. Riley in the United States Congress.

CONGRATULATING MATTHEW TIMMER FOR OBTAINING THE RANK OF EAGLE SCOUT

HON. SANDY ADAMS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 2011

Mrs. ADAMS. Mr. Speaker, I would like to congratulate Matthew Timmer for achieving the rank of Eagle Scout.

Throughout the history of the Boy Scouts of America, the rank of Eagle Scout has only been attained through dedication to concepts such as honor, duty, country and charity. By applying these concepts to daily life, Matthew has proven his true and complete understanding of their meanings, and thereby deserves this honor.

I offer my congratulations on a job well done and best wishes for the future.

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2012

SPEECH OF

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 2011

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2112) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes:

Ms. McCOLLUM. Madam Chair, I rise in strong opposition to H.R. 2112, the Fiscal Year 2012 Agriculture-FDA Appropriations bill. This legislation continues the Republican majority's destructive pattern of underfunding community needs and undermining the country's fragile economic recovery.

Total funding in H.R. 2112 is $3 billion less than last year's funding level for Agriculture appropriations. As a result, there are far fewer resources to meet the growing needs of the American people. This legislation cuts critical nutrition programs for vulnerable women, children and elderly. It puts every family at greater risk of food-borne illness by slashing funding for food safety. And it gives Wall Street speculators more freedom to inflate gas prices by cutting funding to police oil speculation.

The House Republican majority is forcing these dangerous cuts on our communities and arguing that sacrifice is needed to reduce federal deficits. Unfortunately, these are disingenuous arguments that hide the Republican's true budget priorities. While making drastic cuts to successful community programs in this and other appropriations bills, the Republican majority is protecting hundreds of billions of dollars in tax breaks for the wealthiest Americans in their 2012 budget, including nearly $4 billion in special tax subsidies for the largest oil companies. Republicans have failed to justify their choice to spend precious federal resources on tax giveaways for Americans who have the most while handing deep cuts to those who have the least.

The following provisions of H.R. 2112 are the most troubling:

Women, Infants and Children, WIC: Though House Democrats were able to restore $147 million in funding, the WIC program will still be slashed by over $500 million from last year's level. Over 9 million women and young children benefit from this vital program that offers nutrition and health care assistance to some of our most vulnerable populations. H.R. 2112 will deny over 350,000 low-income women and infants access to the program.

Commodity Supplemental Food Program, Emergency Food Assistance Program, and Supplemental Nutrition Assistance Program: House Republicans chose to cut by over $100 million these vital safety net programs that keep millions of Americans from going hungry at night. H.R. 2112 also cuts $2 billion from the Supplemental Nutrition Assistance Program (SNAP, formerly known as the food stamp program) reserve fund. This funding is set aside in the event that participation is greater than expected.

Food banks, emergency shelters, Americans who rely on food stamps, and seniors living at or below the poverty level will suffer from these cuts. With American families struggling to find jobs in this slow economic recovery, Congress should be strengthening the nutrition safety net, not weakening it. Minnesota has seen a 19 percent increase in food stamp usage over the past year while our food banks are under enormous strain to deal with the surging demand for their services.

Food and Drug Administration, FDA: Recent deadly E. coli outbreaks across Europe are only the latest evidence of why it is reckless for House Republicans to underfund the President's request for the FDA by 21 percent. Congress passed landmark food safety reforms last year to protect public health. Yet, without adequate resources to implement these new protections, Americans will be exposed to unnecessary risks every time they visit the grocery store.

Commodity Futures Trading Commission, CFTC: Wall Street speculators are contributing to skyrocketing gas prices by inflating the price of oil. As families in Minnesota and across the country struggle to pay these costs, House Republicans are choosing to cut the federal entity charged with policing speculation. In H.R. 2112, the CFTC receives 44 percent less funding than requested by President Obama.

International Food Aid: The United States has a critical national security interest in helping to alleviate hunger in around the world, particularly in places such as Afghanistan and Pakistan. House Republicans cut the budget for the P.L. 480 Title II program that provides emergency food aid assistance by 38 percent. The successful McGovern-Dole International Food for Education program is also cut by 10 percent.

Stopping Clean Water Act Enforcement: House Republicans inserted a legislative provision in H.R. 2112 to stop the Army Corps of Engineers from meeting its legal responsibilities under the Clean Water Act to protect our Nation's wetlands and tributaries.

Conservation Programs: Rural conservation programs received an unprecedented $1 billion cut from mandatory spending levels in H.R. 2112. This decision is deeply unfortunate, considering conservation programs such as the Conservation Stewardship Program and the Wetlands Reserve Program have benefited farmers while improving water quality and wildlife habitat.

H.R. 2112 does reflect a bipartisan agreement to continue the ban on horse slaughter inspection. The bill also stops funding for USDA's Livestock Protection Program that has been found to use lethal methods to address wildlife conflict. Taxpayer money can be better spent on predator control methods that do not involve the use of toxic poisons, steel-jawed traps and aerial gunning.

Overall, H.R. 2112 is a deeply flawed bill. If enacted into law, it will inflict great and unnecessary pain on America's urban and rural communities with no significant or lasting reduction in the federal deficit.

I urge my colleagues to join me in voting against this bill.

SUDAN: HANGING IN THE BALANCE

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 2011

Mr. WOLF. Mr. Speaker, I rise today with a great sense of urgency to call attention to the unfolding nightmare taking place in Sudan right at this very moment.

I submit for the RECORD an article today from the New York Times describing the heinous actions taken by the Sudanese Army against their own people. The article quotes an American official as saying that without mediation, "you're going to have massive destruction and death in central Sudan, and no one seems able to do anything about it."

Indeed, no one seems to be doing anything about it.

Have we forgotten the tragic history of Rwanda? Of Darfur? Are the Nuba people destined to the same grim fate? Have we learned nothing from these previous mass annihilations of people?

The New York Times reports that, "United Nations officials in Southern Kordofan, the state that includes the Nuba Mountains, estimate that dozens have been killed in aerial bombings in the past two weeks and maybe dozens more in extrajudicial killings. Nuban officials put the civilian death toll in the hundreds."

The story continues, "Sudanese soldiers are planting land mines in several towns, United Nations officials said, and possibly digging mass graves. Many people in the mountains are Christian, and church officials say Christians have been attacked and churches burned."

The Times piece echoes reports I heard last week from a young man who was a former intern in my congressional office. He has been living and working in Sudan for the past two years and is in continuous touch with people on the ground in Sudan, including in areas that have been virtually cut off from the outside world.

In the face of this tragedy, the administration is AWOL. The press is hardly covering the story. Congress is barely engaged.

What more will it take?

Time is running short and the situation is grim. The world must not continue to turn a blind eye to slaughter.

[From the New York Times, June 20, 2011]

AS SECESSION NEARS, SUDAN STEPS UP DRIVE TO STOP REBELS

(By Jeffrey Gettleman)

NAIROBI, KENYA.—The Sudanese Army and its allied militias have gone on an unsparing rampage to crush rebel fighters in the Nuba Mountains of central Sudan, bombing thatch-roofed villages, executing elders, burning churches and pitching another region of the country into crisis, according to United Nations officials and villagers who have escaped.

"The market was burning," said Salah Kaka, a mother of four who trekked for days with thousands of others to a mushrooming refugee camp after her husband disappeared during an air raid. "I dug ditches in the ground and hid the children."

Tens of thousands of rebel fighters have refused the government's threat to disarm, digging into the craggy hillsides. They are demanding political reform and autonomy, a familiar refrain in Sudan's marginalized hinterlands that has set off insurgencies in Darfur in the west, as well as eastern and southern Sudan.

"This is going to spread like wildfire," said an American official who was not authorized to speak publicly. Without mediation, "you're going to have massive destruction and death in central Sudan, and no one seems able to do anything about it."

The Sudanese Army has sealed off the area and threatened to shoot down United Nations helicopters. Sudan's forces detained four United Nations peacekeepers and subjected them to "a mock firing squad," the organization said Monday, calling the intimidation part of a strategy to make it nearly impossible for aid agencies and monitors to work in the region.

It seems that the Sudanese government, facing upheaval on several fronts, especially with the southern third of the country preparing to declare independence next month, is determined to suppress the rebels and prevent them from encouraging other restive areas to rise up.

Even after the southerners secede, countless fault lines remain in northern Sudan. Non-Arab people in the Nuba Mountains, Darfur, Blue Nile State, Kasala—and all the way down the Nile to Egypt—have long been chafing against an increasingly isolated government dominated by a small group of Arabs and led by President Omar Hassan al-Bashir, a war crimes suspect indicted by the International Criminal Court.

"Bashir is facing enormous pressure," said E. J. Hogendoorn, a program director at the International Crisis Group. "There are a number of areas that could rebel again," he said, and the offensive in the Nuba Mountains "may actually exacerbate resentment and inadvertently unite armed opposition movements."

United Nations officials in Southern Kordofan, the state that includes the Nuba Mountains, estimate that dozens have been killed in aerial bombings in the past two weeks and maybe dozens more in extrajudicial killings. Nuban officials put the civilian death toll in the hundreds.

Sudanese soldiers are planting land mines in several towns, United Nations officials said, and possibly digging mass graves. Many people in the mountains are Christian, and church officials say Christians have been attacked and churches burned.

"So many people have been made to leave their homes," said Ali Shamilla, liaison officer for the Nuba Relief, Rehabilitation and Development Organization. "Many are living in caves."

Witnesses said government soldiers were shooting "the black people," a reference to Nubans, who are often darker skinned than the Arab-dominated military. Human rights groups worry that this could begin a new round of ethnic cleansing, given the wholesale destruction of communities that has been part of how war is fought in Sudan.

Hundreds of thousands died in Darfur after the government razed villages and armed militias to throttle rebels there, leading to genocide charges against Mr. Bashir. Millions died in the decades of civil war between north and south, under many of the same tactics.

The same thing happened in Nuba. In the mid–1980s, southern rebels opened bases in the Nuba Mountains. Residents who had long felt discriminated against by the Arab rulers of Sudan joined the southerners in droves.

The rulers responded by arming Arab militias—just as it would in Darfur—and setting them loose on impoverished villagers. Tens of thousands of civilians were killed and villagers were incarcerated in "peace camps," forced to convert to Islam. Entire villages were wiped out.

"Nuba were often just shot on sight by Khartoum forces, no questions asked," said Roger P. Winter, a former State Department official, who testified Thursday during a Congressional hearing on Sudan's future. "Today, again, Nuba are positioned for liquidation by Khartoum forces."

This may sound hyperbolic. But as Julie Flint, an author who first visited the Nuba area in 1992, argued, some of the same men responsible for earlier atrocities in Nuba are in charge once again, including Ahmed Haroun, the Southern Kordofan governor, indicted by the International Criminal Court for crimes against humanity connected to Darfur.

"A new war in Nuba threatens to be a replay of Darfur," Ms. Flint said.

The Sudanese government does not deny bombing Nuban villages, arguing that the Nuba militia were supposed to disarm but did not. One Sudanese official said the war could go on "for some years." Nuban militia leaders have vowed to fight until there is "regime change" in Khartoum or autonomy for Nuba.

Under the accords that set in motion the south's secession, Nubans were supposed to hold "popular consultations" to determine their future, but that has not happened. Now that the south is on the verge of realizing its hard-fought goal—independence many Nubans feel their demands have been deferred.

In the north, oil had helped buy friends and woo enemies, but huge economic uncertainties loom. The south has most of the oil, and in any deal before the south splits off, the north will almost certainly get less than it used to.

Already, riots have broken out in central Sudan's Arab heartland, as Mr. Bashir has warned of austerity measures. Many analysts say the recent military activity along the north-south border, including the north's seizure of the disputed Abyei area and its push in the Nuba Mountains, is part of a hard-knuckled negotiation to secure more oil revenue.

Southern Sudan's leaders are reluctant to go to war over Nuba, but the southern-allied militiamen in Nuba are part of the overall southern military command, so the south could be dragged into the conflict.

During a recent meeting, the top Nuban militia commander, Abdel Aziz al-Hilu, said that before any cease-fire he would have to inform "Chairman Salva," meaning southern

Sudan's president, Salva Kiir. Mr. Abdel Aziz also said that if things don't change, ''fires will just break out everywhere, here, in Blue Nile, in Darfur,'' according to someone at the meeting.

''We, the people of Sudan, are ready to remove them,'' vowed Mr. Abdel Aziz, the person said. ''We have guns.''

Josh Kron contributed reporting from Parieng, Sudan.

INTRODUCTION OF FIRE GRANTS REAUTHORIZATION ACT OF 2011

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 2011

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today to introduce legislation to support our Nation's first responders. The Fire Grants Reauthorization Act of 2011 reauthorizes two programs—the Assistance for Firefighters Grant, AFG, Program and the Staffing for Adequate Fire and Emergency Response, SAFER, program—that were created to help local fire departments across the country maintain and increase their capabilities to do all that is asked of them, including fighting fires and responding to medical emergencies and disasters.

Maintaining the equipment, training, and personnel to safely and swiftly respond to calls for assistance is increasingly difficult. Fire departments around the country have been forced to lay off firefighters and do without needed equipment and training. The fire grant programs have played an important role in helping local fire departments overcome some of these challenges, providing over $6 billion in assistance since 2000. These grants have been essential to maintaining public safety in many communities.

Fire is a serious problem in the United States, killing over 3,000 people a year—a rate higher than all other industrialized countries. In addition, approximately 20,000 people are injured, over 100 firefighters are killed in the line of duty, and $10 billion in property is lost each year due to fire. Statistics show that minorities and low-income Americans are disproportionately the victims of fires. In addition to providing the resources necessary to ensure our fire departments have the equipment and personnel they need, the AFG program supports fire prevention and safety activities to help reduce the numbers of death, injury, and loss.

The bill I am introducing today is nearly identical to the bill that moved through the Science and Technology Committee and then passed the House by an overwhelmingly bipartisan vote last Congress.

The good news is that, even in these times of increasing partisanship, this common sense bill has once again garnered widespread support. I am pleased to be joined by the bipartisan co-chairs of the Congressional Fire Services Caucus in introducing the Fire Grants Reauthorization Act, along with other members from both sides of the aisle who have long supported these important programs.

We need to ensure that our firefighters and emergency medical personnel have the tools that they need to protect us. This legislation will do just that.

As the Ranking Member of the House Science, Space, and Technology Committee, which has jurisdiction over these programs, I look forward to working with my colleagues to put this important bill on the fast track and ensure that these critical programs are reauthorized as expeditiously as possible.

CONGRATULATING CHRISTOPHER ERBE FOR OBTAINING THE RANK OF EAGLE SCOUT

HON. SANDY ADAMS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 2011

Mrs. ADAMS. Mr. Speaker, I would like to congratulate Christopher Erbe for achieving the rank of Eagle Scout.

Throughout the history of the Boy Scouts of America, the rank of Eagle Scout has only been attained through dedication to concepts such as honor, duty, country and charity. By applying these concepts to daily life, Christopher has proven his true and complete understanding of their meanings, and thereby deserves this honor.

I offer my congratulations on a job well done and best wishes for the future.

IN RECOGNITION OF NAVESINK HOOK AND LADDER COMPANY NUMBER 1

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 2011

Mr. PALLONE. Mr. Speaker, I rise today to congratulate the Navesink Hook and Ladder Company #1 of Middletown, New Jersey, as its members gather to celebrate its 125th Anniversary. Since its founding in 1886, Navesink Hook and Ladder Company has faithfully protected the local residents, businesses and visitors of the Township. Their honorable and courageous actions are undoubtedly deserving of this body's recognition.

The Navesink Hook and Ladder Company was founded on May 1, 1886 and remains an all-volunteer organization. Throughout their rich history, the members of this fire company have exemplified their unwavering dedication and service toward members of the community. They have risked their lives to respond to various emergencies involving fire, carbon monoxide, motor vehicle accidents and other various rescues. Their responsibilities have begun to expand beyond the borders of Middletown and have also assisted neighboring towns including Highlands, Rumson, Fair Haven, Keansburg, Sea Bright and Atlantic Highlands. Navesink Hook and Ladder Company promotes a proud and longstanding history of valor and sacrifice. Their heroic actions while serving their community is a testament to the selfless actions of the members to protect and serve the residents of Middletown. The members of this fire company continue to exemplify their unwavering dedication and service for their fellow citizens and community.

Mr. Speaker, please join me in honoring Navesink Hook and Ladder Company #2 on its 125th Anniversary and thanking the men and women who have served and protected the Township of Middletown.

HONORING THE LIFE OF REV. BEN COX, SR., ORIGINAL FREEDOM RIDER

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 2011

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today to recognize the life of a trailblazer and humanitarian, Reverend Ben Elton Cox, Sr. Reverend Cox's life mission was to fight for the equal rights of blacks in southern states where Jim Crow laws and intimidation tactics hindered and denied blacks the right to beaches, hotels, schools, restaurants, and jobs that whites enjoyed. Though confronted with hatred, violence and blatant racial discrimination, Reverend Cox's courageous acts and unyielding belief in equality for all people subsequently effected change across this country.

Reverend Cox was a fervent community activist and devoted NAACP member. He was not only a leader of the Freedom Rides in Little Rock, but was one of the original 13 Riders on the first Congress of Racial Equality Freedom Ride in 1961. His role during the movement helped amplify the voice of oppressed blacks in the south and shape future civil rights policy in the United States that would advance the rights and freedoms of African Americans.

Family, friends, and freedom riders described Reverend Cox as one of the young Americans who repeatedly exhibited courage and bravery in the cause of Civil Rights. Ben Cox and 12 others faced violent opposition and discord from Klansmen and angry mobs during the Freedom Rides traveling throughout the south. In his own words, Reverend Cox said he'd been in 37 states for civil rights and in jail 17 times and that his life had been threatened 87 times in writing. Sacrificing their safety and endangering the lives of their families—harassed, jailed and brutally beaten by their detractors, Reverend Cox and the Freedom Riders were on the ''front line'' of a civil war and remained steadfast in the fight against racism, discrimination and inequality in the segregated south and around the country. Ben Cox embodied courage and was a champion of the struggle for human rights.

Again, I ask that my colleagues please join me in saluting the life and legacy of Civil Rights leader and Freedom Rider Rev. Benjamin ''Elton'' Cox, Sr.

ELECTION SUPPORT CONSOLIDATION AND EFFICIENCY ACT

SPEECH OF

HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 2011

Mr. BLUMENAUER. Mr. Speaker, today I voted against H.R. 672, a bill that ends the Election Assistance Commission (EAC), an independent and bipartisan commission whose main function is to improve and oversee elections in the U.S.

This bill would transfer much of the EAC's responsibilities and funds to the Federal Elections Commission (FEC), whose main priority

is not election administration, but rather enforcing federal campaign laws. In a letter to the House Administration Committee, the FEC noted that they could ''contract with outside groups to fulfill aspects of the EAC's responsibilities.'' Facilitating free and fair elections is an inherently governmental function that should not be outsourced.

The world's leading democracy should not affix a price on free and fair elections, but that is exactly what Congress does in this legislation. In effect, H.R. 672 says that preventing another crisis like the one we saw during the 2000 presidential election—where millions of Americans did not have their ballots counted due to failed voting machines—is too expensive and is not a priority.

It is deeply ironic that just as Florida—the state responsible for the bulk of voter complications in 2000 that prompted Congress to pass the Help America Vote Act—signs into law onerous voter registration requirements, Congress is dismantling a bipartisan solution that helped ensure the effective administration of elections.

This is a politicized bill that is well wide of the mark of true government reform. Simply repealing the EAC, like Republicans did with the Presidential Election Fund earlier this year, further undermines America's democracy and is a step in the wrong direction. I oppose this legislation.

IN RECOGNITION OF THE SERVANT CHURCH OF SAINT ALEXANDER'S 50TH ANNIVERSARY SERVING THE COMMUNITIES OF SOUTHEAST MICHIGAN

HON. GARY C. PETERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 2011

Mr. PETERS. Mr. Speaker, I rise today to recognize the parishioners of the Servant Church of St. Alexander on the occasion of the 50th Anniversary of service to the residents of Southeast Michigan.

Originally named the Church of St. Alexander, the Parish was founded on June 21, 1961 at 27835 Shiawassee Road in Farmington Hills, where it remains to this very day. Founded with 600 participating families, the Church has experienced both times of trial and prosperity in its life, but has always remained strong with dedicated parishioners who have worked hard to strengthen their community. St. Alexander has been led by four different pastors during its 50 years in Farmington Hills and under the leadership of the Reverend Robert McGrath. St. Alexander has continued to flourish and bring in congregants from well beyond its own parish, with almost half of its members coming from outside the Parish.

The hallmark of St. Alexander is its service programs—first fully realized under Reverend James Wright, who served as pastor for 25 years and weaved service into the very fabric of the Servant Church of St. Alexander. Under his leadership St. Alexander launched its food pantry which has operated for over 25 years and fed nearly 2,600 hungry families in 2010 alone. In addition, the Church also collects and distributes food baskets on Easter, Thanksgiving and Christmas to assist families in need during the holidays.

While St. Alexander's food pantry and holiday food drives deeply impact many in our community, it is not the full extent of the charitable work in which the Church and its parishioners are engaged. Every spring the parish puts together teams that support Rebuilding Oakland County, a program that assists low income home owners with much needed renovations and improvements across Oakland County. The parishioners of St. Alexander also support annual blood drives and even take a percentage of the Church's weekend collections and send them to the local chapter of the St. Vincent de Paul Society, an organization that provides service to individuals and families in need.

Mr. Speaker, I ask my colleagues to join me today in celebrating the 50th Anniversary of the Servant Church of St. Alexander and the remarkable impact its parishioners have had on so many residents in our Southeast Michigan community. The parishioners' commitment to serving our community is truly a most valued virtue at a time when so many families in Michigan are struggling. I congratulate the parishioners and leaders of St. Alexander on achieving this great milestone and wish them many more years of fellowship and productive service to our community.

THE BROUGHTON HIGH SCHOOL BAND OF RALEIGH, NC HEADS BACK TO THE TOURNAMENT OF ROSES PARADE

HON. RENEE L. ELLMERS

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 2011

Mrs. ELLMERS. Mr. Speaker, I rise today to recognize the Broughton High School Band of Raleigh, North Carolina and Band Director Mr. Jeffrey ''JR'' Richardson.

The Needham B. Broughton High School in Raleigh will be representing North Carolina and the Mid-Atlantic States for the 2012 Tournament of Roses Parade. In an almost unheard of occurrence, the Broughton Band has been invited back after their successful 2008 Parade showing. Being invited back after only 4 years is a great accomplishment considering that most bands, if ever asked back, are usually asked back many years later. The Broughton Band was one of three bands that made it through the entire 6 mile parade in 2008 without one student having to leave the parade route early; the only other two bands were the Marine Band and the Virginia Military Institute Band. The students of the Broughton High School Band have not only worked very hard to be invited back to the Tournament of Roses Parade, but they have also raised the money to pay their own way to California.

I am very pleased to recognize the Broughton High School Band of Raleigh, North Carolina for this prestigious invite. I wish them the best as they continue their preparation for this exciting event. An event of this magnitude is certainly something in which the school, the students, and the state of North Carolina can have great pride.

CONGRATULATING SKYLER JAMES REESE FOR OBTAINING THE RANK OF EAGLE SCOUT

HON. SANDY ADAMS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 2011

Mrs. ADAMS. Mr. Speaker, I would like to congratulate Skyler James Reese for achieving the rank of Eagle Scout.

As the son of a retired Air Force officer, Skyler showed his determination to achieve the rank of Eagle Scout by continuing his scouting in five different states where he had to prove himself each time. Throughout the history of the Boy Scouts of America, the rank of Eagle Scout has only been attained through dedication to concepts such as honor, duty, country and charity. By applying these concepts to daily life, Skyler has proven his true and complete understanding of their meanings, and thereby deserves this honor.

I offer my congratulations on a job well done and best wishes for the future.

HONORING SENIOR OFFICER JOHNNY JONES OF THE GRAPEVINE POLICE DEPARTMENT FOR 31 YEARS OF SERVICE

HON. KENNY MARCHANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 2011

Mr. MARCHANT. Mr. Speaker, it gives me great honor to rise today to recognize Senior Officer Johnny Jones of the Grapevine Police Department. Mr. Jones is a dedicated public servant who is retiring after 31 years of remarkable service to the Grapevine community.

Mr. Jones was born in Denton, Texas, spending his childhood and youth growing up in Grapevine. Soon after graduating from Grapevine High School, Mr. Jones took a position on June 19, 1980 with the Grapevine Police Department as a dispatcher. On June 16, 1981, upon completing the police academy, Mr. Jones was appointed to the Grapevine Police Department. Since then, Mr. Jones has attained the highest level of law enforcement certification as a Texas Peace Officer and Master Peace Officer by the Texas Commission on Law Enforcement Officer Standards and Education. A critical member of the Grapevine Police Department, Mr. Jones has served in various roles. These include the positions of dispatcher, patrol officer, motorcycle officer, detective, and crime prevention officer.

In 1998, Mr. Jones left the police department to join the City of Grapevine's Information Technology Department as a customer service manager. One year later, Mr. Jones returned to the police force with added skills and expertise. Not long after returning to the police force he became a Certified Forensic Computer Examiner, one of only approximately 700 in the world. Mr. Jones has used his expert knowledge and skills in forensic computer examination to aid the Grapevine Police Department in capturing numerous online sexual predators and other felons.

Over the course of his 31-year career, Mr. Jones has remained committed to the service and protection of the City of Grapevine and its

residents. I ask all of my colleagues to join me in recognizing Senior Officer Jones for his distinguished career with the Grapevine Police Department.

AWARENESS OF DUCHENNE MUSCULAR DYSTROPHY

HON. JON RUNYAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 2011

Mr. RUNYAN. Mr. Speaker, I rise today to raise awareness about Duchenne muscular dystrophy.

Duchenne is a progressive muscle disorder for which there is no cure and affects boys disproportionately. According to Parent Project Muscular Dystrophy, the disease affects approximately 1 in 3,500 live male births. Conditions of the disease include deterioration of the muscle tissue, abnormal bone development, paralysis and eventually death.

Earlier this year, my office was contacted by several families from my district whose young sons are living with Duchenne.

Duchenne takes lives too quickly, but due in large part to research developments, there are signs of hope.

Over the last five years, Congress has appropriated $157 million to the National Institutes of Health for Duchenne efforts. In 2010, the NIH awarded three grants specifically to New Jersey institutions totaling $874,000.

Two of the grants were awarded to the University of Medicine and Dentistry of New Jersey, to explore treatments for congenital diseases, and the third went to TRIM-Edicine, for research of protein therapies for muscular dystrophy.

I hope these and other innovations bring us closer to finding the answers that we need to help and even cure Duchenne MD.

HONORING THE ONE HUNDRED YEAR ANNIVERSARY OF THE BROOKLAWN VOLUNTEER FIRE COMPANY

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 2011

Mr. ANDREWS. Mr. Speaker, I rise today to honor the Brooklawn Fire Company for its 100 years of service to the citizens of Brooklawn. The brave men of the Brooklawn Fire Company have consistently displayed true heroism and commitment throughout the past century. I thank them for their service.

Founded in 1911, the Brooklawn Fire Company was originally two separate departments. After the Broadway Fire Company and Brooklawn Volunteer Company had served the area for a number of years, the two companies merged in order to increase efficiency and enhance coverage. On January 27, 1942, the two became the Brooklawn Volunteer Fire Company. Throughout this process, serving the community was always the top priority. To this day, the men of the Brooklawn Fire Company are active public servants and dedicated members of the community, sponsoring local events and fostering a sense of safety in the Borough of Brooklawn.

With 2 stations, 25 active members, and 15 inactive members, the Brooklawn Fire Company is committed to the community. As volunteers, these citizen fire fighters are often wrongly overlooked. They have dedicated their time and energy to uphold a simple promise: to answer the call of duty whenever the fire alarm rings. Their sense of community reaches far beyond the borders of Brooklawn. When neighboring towns call for help, the Brooklawn Fire Company stands ready to serve. Today, I honor these men for continuing and keeping a century long tradition of service alive and thriving. Their heroism and sacrifice are exemplary for the Borough of Brooklawn and the entire South Jersey community.

CONGRATULATING STEPHEN PHILIP SLADE FOR OBTAINING THE RANK OF EAGLE SCOUT

HON. SANDY ADAMS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 2011

Mrs. ADAMS. Mr. Speaker, I would like to congratulate Stephen Philip Slade for achieving the rank of Eagle Scout.

Stephen showed his dedication to his community and to scouting by fixing and painting a rusted swing set for a local school in Merritt Island, Florida. Throughout the history of the Boy Scouts of America, the rank of Eagle Scout has only been attained through dedication to concepts such as honor, duty, country and charity. By applying these concepts to daily life, Christian has proven his true and complete understanding of their meanings, and thereby deserves this honor.

I offer my congratulations on a job well done and best wishes for the future.

HONORING DON MASSEY

HON. THADDEUS G. McCOTTER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 2011

Mr. McCOTTER. Mr. Speaker, today I rise to honor the extraordinary life of Don Massey and to mourn him upon his passing at the age of 83.

Born in Lawrenceburg, Tennessee on April 28, 1928 to Samuel Henry and Ila Marie Massey, Don became enamored of the automobile business when, at the age of 14, he took a summer job as a porter at a Jacksonville, Florida Dodge dealership. Ten years later Don, now married to his beloved Joyce, had moved to Michigan with $300.00 and a love of cars. Employed at a used Desoto/Plymouth dealership in Wayne, this natural salesman moved on to Paul McGlone Chevrolet where he advanced to the position of General Manager within two years. Under his direction, McGlone became the number one Chevrolet dealership in the world from 1958 until 1960.

Deteriorating health and a stern warning from his doctor dictated Don make drastic changes to his heavy workload and, in 1960, he felt he had no choice but to retire. After several months, Mr. Massey felt well enough to begin a new venture and opened a very successful used car lot of his own in 1961. Five years later, Don again retired, selling the lot, and moved to Plymouth, Michigan. Boredom quickly set in and Don bought "a little store that sold a couple hundred Oldsmobiles and fifty-sixty Cadillacs a year." He intended to work half days. A New Year's Day 1967 blizzard dropped several feet of snow and while digging out to inventory his stock, the indomitable Don sold seven cars. In a short time Don Massey Cadillac would become the top Cadillac dealer in the world, a title it would hold consistently.

A legendary salesman, Don believed in acquainting himself with his customers. His friendly approach brought him many a friend and sold many a car. In 1981, Don Massey acquired the second of his many dealerships when he purchased Capitol Cadillac located in Lansing, Michigan. Over the next decade he expanded his successful Southern charm to Colorado, Tennessee, Florida, North Carolina, Kentucky, California and Texas. When General Motors launched its Saturn brand, Massey opened the first of three Saturn dealerships in the Detroit area in 1990. Although he sold every brand under the General Motors umbrella, Don Massey became known as "The Cadillac King".

Don Massey believed in his employees and promoted from within. His distinctive Southern drawl was recognizable in radio commercials for his dealerships. While he was never one to micromanage his businesses, he always left an imprint of his unassuming, personable style, and was an active member of his community. He co-sponsored the Plymouth Ice Sculpture contest, held an open barbecue on the 4th of July and donated the lights to the Plymouth baseball park bearing his name. He wanted his wife Joyce to be remembered. Massey built a wing on the Colorado hospital she was treated in after a debilitating car accident and named it after her. Don partnered with the St. Joseph Mercy Health System to establish the Joyce M. Massey Traumatic Brain Injury Day Treatment Center. A beautiful garden at Madonna University, in my hometown of Livonia, also bears the late Joyce Massey's name.

As Don was nearing 70, offers to buy the colossal Massey conglomerate began. In 1998, he sold his three Saturn dealerships to General Motors. The next year GM bought his Ann Arbor Cadillac showroom but an offer to purchase the rest of the Massey holdings was rejected. Don sold his portfolio of sixteen dealerships in 2002 but he remained the voice of the dealership which still bears his name. One enduring piece of advice he shared, "Keep both feet firmly on the ground and don't overextend yourself—socially or financially."

Sadly, on June 10, 2011, Don passed from this earthly world to his eternal reward. Reuniting in eternity with his beloved wife Joyce, daughter Joellen and brothers Tom and Sam Henry, Don is survived by his children Donald Jr. and Brenda, brother Bobby and sister Ruth.

Mr. Speaker, Don Massey will be long remembered as a dedicated husband, legendary businessman, philanthropist, community leader and above all as a friend. Don was a man who deeply treasured his family, friends, community and his country. Today, as we bid Don Massey farewell, I ask my colleagues to join me in mourning his passing and honoring his unwavering patriotism and legendary service to our community and our country.

OPPOSITION TO GENE PATENTING

HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 2011

Ms. SLAUGHTER. Mr. Speaker, I rise today in opposition to gene patenting. The sequencing of the human genome was the most momentous medical achievement in this century, with unparalleled implications for patients and our economy. And we cannot squander that success by patenting genes.

The Human Genome Project has helped our economy to grow by $796 billion. Today, 310,000 American jobs are linked to the sequencing of the Human Genome. Furthermore, personalized medicine has transformed the way doctors care for patients. According to the American Medical Association, more than 1,200 genetic tests can be used today to help diagnose and treat over 1,000 different diseases. Personalized medicine helps to provide safer, more cost-effective medicine.

Yet, to fully realize the potential of personalized medicine, we must ensure that our laws and policies keep pace with our science. Today as we consider the patent bill, I would like to clarify the intersection between genes and patents.

Many of us carry within us genes that predispose us to illnesses or influence the effectiveness of medications. These genes are natural products—not inventions. And as natural products, they should not be patented. It's this simple: just as a kidney cannot be patented, genetic sequences should not be patented.

Unfortunately, 20 percent of our genes have already been claimed as intellectual property. For several decades, the U.S. government issued patents on genes. Thankfully the Department of Justice recognized this clear overreach on the part of the United States Patent and Trademark Office—and moved to correct this mistake.

On October 29, 2010, the United States Department of Justice filed an amicus brief in which they explained: ''the unique chain of chemical base pairs that induces a human cell to express a BRCA protein is not a 'human-made invention.' Nor is the fact that particular natural mutations in that unique chain increase a woman's chance of contracting breast or ovarian cancer. Indeed, the relationship between a naturally occurring nucleotide sequence and the molecule it expresses in a human cell—that is, the relationship between genotype and phenotype—is simply a law of nature. The chemical structure of native human genes is a product of nature, and it is no less a product of nature when that structure is 'isolated' from its natural environment than are cotton fibers that have been separated from cotton seeds or coal that has been extracted from the earth.''

The United States Department of Justice has come to the inevitable conclusion that genes are natural products, and not fit for patenting. And last year, a federal court in New York came to the same conclusion.

Not only is the issuance of patents on genes wrong, contrary to common sense, and in violation of Congressional intent, but it also damages human health. Gene patents have cut off access to important tests. For example, the company that owns sole rights to the BRCA1 and BRCA2 sequences—which determines hereditary risk factors around breast and ovarian cancer—charges between $3,000 and $4,000 for a single test. Other laboratories have offered to perform the test for several hundred dollars, but are not able to do so because of the patent on those particular genetic sequences. And the information provided by this test is critical for medical decision-making: Up to 85 percent of those individuals who possess these genetic sequences will be diagnosed with breast cancer at some point in their life. By granting a monopoly, we risk placing these genetic tests out of reach for patients.

Furthermore, gene patents stop innovation in their tracks. They prevent anyone outside of the patent holder from studying the gene sequence under patent. As Dr. Stieglitz of Columbia, a Nobel Prize winning economist, wrote, ''Our genetic makeup is far too complicated for a single entity to hold the keys to any given gene and to be able to choose when, if ever, to share.'' We threaten scientific advancement, if we do not allow scientists to untangle the manifold implications of specific gene sequences. We can not reap the full benefits of personalized medicine if researchers must go to hundreds of different patent holders to analyze one patient's genome.

The battle to keep policy and science marching hand in hand has been a long one, and I worked for dozens of years to ensure that the nation's laws support genetics policy.

In 1995, I introduced legislation, entitled the Genetic Information Nondiscrimination Act (GINA), in order to prevent genetic discrimination. For personalized medicine to flourish, patients needed to be able to get genetic tests without the fear that it would endanger their employment or their health insurance. Thirteen years after I first introduced GINA, it was passed into law. GINA is one of the nation's great civil rights laws, which has helped open the door to personalized medicine.

By passing GINA in 2008, the U.S. Congress showed itself to be at the forefront of genetics policy. I expect no less of our government when it comes to gene patenting. Today, the Patent Office has the opportunity to institute evidence-based policy and end the patenting of genes, and it must do so.

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2012

SPEECH OF

HON. NIKI TSONGAS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 2011

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2112) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes:

Ms. TSONGAS. Madam Chair, I missed votes on the day of June 16, 2011, because I traveled back to my district to attend the funeral service for a Marine killed in combat, Corporal William Woitowicz. Had I been present, I would have voted for amendments to the FY 2012 Agriculture, Rural Development, and Food and Drug Administration Appropriations Act that encourage local and regional food systems and fund programs that support the work of minority and socially disadvantaged farmers. I also would have supported amendments that protect taxpayer funds by implementing modest restrictions on excessive farm subsidy payments.

I would have voted against amendments that seek to delay the Commodity Futures Trading Commission's efforts to enforce commonsense rules on risky derivative swaps and other financial transactions, prevent the Department of Agriculture from implementing their climate change adaption policy, or propose deeper cuts to the FDA that would hinder the agency's ability to protect our nation's food supply from food-borne illnesses.

Finally, I would have opposed passage of the overall FY 2012 Agriculture, Rural Development, and Food and Drug Administration Appropriations Act because of the bill's drastic and indefensible cuts to the Women, Infants, and Children, WIC, program, which provides vital aid for our nation's most vulnerable pregnant women, infants and children. In the last year, WIC provided nutritious food, counseling on healthy eating, and health care referrals to thousands of women and children in my state. Additionally, the underlying bill undermines commonsense financial rules, choosing to protect Wall Street speculators that are driving up gas prices over the American taxpayer. Likewise, I cannot support the deep cuts in FDA funding included in the bill that will severely undermine food safety efforts and increase the risk of food-borne illnesses.

RECOGNIZING PRINCIPAL RICHARD JONES' DECADES OF SERVICE TO OUR COMMUNITY AS A LEADER IN EDUCATION

HON. GARY C. PETERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 2011

Mr. PETERS. Mr. Speaker I rise today to recognize Mr. Richard Jones, the distinguished principal of North Farmington High School, on the occasion of his retirement after nearly 25 years of service to the families and students of Farmington Hills, Michigan through his work as an educator, administrator and community leader.

Mr. Richard Jones started his career in education nearly four decades ago and has been part of the Farmington Hills school district family for the last quarter of a century. He thrived as an English teacher and also a football and tennis coach, creating a comfortable learning environment where students were able to succeed and flourish. After many years in the classroom and on the field, he was made principal of the high school in 1998.

As principal, Mr. Jones treated every student, parent and teacher with dignity and respect. He is someone the students trusted and the teachers looked to for advice. His main goal was always to have a school unified by a message of tolerance and acceptance. During his time as principal he implemented many innovative school-wide programs on issues

ranging from civil rights to energy conservation. One of his hallmark initiatives was to build a student body that turned ''awareness into activism.'' In 2009, he dedicated the school-year to learning about genocide, which enabled powerful levels of student activism to aid the cause in Darfur. Teaming up with Danbury High School in Connecticut, the student body was able to raise $100,000 to help build schools in Sudan.

I was proud to welcome Principal Jones to Washington when he was formally recognized as Michigan's Principal of the Year in 2009, an award that was well deserved for an educator that has poured so much of his time, energy and heart into his students, teachers and the community as a whole. Principal Jones' dedication to the school has earned him numerous other awards for his diligence and interactive teaching methods. He has also earned teacher of the year honors four times, the ''Great Seal of Michigan'' award and the Chair Award from the Farmington Multicultural Multiracial Council. He has been recognized countless times for his unwavering focus on the education and moral growth of his students. In 2009, Principal Jones was also presented with the ''Anne Frank Outstanding Educator Award,'' for his initiatives to educate his students on standing up for what is right.

Mr. Speaker, as a parent of public school students, I am proud to know such an outstanding and dedicated educator and it is my privilege to honor his work to improve the quality of education in Michigan. I know that I stand with many in saying Rick is a great leader, teacher and friend. I ask my colleagues to join me today as I honor Mr. Richard Jones for his lifetime commitment to educating and nurturing the development of thousands of students, on the occasion of his retirement from North Farmington High School.

CONGRATULATING CHRISTIAN SVETICS FOR OBTAINING THE RANK OF EAGLE SCOUT

HON. SANDY ADAMS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 2011

Mrs. ADAMS. Mr. Speaker, I would like to congratulate Christian Svetics for achieving the rank of Eagle Scout.

Throughout the history of the Boy Scouts of America, the rank of Eagle Scout has only been attained through dedication to concepts such as honor, duty, country and charity. By applying these concepts to daily life, Christian has proven his true and complete understanding of their meanings, and thereby deserves this honor.

I offer my congratulations on a job well done and best wishes for the future.

REAL MEN COOK

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 2011

Mr. DAVIS of Illinois. Mr. Speaker, Sunday, Father's Day, June 19, 2011, Real Men Cook was once again presented by the nonprofit, Real Men Charities, Inc. for the 22nd consecutive year. Real Men Cook is the largest national service day event on Father's Day in the United States, demonstrating that real men are nurturing: providing sustenance, care, love, and work to build healthy families and communities.

It all began when Kofi Moyo and Yvette Moyo were joined by 10 women and 100 men in 1989 to create a commonsense way to increase male involvement, and to celebrate and demonstrate the rewards of family and community service.

Real Men Cook family celebrations are the nation's longest-running urban Father's Day family event, featuring male volunteers from neighborhoods in Atlanta, Chicago, Dallas, Houston, Los Angeles, Memphis, New Orleans, New York, Philadelphia, and Washington, DC, raising funds, and devoting time and resources to cook and serve samples of their favorite dishes to help nonprofit organizations.

Real Men Cook has transformed Father's Day globally into an exciting and highly anticipated day, growing the tradition of individual and group service and family celebrations around food. Real Men Cook turns the spotlight on the bonus fathers and father-figures who step in when biological fathers are not involved in the lives of children, and encourages the celebration of those men.

Real Men Cook generates national media attention each Father's Day, recognizing fathers and father-figures beyond grandfathers and uncles to coaches, ministers, teachers, neighbors and any man who has donated time and talent to help children and Real Men Cook events have been responsible for raising more than $1 million for the Boys & Girls Clubs, Community Mental Health Council, the South Side YMCA, foundations, museums and family service organizations. In addition, Real Men Cook, through Real Men Charities, presents a Health & Wellness Pavilion in several cities on Father's Day, providing free health screenings, nutritional education, and fresh fruits and vegetables.

This year, Real Men Cook is co-sponsored by Verizon, K&G Fashion Superstore, Illinois Lottery, Moo & Oink, Provident Hospital of Cook County, the Urban Health Initiative of the University of Chicago Medical Centers, Blue Cross/Blue Shield of Illinois, and the Illinois Department of Children and Family Services.

I take special pride and satisfaction from my own longtime participation in Real Men Cook and I would encourage all Americans to follow this family tradition of volunteerism, family and community contribution on this Father's Day and Father's Days to come.

EQUAL RIGHTS AMENDMENT

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 2011

Mrs. MALONEY. Mr. Speaker, nearly 40 years have passed since the Congress passed the Equal Rights Amendment (also known as the Women's Equality Amendment). This historic Constitutional Amendment was intended to ensure equality for women and men in all areas of society.

The 27th amendment to the Constitution, which concerns Congressional pay raises, was accepted after a 203 year ratification period. When Congress passed the ERA in 1972, it provided that the measure had to be ratified by the necessary number of states (38) within 7 years. This was later extended to the still tight deadline of 10 years, but unfortunately the ERA was just three states shy of full ratification when the deadline passed in 1982. We believe Congress should give the states another chance.

In the past several decades, women have made extraordinary strides toward achieving equality—but this progress is not irreversible. Without the ERA, women have often been denied the ability to seek justice when they have experienced discrimination. The Supreme Court decision in the Virginia Military Institute case (Virginia v. United States) helped clarify that gender ''classifications may not be used . . . to create or perpetuate the legal, social, and economic inferiority of women.'' However, laws can still perpetuate gender classifications that keep women from achieving their full potential. Passage of the ERA is the Constitutional affirmation of the Supreme Court decision.

Our democracy rests on the principle of ''liberty and justice for all.'' We need the ERA to ensure that this concept applies equal to women. I am pleased to introduce this bill with 158 bipartisan original cosponsors and urge my colleagues to support it.

REMEMBERING LEROY NESBIT, JR.

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 2011

Mr. KILDEE. Mr. Speaker, it is with great sadness that I rise today to pay tribute to a dear friend, Leroy Nesbit, Jr. Leroy passed away on Monday, June 20th.

When I was a teacher at Flint Central High School, Leroy was a student there. My wife, Gayle, had Leroy as a student in her French class. Even in those early days, we could see his potential for leadership and vision, and Leroy lived up to his full potential. He went on to earn his Associates Degree in Business from Baker Business University, a Bachelor of Science Degree in Business Administration from Ferris State College, and a Masters Degree in Administration from Central Michigan University. He started working for AC Spark Plug as an auditor and worked his way up to a position on General Motors Government Relations Staff.

As an active volunteer in the credit union movement, Leroy served on the Dort Federal Credit Union Board of Directors since 1975. He held several leadership positions at Dort Federal Credit Union and he was active with credit unions on a national level. He served as the National President of the Council of GM Credit Unions, Chief Coordinator of the Combined Council of Automotive Credit Unions, he was active with the Michigan Credit Union League and the African-American Credit Union Coalition.

Leroy served as Chairman of the Flint Area Convention and Visitors Bureau, past Polemarch of Kappa Alpha Psi Fraternity, Chairman of the Northern Province Senior Kappa Affairs Committee and Northern Province Achievement Committee. He was a member of the Michigan Travel Commission, a

board member of the Flint Disability Network, and 3rd Vice President of the Mariah Consulting Group in Washington DC. He was awarded the General Motors Chairman's Award for Excellence in Community Affairs, the Michigan Credit Union League Hall of Fame—Distinguished Service Award, and the Robert L. Gordon Achievement Award from Kappa Alpha Psi Fraternity, Inc.

A devout Christian, Leroy accepted Christ as his personal Savior and worshiped with the Macedonia Missionary Baptist Church where he is a former member of the Highlight Gospel Chorus and the Progressive Laymen. He leaves behind another church family to treasure his memory, the Mt. Olive Missionary Baptist Church.

Mr. Speaker, I ask the House of Representatives to join me in expressing condolences to Leroy's wife Gwendolyn, and his daughter, Jacqueline, his relatives, friends, and the many persons Leroy touched over the years. I have known Leroy since he was a child, watched him grow into an exemplary man, and valued his advice and his friendship. Leroy Nesbit, Jr. is a shining example of a man with the aptitude to excel and the vision to turn his dreams into reality. I will deeply miss him, his wisdom, and his enthusiasm for life.

A TRIBUTE TO THOMAS B. SCHREIBEL

HON. F. JAMES SENSENBRENNER, JR.

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 2011

Mr. SENSENBRENNER. Mr. Speaker, I rise today in honor of one of my longest-serving staff, Thomas B. Schreibel. Tom has been by my side for the past 27 years, serving in several roles, including my Chief of Staff for the past 10 years. While Tom's work ethic and guidance have earned him the title Chief of Staff, his loyalty, sense of humor and dedication have earned him the additional titles—friend, family and my peer.

Tom is a natural leader who has demonstrated his capabilities by setting examples and providing sound guidance and mentorship. For the past 27 years, Tom has worked with scores of interns, staffers and Members of Congress. No matter the person, he would treat everyone the same. He would avail himself to his colleagues to work through challenges when they needed his astute judgment or spend precious time with aspiring young staffers who knew that Tom's unique characteristics and insight would aid them in their own lives. Tom has also provided guidance to my colleagues in the House of Representatives who recognized that his expertise and experience in many areas have no equivalent. Throughout his career, Tom has turned many such working relationships into lasting friendships.

Tom's commitment to public service and Wisconsin's Fifth Congressional District has served our country well. As the Chairman of the House Committee on the Judiciary, I relied on Tom's depth of knowledge, counsel and political sense as I shepherded numerous bills through the House of Representatives. Tom was with me when the USA PATRIOT Act, Voting Rights Act, the Americans with Disabilities Amendments Act and the REAL ID Act were passed by Congress and presented to the President for his signature. These, and many other laws I worked on, have made America safer, guaranteed the rights of the disabled, and protected the right to vote. Upon leaving this institution, Tom should know that he played a significant role in these important pieces of legislation.

Tom's departure from the U.S. House of Representatives will leave a void. He has been a rock that I have relied on throughout much of my tenure in Congress. Tom leaves behind a legacy of leadership and dedication that will be a saving grace to my staff, and indeed this institution, long into the future. His example will serve as a beacon of light to all those on Capitol Hill who wish to serve this nation and her people. I hope that future leaders in Congress will be as blessed as I have been.

Please join me in wishing Tom, his wife Dana, and son Brent, all of the best as Tom leaves Congress for new challenges and opportunities. On behalf of my family, the House of Representatives and my staff, I thank Tom for his service to this nation and her people, and congratulate him on a job well done.

CONGRATULATING MASON DOWDY FOR OBTAINING THE RANK OF EAGLE SCOUT

HON. SANDY ADAMS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 2011

Mrs. ADAMS. Mr. Speaker, I would like to congratulate Mason Dowdy for achieving the rank of Eagle Scout.

For his Eagle Scout project, Mason provided trail markers for a youth ranch to help hundreds of young adults who re-enact a pioneer lifestyle. Throughout the history of the Boy Scouts of America, the rank of Eagle Scout has only been attained through dedication to concepts such as honor, duty, country and charity. By applying these concepts to daily life, Mason has proven his true and complete understanding of their meanings, and thereby deserves this honor.

I offer my congratulations on a job well done and best wishes for the future.

HONORING THE CITY OF SOUTH BEND, INDIANA

HON. JOE DONNELLY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 2011

Mr. DONNELLY of Indiana. Mr. Speaker, I rise today to honor the City of South Bend, Indiana, which was named a 2011 All-America City Award winner. South Bend received the honor for a second time, having previously won the award in 1967. The city was also a finalist in 2009.

South Bend was one of ten cities receiving the honor, after a delegation from the city told their stories of successful change, innovation and community pride. Highlights included the revitalization of the Northeast Neighborhood, a $215 million mixed-use development and new housing partnership between Indiana University and the University of Notre Dame, the redevelopment of a former hospital site, and the dedication of the Indiana University-South Bend Civil Rights Heritage Center. In addition, South Bend was honored for 212 Degrees Stars, a program in which teens influence their peers to stay in school and strive for excellence.

The All-America City competition was created in 1949 by the National Civic League (NCL), which is a non-partisan, non-profit organization that focuses on building healthy and prosperous communities. The competition recognizes cities for civic achievements. A national panel of jurors who are local government, business and nonprofit experts, recognizes the cities that effectively engage their residents, demonstrate environmental stewardship, and encourage job creation.

Once again, I offer my congratulations to Mayor Stephen Lueke, the members of the delegation team, the citizens of this fine city, and all those who have supported South Bend on the road to becoming an All-America City.

A TRIBUTE TO ''KID'' KELLY COLOME

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 2011

Mr. TOWNS. Mr. Speaker, I rise today to recognize ''Kid'' Kelly Colome.

Kelly Colome was born in Rio Piedras, Puerto Rico to hard working parents who traveled from Dominican Republic in search of a better life. His father, who had a partial college education, took a job as a cook to support his young family. Kelly's mother was a hard working Christian mother who always made sure to take her four children to school, church, and family activities despite her constant suffering from chronic asthma since childhood. Kelly learned the value of hard work and efforts from having to go to school with his older brother at the age of 3. He fought and worked hard with his mother on progressing and skipping a grade to attend the same school as his brother.

In 1988, his parents moved with the family of six to Washington Heights, New York, where his father found a good art school for his son Kelly to continue his education and love for art and design.

In 1990, Kelly was accepted to the High School of Art and Design without having taken any formal art classes. He joined the high school baseball team and began practicing the sport of boxing simultaneously. He was able to pay for his boxing membership costs with his part time Saturday job at Isabella Geriatric Center on the Meals on Wheels neighborhood elderly meals program. Later that year, he continued practicing only boxing because he was more passionate towards this sport and the personal challenges involved with practicing the sport.

In 1994, he graduated from high school at the age of sixteen. He studied advertising design at New York City College of Technology while practicing boxing, working part time, and still finding time to socialize with family and friends. In 1997, he obtained an Associate's degree and in 2001, he earned a Bachelors of Technology in Communications Design.

The birth of his first child in 1999 helped him mature as a young man and he obtained a fulltime job as a dietary worker at the senior citizens center where he had been employed for almost ten years.

Mr. Speaker, I would like to recognize Mr. Colome for his extraordinary accomplishments and spirit which reflect the best our nation has to offer.

HONORING THE MERLO STATION HIGH SCHOOL GAY STRAIGHT ALLIANCE

HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 2011

Mr. BLUMENAUER. Mr. Speaker, today, I want to take a moment to honor the incredible work of the Merlo Station High School Gay Straight Alliance. I had the opportunity to present these aspiring young citizens with the Portland Pride Youth Award and want to share with my colleagues how inspired I am by their dedication and accomplishments.

After organizing just last year, the student-led force has been instrumental in addressing homophobia at Merlo Station High School, in the Beaverton School District and in the broader community. Among many other examples of outreach, the Gay Straight Alliance has organized student groups to march in last year's Pride Parade and AIDS Walk, created a 2-day all-school event for National Coming Out Day, and encouraged students to take ownership of their language by developing a "No Bigoted Speech" pledge.

As we continue to debate many of the current GLBT-related pieces of legislation facing the 112th Congress, from the Student and Employee Non Discrimination Acts to the Safe Schools Improvement Act, I encourage my colleagues to remember these passionate students at Merlo Station High School.

I am inspired by this on-the-ground student organizing and will continue championing legislation to advocate for full equality for everyone, regardless of their gender expression or sexual orientation, because it is the right thing to do.

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2012

SPEECH OF

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 2011

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2112) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes:

Ms. McCOLLUM. Madam Chair, I rise to strongly object to the Republican majority's mean-spirited $650 million cut to vulnerable women, infants and children. The Republican's Fiscal Year 2012 Agriculture Appropriations legislation, H.R. 2112, chooses to make this drastic reduction to the Women, Infants and Children, WIC, program at a time of economic crisis for millions of American families. WIC is a proven strategy to guarantee that lower-income expectant and breastfeeding mothers and their children up to 5 years of age receive nutritious food. In Minnesota alone, 137,000 children rely on WIC benefits to keep them healthy and help them grow strong.

The federal budget is in crisis and Congress must take serious and immediate steps to tackle rising federal deficits. Members of Congress have a choice about how to reduce the deficit and a choice about who in our society will be asked to make the sacrifices. In Fiscal Year 2012, the Republicans are proposing uneven sacrifices. The Republican majority is choosing to cut $650 million from the women, infants and children in our communities who most need assistance while choosing to protect nearly $4 billion in taxpayer subsidies for Exxon and other large oil companies at a time of record-high gas prices. Up to 350,000 eligible women and children across the country will be denied access to basic nutrition under H.R. 2112.

I urge my colleagues to reject the cuts to WIC in H.R. 2112.

HONORING R.G. SHIPLEY ON THE OCCASION OF HIS 99TH BIRTHDAY

HON. VIRGINIA FOXX

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 2011

Ms. FOXX. Mr. Speaker, I rise today to honor a great North Carolinian, farmer and agricultural expert, Mr. R.G. Shipley, on the occasion of his 99th Birthday.

Mr. Shipley is a standard-bearer for agriculture in the High Country of North Carolina and has for years served faithfully on the Watauga County Farm Bureau Board of Directors.

Of course, when we say, "served for years," most people assume five or maybe ten years. In fact, Mr. Shipley has faithfully worked with the Watauga County Farm Bureau since its inception in the 1930's. That is a remarkable testament to his dedication to furthering the cause of local agriculture.

R.G. Shipley also taught agriculture as a local high school teacher at Cove Creek High School for many years. During his many years instructing students in agricultural studies he touched countless young lives. Among them was my husband, Tom Foxx, who sat under Mr. Shipley's tutelage as a high school student.

He is truly a remarkable member of the Watauga County community. Even as he approaches his centennial birthday, R.G. Shipley remains active in the agricultural community. In honor of his long agricultural service to the area, an endowment fund has been established in his family's name to support local agriculture.

Mr. Speaker, I am honored to represent constituents like Mr. Shipley in Congress. As he turns 99 years old in the coming week I want to wish him many more years of vibrant life and thank him for his tireless community involvement over the past many decades.

A TRIBUTE TO MARTIN STROMAN

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 2011

Mr. TOWNS. Mr. Speaker, I rise today to recognize Martin Stroman.

Elder Martin Stroman has been a member of the St. Paul Community Baptist Church since November 1997. He joined after being convicted by the revolutionary and biblical based theology of the Rev. Dr. Johnny Ray Youngblood.

He has been active in a host of ministries. He has been working in the field of addiction treatment for the past nineteen years. He has been exposed to various treatment modalities. Some of them had a religious perspective, others have been spiritually based and many are clinically driven.

Elder Stroman's professional profile is as follow: educator, trainer, motivator, administrator, program developer, advisor, adjunct professor, entrepreneur and twenty year background in chemical dependency and substance abuse treatment.

Elder Stroman has a Bachelors of Science Degree in Human Services along with many Certificates and Citations relating to his field of work. He is affiliated with the Bedford-Stuyvesant Alcoholism Treatment Center Community Advisory Board as well as Kingsborough.

With the joint 350 CASAC Certificate Program the mission statement reads: "Educated communities, save communities. Our commitment is to provide education and training to improve the quality of life in our community and the world. Educated providers, empower educated clients. We are dedicated to changing client thinking and believing."

Mr. Speaker, I would like to recognize Mr. Stroman for his extraordinary accomplishments and spirit which reflect the best our nation has to offer.

HONORING LANCE CORPORAL NICHOLAS "NIC" S. O'BRIEN

HON. SUE WILKINS MYRICK

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 2011

Mrs. MYRICK. Mr. Speaker, I submit the following poem in honor of Lance Corporal Nicholas "Nic" O'Brien.

OUR BLESSED SON

In honor of Lance Corporal Nicholas "Nic" S. O'Brien, an American hero, who gave that last full measure. The United States Marines 1st Bat., 5th Marine Reg., 1st Marine Expeditionary Force.

On June 9, 2011, in Afghanistan, Lance Corporal Nicholas "Nic" S. O'Brien of Gaston County gave that last full measure in devotion to his country. As we lay his fine body down to rest in Arlington National Cemetery, our prayers and thoughts go out to him and his loved ones. May God Bless them all. I ask that this poem penned in his honor by Albert Caswell be placed in the RECORD.

OUR BLESSED SON

Nic, You . . .
You, Our Blessed Son . . .
Nic, America's bravest of all ones!

Rest now, as thy will be done!
As your fine soul, as up to heaven has so flown . . .
As up to our Lord, as an Angel . . . as now where you so belong!
All In The Army of Our Lord, who has now come home!
To fight the darkness, as over our world you so watch . . . so roam . . .
To watch over us, as thy will be done . . .
And as we lay your most sacred body down to rest . . .
You Nic, are but one of America's very best!
Her Blessed Son!
Your loving parents' and family's, divine one!
As a brave heart who once stood!
All in his most magnificent shades of green, turning evil into good!
As a United States Marine, all in your most golden sheen with all you could!
Of selfless sacrifice, you most brilliant . . . most brilliant of all lights!
As an American Treasure, who but gave That Last Full Measure!
All for what is true and what is right, all for that old Red, White, and Blue . . .
As now our tears roll down our trembling cheeks, when thinking of you we so weep . . .
Our Most Blessed Son, this most beautiful of all ones . . . as for you our heart's ache so deep!
Hooo . . . rah! You United States Marine, as up in Heaven you are now so seen!
All for your loss, all in our pain we now so weep . . . at but the cost to freedom to so keep!
And at night, as you lay your head down to sleep . . .
Across North Carolina, but comes a gentle rain so very deep . . .
Are but our Lord's tears, from up in Heaven . . . for all of your souls to so keep . . .
To ease your pain, now so carried within you so very deep . . .
Until, up in Heaven once again you all shall meet . . .
As our Lord weeps, knowing of your fine son's life . . . as for what he did so forsake!
But, for the greater good . . . in all that he so could, take this with you as you wake!
Moments, are all we have!
To grab hearts! To turn the good into the bad!
To make a difference with in all! As your fine Son had!
To Heaven to seek!
Rest my Son!
You most beautiful Irish one, Lance Corporal O'Brien!
As when we think of you, Irish eyes are smiling!
For we will hear you on the wind . . . your footsteps up in Heaven time and again . . .
And feel you next to us as we sleep . . .
Until, one fine day . . . all up in Heaven, once again we shall all so meet!
And we won't have to cry anymore . . .
You, Our Most Blessed of All Son's!
Your Family's, and America's Most Heroic of All Ones!
As we lay your fine body down to rest!
Lord, take America's son . . . her very Best . . . he's your's!
Amen!

THE LINKS INCORPORATED'S DADE COUNTY CHAPTER 25TH ANNIVERSARY

HON. FREDERICA S. WILSON

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 2011

Ms. WILSON of Florida. Mr. Speaker, I rise today in support of The Links Incorporated's Dade County Chapter. On June 18, 2011, The Links Incorporated will celebrate its 25th anniversary at the InterContinental Hotel in Miami, Florida.

A group of trailblazers seeking to better their community came together on a beautiful Sunday on June 1, 1986, at Miami's Pavilion Hotel, now the Intercontinental Hotel, to launch their beloved Chapter, officially. The Dade County Chapter has continued to fulfill its mission and has grown tremendously.

The Links, Incorporated is an organization of accomplished, dedicated women who are active in the community. The Links members are newsmakers, role models, mentors, activists and volunteers who work toward the realization of making the name "Links" not only a chain of friendship, but also a chain of purposeful service.

Among its many accomplishments, the Dade County Chapter has established many programs accessible to all the members in its community. In addition, it has managed to serve and empower Miami-Dade's most underserved, women and children, with unprecedented dedication. Impressively, The Dade County Chapter of Links Inc. has amassed over 100,000 hours of community service.

Spanning the last 25 years, The Links of Miami-Dade has provided educational assistance to students at middle school, high school, and collegiate levels in all areas of study including the arts.

Mr. Speaker and colleagues, please join me as I honor The Dade County Chapter of The Links, Incorporated. Today I pay tribute to The Link's History and applaud their current undertaking to secure a bright and prosperous future for African-Americans of Miami-Dade county, the nation, and the world.

REMEMBERING AND HONORING THE LIFE OF VINCENT LEO DIANA, SR.

HON. JOE COURTNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 2011

Mr. COURTNEY. Mr. Speaker, I rise today to pay tribute to Vincent Leo Diana, Sr., an accomplished attorney, loving husband, veteran, and dear friend. Vincent, a resident of Manchester, Connecticut, passed away on May 27 at the age of 81.

Vinny was a proud Connecticut resident with deep roots in the community. Born in Manchester in 1930, he went to the Nathan Hale School, graduated from Manchester High in 1948, and from Hartford's Trinity College in 1952. After Trinity, he went on to attend law school and was admitted to the Connecticut Bar in 1955. For the next two years, Vinny was on active duty in the U.S. Air Force, entering as a Second Lieutenant. He served his country and as a Judge Advocate, spending most of his time in Tokyo, Japan. When Vinny left the Air Force as a Captain, he returned to practicing law.

A talented and accomplished attorney, Vinny was a man of character and one who used his skills for good outside of his law office at Diana, Conti, & Tunila. Vinny served as a Master and Trial Referee for the Superior Court and was a member of Hartford County's Legal Aid Board. He was also active in the Hartford Country Bar Association, where he was a Director for 25 years. In 2005, Vinny was honored by the Manchester and Hartford Bar Associations for his 50 years of service in the region. On this point I can personally attest to his finely honed legal skills, diligent representation of his clients, and his ethical standards. As a young attorney years ago, I watched Vinny in court handle his advocacy with skill and compassion. He was one of the giants of the Bar in Hartford and Tolland Counties in Connecticut.

Vinny cared very much about his friends and colleagues in Manchester, demonstrating this commitment through leadership of important causes and organizations in town. He was Chairman of the Board for Dyslexic Children, a director of the Girl Scout Committee, and an instrumental player in getting fluoride added to the Manchester water system. He helped young people learn practical management skills as President of the Manchester Jaycees, ensured opportunity for local students as a founding member of his town's Scholarship Foundation, and even chaired the reunion committee for Manchester High's Class of 1948. He was a lifelong Republican and member of Manchester's Republican Town Committee for 50 years.

Vinny was also a spiritual man who, as one might expect, put in many years of faithful service to his parish. In 2009, Hartford's Archbishop, Henry J. Mansell, awarded him the St. Joseph Archdiocesan Medal of Appreciation for his work.

With all the dedication and devotion Vinny put into each aspect of his life, he saved most of it for his loving wife Gloria, his seven children, and 22 grandchildren. I know of few men who gave as much to their country, profession, congregation, community and family as Vinny did. His lifetime of service will live on for generations in the countless people he helped along the way. I ask my colleagues to join me in mourning the loss and celebrating the life of Vincent Leo Diana, Sr.

A TRIBUTE TO NORMA BANG

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 2011

Mr. TOWNS. Mr. Speaker, I rise today to recognize Norma Bang.

Norma is a native New Yorker, born and raised in Red Hook, Brooklyn. She graduated from John Jay High School in Park Slope Brooklyn, New York in 1978.

Norma has worked in various positions throughout her career including seven years working in New York's Garment center, two years working on Wall Street in Bank Operations, and twelve years as a Facilities Manager for a large non-profit organization, Homes for the Homeless.

Norma joined Related Companies in December 2002 as a Property Manager of Gateway Center in East New York, Brooklyn. Norma's successful operations of Gateway Center and her excellent relationship with the tenants and the local community is a valuable contribution to Related's development efforts in the New York area.

Norma currently resides in Queens, New York along with her husband of twenty years, Kenneth and three children Brian & Brandon ages seventeen and Nia age twenty.

Mr. Speaker, I would like to recognize Mrs. Bang for her extraordinary accomplishments and her spirit which reflect the best our nation has to offer.

RECOGNIZING THE 450TH ANNIVERSARY OF THE LATVIAN JEWISH COMMUNITY

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 2011

Mr. ACKERMAN. Mr. Speaker, I rise today in celebration and recognition of the 450th Anniversary of the Latvian Jewish community. Since the late 1500s, the Jewish people of Latvia have demonstrated incredible perseverance and courage through inconceivable trials and persecutions. As we reflect on this milestone anniversary, let us remember their history and celebrate their future.

The first Jewish settlements in Latvia appeared in the late 16th century. Through steady immigration, expansion, and steadfast resilience, the community grew and spread across the country. As the Jewish population expanded, they contributed immeasurably to the economic, industrial, and cultural development of Latvia. These accomplishments came despite frequently being forced to cope with anti-Semitic laws and cultural prejudice. By the late 1930s, approximately 93,000 Latvian Jews were living and prospering in the country.

In the summer of 1941, Nazi troops occupied Latvia. Within days of the occupation, the Nazis issued special decrees restricting Jewish rights and establishing ghettos. Jews from surrounding countries were forcibly transported to Latvian camps. Tens of thousands were murdered.

By the conclusion of World War II, tragically, only 14,000 Latvian Jews remained. In the years after, Jews from surrounding regions relocated in Latvia—rebuilding their community to more than 36,000 people. In the aftermath of the greatest evil ever perpetrated against a people, the Latvian Jews marched on—restoring their culture and society, fighting against the oppression of Soviet rule. Latvia became one of the centers of Zionist dissidence and Jewish national movements in the Soviet Union. Jewish activists struggled for the right to immigrate to Israel and to openly honor the memory of Holocaust victims. Thousands emigrated to Israel, the United States and Western Europe.

Today, the Latvian Jewish community of 13,000 is experiencing a rebirth. On this, their 450th anniversary, the Jews of Latvia can look back on their history with a solemn pride. Having suffered through terrible hardship, the Latvian Jewry is rebuilding its religious and social life—revitalizing the community's enduring spirit.

I would like to extend special recognition to the Latvian Council of Jewish Communities and the United States Commission for the Preservation of America's Heritage Abroad for organizing the extremely successful memorial project at Riga, Latvia's oldest Jewish cemetery. Under the leadership and guidance of Chairman Warren Miller and Commissioner Lee Seeman, the memorial at the Old Jewish Cemetery reminds the world of the tragedy of the Jews killed during World War II and asks us to strive for a better future. I am proud to celebrate the Latvian Jewish community's historic anniversary. I ask all my colleagues to join me in recognizing their past perseverance and achievements, and in extending our sincere best wishes for their future success and prosperity.

IN HONOR OF CAPTAIN JAMES R. KNAPP COMMANDING OFFICER, NAVAL AIR STATION, LEMOORE

HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 2011

Mr. COSTA. Mr. Speaker, I rise today to pay tribute to Captain James R. Knapp upon his retirement from the United States Navy.

Captain Knapp is the Commanding Officer at Naval Air Station, Lemoore (NAS Lemoore). He has served the United States Navy with distinguished service during the 27 years of his naval career. His devotion to the Navy and the Nation is inspiring.

My initial experience with Captain Knapp began in 2008, when his service commenced as Commanding Officer for Naval Air Station Lemoore, which is located in my 20th Congressional District in Kings County, California. From our initial meeting, a great working relationship was formed. Whether we needed clarification on a question or a follow up on issues regarding the base, the Captain was always professional, knowledgeable, courteous and helpful.

Captain Knapp attended Texas A&M University and was a member of the Fighting Texas Aggie Corps of Cadets. He graduated in 1984 with a Bachelor of Arts in History. Captain Knapp was commissioned as an Ensign for the Naval Reserve Officers Training Corps (NROTC) program and completed advance flight training in 1986, receiving his orders to the "Rough Raiders" of VFA–125 for F/A–18 FRS training. His naval career was commensurate with his education, earning his Master's degree in National Security and Strategic Studies at the Naval War College in Newport, Rhode Island. He has over 3,500 flight hours in the F/A–18A–E series and 1,258 arrested landings on 11 different flight decks, six of which remain in active service. Furthermore, Captain Knapp participated in the USS Nimitz (CVN–68) Operation "Iraqi Freedom" 2003 deployment. Prior to his serving as Commanding Officer at NAS Lemoore, Captain Knapp served as Chief of Staff of Strategy, Plans and Assessment Directorate of the Multi-National Force-Iraq in Baghdad, Iraq.

In his illustrious career, Captain Knapp received many awards which include the Bronze Star, Meritorious Service Medal (3 awards), Air Medal (2 awards), Navy Commendation Medal (4 awards), Navy Achievement Medal (2 awards), and Sea Service Deployment Ribbon (8 awards).

It is fitting that the President of the United States has presented Captain James R. Knapp with the Legion of Merit for his outstanding leadership. I ask that excerpts from the Citation be printed in the RECORD:

For exceptionally meritorious conduct in the performance of outstanding service as Commanding Officer, Naval Air Station Lemoore, California from September 2008 to June 2011. Captain Knapp's tenure as Commanding Officer of the world's largest Naval Air Station was exemplified by visionary leadership, mission accomplishment, and an unrelenting drive to improve the lives of Sailors and their families. Despite fiscal restraints and ever-changing requirements, his proactive engagement across the spectrum of strategic imperatives at Naval Air Station, Lemoore resulted in sustained five-star support to Commander Strike Fighter Wing Pacific, which has significantly contributed to the lethality of the U.S. Pacific Fleet. His tremendous foresight and business acumen prevented airfield encroachment and his direct involvement in water usage issues in the western San Joaquin Valley instilled new hope for local farmers and the regional economy. His personal involvement in the local community was highlighted by the establishment of a perennial Community Relations Program which contributed over 11,000 manhours towards numerous noteworthy projects, further strengthening the relationship between the air station and the local community. Additionally, his overwhelming concern for his sailors was demonstrated by personally performing over 320 Career Development Boards, directly contributing to the professional, financial and personal growth of each Sailor in his command. Captain Knapp's superior performance of duties highlights the culmination of 27 years of honorable and dedicated service. By his dynamic direction, keen judgment and loyal devotion to duty, Captain Knapp reflected great credit upon himself and upheld the highest traditions of the United States Naval Service.

Captain Knapp is a man of outstanding character and we will remain grateful for his unwavering dedication and exceptional insight during his career at NAS Lemoore and to our country. On behalf of the United States Congress, I wish to express my sincere gratitude for his hard work, selfless service, and dedication to the United States Navy. I want to personally wish Captain Knapp much continued success and my best wishes to his wife, Nancy and his children; daughter, Lauren, sons, Will and Ryan, as they embark on their new endeavors.

A TRIBUTE TO PASTOR GRAYLING FERRAND

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 2011

Mr. TOWNS. Mr. Speaker, I rise today to recognize Pastor Grayling Ferrand.

Pastor Ferrand serves on Friends of Recovery, a statewide grass root advocacy board because of his passion and firsthand knowledge of those impacted or affected by the disease of addiction. He is committed towards reducing the adverse effects of alcoholism and

drug addiction via advocating for better prevention, treatment and recovery services in the New York State area and abroad.

He was born in Harlem, New York and is the eldest son of eight siblings. He joined in matrimony with Talisa S. Ferrand and together they have one daughter and five grandchildren.

Pastor Ferrand earned a Masters Degree and received an Honorary Doctorate Degree from the Bible Faith School on May 18, 2008. He worked at Reality House Inc, obtained his CASAC, and became part of the NYS OASAS faculty helping individuals facing drug and alcohol addiction. He also worked as a Program Director in other treatment programs. In 2010 he received a Human Services Board Certified Practitioner certification. He is the author of three books entitled: ''We Fall Down But We Get Up'' (the Prodigal Son), Life After Death (The Do's & Don't) and Nos Caemos Pero Nos Levantamos (El Hijo Prodigo).

Pastor Ferrand's Christian journey was influenced by many of the socio-cultural and political dynamics impacting society during the time of the Civil Rights Movements and Black Panthers. He was also raised in the Baptist faith.

In 1999 Pastor Ferrand began attending the Temple of Blessings C.O.G.I.C. under the leadership of Pastor David Grayson Jr. where he became an armor bearer and then a Deacon.

In September 2000, Pastor Ferrand was ordained by Overseer Frieda Harrison of the Jehovah Jireh Ministries. He and his wife then organized the ''Reaching Across the World Ministries, Inc. (RAWM)'', with the mission of providing human services that are geared toward reducing social ills impacting humanity.

Pastor Ferrand expanded services at RAWM's to include a 350 Hour Educational Training Program, licensed by the NYS Office of Alcoholism & Substance Abuse Services, the North Carolina Substance Abuse Professional Practice Board and the National Association of Alcoholism and Drug Abuse Counselors. He continues to provide annual summer youth employment, counseling, self help groups, job interviewing skills, college internships for undergraduates and graduates as well as a host of other human services. As a result of his servitude, he has received numerous proclamations and other accolades.

Mr. Speaker, I would like to recognize Pastor Grayling Ferrand for his extraordinary accomplishments and his spirit which reflect the best our nation has to offer.

HONORING ROBERT DUNCAN

HON. TODD ROKITA

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 2011

Mr. ROKITA. Mr. Speaker, I rise today to recognize a true model Hoosier and American upon his retirement.

For nearly 40 years, Mr. Robert Duncan has been the backbone of aviation law in Indiana. As a leader in the aviation community, Mr. Duncan has helped author, advocated for and implemented the most innovative aviation policy in the country for the State of Indiana and the Indianapolis Airport Authority (IAA). Mr. Duncan has played a pivotal role in the growth of the Indianapolis Airport, and ultimately, central Indiana and the country. The special attention Mr. Duncan has paid to successfully balancing the growth of our Indiana's main International Airport, with the protection of the rights of private citizens a high priority, is a model for economic growth and personal freedom in any industry. His efforts are a part of Indiana's Comeback story.

More specifically, Mr. Duncan was the lead negotiator on all central Indiana aviation-related land acquisition during his years of service to Indiana. Notably, the expansion of the airport, as well as land acquisitions for the smaller community airports nearby, has enabled the growth that the IAA has contributed to the Hoosier state. In addition, Mr. Duncan was directly responsible for the placement of a United States Postal Service hub with the IAA. With the establishment of this hub, it laid the groundwork that would attract other private sector package carriers and logistics companies that now operate in Indianapolis and nearby communities. The economic impact these expansions have had is immeasurable. I see the fruits of Bob's efforts everyday in West Central Indiana.

With a long list of accolades for his years of leadership, Mr. Duncan has been named the Indiana Aviation Man of the Year, as well as receiving a Special Recognition Award from the Aviation Association of Indiana. Throughout his career, Mr. Duncan has made it a habit to assist other airports with legal matters, at no cost, aiding growth and demonstrating the dedication and passion he has with the aviation community throughout the state, to the benefit of all Hoosiers and travelers to and from our state.

Mr. Duncan also routinely volunteers his time for charitable efforts, both in aviation and in his local community. From his efforts with the Brownsburg Public Library to his coaching of basketball and softball, Mr. Duncan has the heart of a true public servant. Additionally, Mr. Duncan has routinely flown charitable Angel Flights throughout the country, to aide those in need of transportation for medical treatment without the means to travel. I am particularly familiar with this type of program, and Bob and I have piloted several Angel Flights together.

As a graduate of Hanover College and Indiana University's School of Law, Bob contributes back to the education of others interested in aviation and aviation law. Bob is a supervising private flight instructor, as well as an adjunct professor in aviation law at Indiana University's School of Law, Indianapolis.

Hoosiers especially, and Americans, are lucky to have benefited from the years of dedicated service in planning and abundant expertise provided by Mr. Duncan for nearly four decades. His volunteerism is an added classic Hoosier trait. Bob has exemplified the essence of Hoosier values with his commonsense leadership and dedication to the betterment of our great state. For his efforts and ethics, I am proud to commend this Hoosier, Robert Duncan, upon his pending retirement.

INTRODUCTION OF THE BILL TO DEVELOP THE SOUTHWEST WATERFRONT IN THE DISTRICT OF COLUMBIA

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 2011

Ms. NORTON. Mr. Speaker, today I rise to introduce an essential bill for the redevelopment of the Southwest Waterfront in the District of Columbia. The bill transfers unencumbered ownership of the Southwest Waterfront from the federal government to the District. Although the District has owned the Waterfront since the 1960s, the land has been encumbered by restrictions put in place by Congress before the District got home rule; a time when development by the city was not contemplated. My bill updates outdated legislation and allows for the highest and best use of the land.

The bill would amend the D.C. Code to allow the District to transfer the property by quitclaim deed, to update the site description of the land to conform with its current configuration, to allow for the sale of condominiums on the land, to remove references to an urban renewal plan that has expired, to remove references to the District of Columbia Redevelopment Land Agency, which no longer exists, and to expand the permissible uses for the Fish Market in order to allow the sale of other foods, beverages, produce, and flowers.

The District of Columbia has created a 21st-century vision for the Southwest Waterfront and is actively engaged in a revitalization and redevelopment that will draw visitors down 10th street from the National Mall. However, as was typical for District land before home rule, the original law restricts the use of the land along the waterfront to lease-only arrangements, driving down the useful value of the land and making it impossible to replace antiquated structures with new buildings for new uses. The restrictions on the land serve no federal purpose and seriously limit needed revenue for the city. Federal officials have been consulted on the transfer and have no objection to it.

The federal government has no interest in the waterfront land other than the Maine Lobsterman Memorial and the Titanic Memorial, which have been carved out of the transfer. Because of the current restrictions on the land, part of the waterfront is an underused eyesore. However, the redevelopment will bring 2.5 million square feet of mixed-use development to the waterfront, including public and private docks, restaurants, office buildings and residences, providing jobs and local revenue at a time when they are most needed.

This is a noncontroversial bill that removes out-of-date laws and involves no cost to the federal government. I urge my colleagues to support the bill.

RECOGNIZING FAIRFAX COUNTY PARK AUTHORITY'S RECEIPT OF THE GOLD MEDAL AWARD

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 2011

Mr. MORAN. Mr. Speaker, I rise today to recognize the Fairfax County Park Authority of their receipt of the 2010 National Gold Medal Award for Excellence in Park and Recreation Management. This prestigious award is the park and recreation industry's highest honor.

The Fairfax County Park Authority was commended for its outstanding performance in all categories. The American Academy for Park and Recreation Administration, in partnership with the National Recreation and Parks Association (NRPA), presented the award to the Fairfax County Park Authority at the NRPA Annual Congress & Exposition in Minneapolis, Minnesota. Now a three-time Gold Medal Award recipient and a finalist for several years, the Fairfax County Park Authority has demonstrated excellence in long-range planning, resource management, volunteerism, environmental stewardship, program development, professional development, and agency recognition.

The Fairfax County Park Authority serves a population of more than one million residents, which places the Park Authority in the Class I category, the tier for park agencies that serve a population of 250,000 and over. The Park Authority hosts a myriad of annual events, and operates indoor and outdoor athletic and recreation facilities, historic sites, and natural areas.

I would like to commend the Fairfax County Park Authority for the exceptional service it provides to the citizens of Fairfax County and the entire Commonwealth. Their hard work and dedication has improved the quality of life for so many.

REV. DR. ANTHONY M. GRAHAM

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 2011

Mr. TOWNS. Mr. Speaker, I rise today in support of Rev. Dr. Anthony M. Graham.

At the age of twelve, Anthony Graham was inspired to join the ministry. It was at that time that he began preaching in his local assembly. At the age of seventeen, he graduated from Andrew Jackson High School and entered the United States Army. After six years in the military, serving in Washington State and Korea; he enrolled in York College, where he met his lovely wife Leslie-Ann. They have been married for 20 years with three children, Amara, Anthony Jr, and Amira. Dr. Graham is listed in Who's Who in American Universities & Colleges. He graduated with a B.S. in accounting from York College, a M.B.A. from St. John's University, a Doctor of Ministry from Bakke Graduate University and a PhD from Georgetown Wesleyan University.

Dr. Graham, who was selected as the Claude A. Ries Pastor of the Year for 2005 by Houghton College, is a tenured High School teacher in the New York Public School System. He is an accomplished pastor, teacher, and conference speaker.

Dr. Graham serves as Senior pastor of the New Hope Family Worship Center, an inner-city multicultural ministry. This church was planted twenty years ago and started with twelve members. It now has a weekly average attendance of 500 people. New Hope has several ministries, including an after-school program, computer literacy program, G.E.D. program, compassion Ministries (providing food and clothing to the needy).

In his district he is also recognized as a leader. He was elected on four occasions as a delegate to General Conference for his district, has served as Chairman of the Metropolitan Zone for five years and has been a member of the District Board of Administration for fourteen years. He has traveled and ministered in several parts of the world, including Australia, Barbados, Canada, China, Colombia South America, England, Guyana, Jamaica, India, Korea, Russia, St. Thomas, Trinidad & Tobago, and in many parts of the United States. He frequently ministers in the areas of revival, Christian development, financial stewardship, team building and principles for success in life.

Mr. Speaker, I urge my colleagues to join me in recognizing the accomplishments of Rev. Dr. Anthony M. Graham.

HONORING THE LATE LAURENCE BUTLER ''LARRY'' DILLARD

HON. ROBERT C. "BOBBY" SCOTT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 2011

Mr. SCOTT of Virginia. Mr. Speaker, I rise today to honor and remember Laurence Butler ''Larry'' Dillard, my longtime Communications Director, trusted advisor and childhood friend. Larry passed away unexpectedly on April 20, 2011.

Larry was born on June 8, 1951 in Newport News, Virginia. He attended Hampton High School and Hampton Institute (now Hampton University). He went on to earn his degree in Mass Communications from Virginia Commonwealth University, where he became the proud charter member of the Eta Xi Chapter of Kappa Alpha Psi Fraternity, Inc.

I have known Larry since Little League Baseball. We grew up in St. Augustine's Episcopal Church in Newport News and he later covered me as a reporter for WRIC-Channel 8 in Richmond when I served in the Virginia House of Delegates.

A decade before joining my congressional office in Washington, Larry's first stint on Capitol Hill was with another Virginian, Republican Congressman Tom Bliley of Richmond. A few years later, Larry worked for the Republican National Committee and Senator John Warner's reelection campaign.

Larry must have had a political change of heart or he simply wanted to help an old friend because he joined my campaign staff in when I first ran for Congress in 1992. After the election, he joined my congressional office and became one of my most trusted advisors, Communications Director, and Capitol Hill scheduler. For eighteen and a half years, the many people who have interacted with my office got to know Larry very well. He made every visitor feel as if they were the most important person to ever visit my office, especially the shipbuilders. As one of several members of his family who worked at the Newport News Shipyard, he was always a perfect host for shipyard workers when they visited Washington. Additionally, Larry was affectionately known as the ''Mayor of Capitol Hill.'' From congressional staff to Members of Congress to the many support personnel on Capitol Hill, everyone came to know and love Larry because Larry truly cared about them. Hundreds of Hill staff and young people have been touched by Larry's mentorship and advice. He embodied the true meaning of a Virginia gentleman.

Larry helped me accomplish a lot for my constituents and his fellow Virginians. He helped secure funding for Hampton University's Proton Cancer Center and fought for justice for America's black farmers. He was a historian and was famous for his tours of the Capitol. He was also an enthusiastic advocate for the recognition of the 14 African Americans who were awarded Medals of Honor at New Market Heights in Henrico, Virginia during the Civil War. Larry was also very active with the African American Civil War Memorial and Museum in Washington.

There are no words to describe the profound loss and sorrow that pervades all those who had the good fortune to know Larry. He will be remembered as a tireless worker, devoted friend, brother, father, husband and mentor to many. Larry was a passionate history buff, avid Yankees fan, fountain of knowledge, skillful diplomat and the consummate spokesperson.

Larry passed away doing what he loved the most—touring one of his favorite historic Civil War sites, Fort Monroe. I was on that tour with Senator MARK WARNER. We got the official presentation in the front of bus, but everybody in the back of the bus got the real scoop from Larry Dillard. He will be thought about often and sorely missed.

My deepest sympathies and prayers are with his wife Sherry, his son Brandon, his brother Randy and the entire Dillard family.

INTRODUCING THE POST-DEPLOYMENT STRATEGY ACT OF 2011

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 2011

Mr. HASTINGS of Florida. Mr. Speaker, I rise today to introduce the Post-Deployment Strategy Act of 2011, which would amend the War Powers Resolution to require the President to develop a post-deployment strategy when introducing our United States Armed Forces into combat operations.

Going to war is one of the most important decisions a government can make. From the sheer magnitude of financial burden to the devastating effects of loss of life, war is among our nation's costliest undertaking. This is why it is crucial to develop a set of objectives and a clear plan of action prior to engaging in a conflict. Currently, the President is not required to have such a plan in place before sending our men and women in uniform into combat.

Estimates put the direct and indirect cost of the Iraq War at a staggering $3 trillion, with

over 4,000 American lives lost and over 33,000 soldiers wounded. Our U.S. debt increased from $6.4 trillion in March 2003 to $10 trillion in the pre-financial crisis months of 2008, and the war in Iraq is directly responsible for at least a quarter of that sum. While there are many contrasting perspectives on U.S. involvement in Iraq, all can agree that having established a clear and informed plan for the country's occupation and stabilization prior to the invasion would have helped to decrease the loss of life, injuries as well as the wasteful use of resources.

This legislation will require the President to submit a post-deployment strategy to Congress not later than 48 hours after introducing our military into combat operations. This plan will articulate the interests of the United States, define the goals and objectives of the operation, and lay out a strategy for success.

Establishing a clear and informed plan for a country's occupation prior to introducing Armed Forces will help better allocate resources, and decrease the loss of life and the cost of conflicts. It is crucial to have the tools and resources in place to ensure the stabilization of conflict areas, and the safe return of our troops. It is both unacceptable and irresponsible to send our loved ones to war without a long-term plan of action.

Mr. Speaker, as instability escalates in the Middle East and with U.S. military operations in Libya underway, the need for a clear post-deployment strategy is greater than ever. We owe our soldiers, their families, and the taxpayers clear justification for sending our Armed Forces into combat. I urge my colleagues to support this important legislation.

PERSONAL EXPLANATION

HON. DEBBIE WASSERMAN SCHULTZ

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 2011

Ms. WASSERMAN SCHULTZ. Mr. Speaker, on June 13, 2011, I missed the following rollcall votes because I was unavoidably detained out of town: rollcall vote No. 413—on agreeing to the LaTourette amendment; rollcall vote No. 414—on agreeing to the Amash amendment; rollcall vote No. 415—on agreeing to the Sherman amendment; and rollcall vote No. 416—on retaining Title II (Department of Veterans Affairs). All of these rollcall votes were on amendments to H.R. 2055, the Military Construction and Veterans Affairs and Related Agencies Appropriations Act.

If present, I would have voted "aye" on rollcall Nos. 413 and 416, and "nay" on rollcall Nos. 414 and 415.

MR. SANTOS CRESPO

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 2011

Mr. TOWNS. Mr. Speaker, I rise today to recognize Santos Crespo.

Santos Crespo, a Bronx native, started in the labor movement in 1975 when he and other co-workers helped to organize the Substance Abuse Counselors in the New York City Board of Education. He would be elected shop steward in his district after they became members of the New York City Board of Education Employees Local 372, District Council 37, AFSCME, and served for over 10 years as its Executive Vice President.

Today, he is presently the President of the largest municipal employees union in New York City, District Council 37, AFSCME, and the President of the largest local union within DC 37, representing over 26,000 employees within the New York City Department of Education, Local 372.

Santos is also a founding member and currently the chairperson of the DC 37 Latino Heritage Committee, served for 6 years as President of the New York City Chapter of the Labor Council for Latin American Advancement (LCLAA), a member of the New York City Hispanic Labor Committee and he also serves on LCLAA National Executive Board. He is a member of the New York City Chapter of Coalition of Black Trade Unionist (CBTU) and a former Teaching Fellow for the Organizing Institute of the AFL–CIO. Santos has received numerous awards; Humanitarian Assistance Award for his assistance during the recovery efforts at the World Trade Center tragedy, The New York Daily News Viva New York as a 2004 Latino Influential, The New York Dominican Officers Organization for Outstanding Service in the Labor Movement and the New York LCLAA Labor Award, The New York Hispanic Labor Committee Friambrerra Labor Award and The New York State Puerto Rican/Hispanic Legislative Task Force Somo El Futuro Labor Award, and the 111th Congress paid tribute to his leadership and commitment in the labor community by entering his accomplishments into the records of the House.

Mr. Speaker, I urge my colleagues to join me in celebrating Mr. Crespo' extraordinary achievements

HONORING COLONEL FRANK K. BROOKS' 30 YEARS OF SERVICE IN THE UNITED STATES AIR FORCE

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 2011

Mr. MORAN. Mr. Speaker, I rise today to recognize and pay tribute to Colonel Frank K. Brooks for his 30 years of exceptional service and dedication to the United States Air Force. He retired from active duty on May 31, 2011.

Colonel Brooks was born in New Roads, Louisiana. He was commissioned as a second Lieutenant in the Air Force in 1981, upon his graduation from the United States Air Force Academy. In 1982, he completed his Master of Science in Information Systems at Washington University in St. Louis, MO. Following graduate school, his operational assignments included duties as a Computer Program Design Engineer at Scott Air Force Base, Illinois and as the Chief of the Data Systems Branch for the Secretary of the Air Force Special Projects Office.

Over the past two years, Colonel Brooks has served as the Chief Information Officer of Joint Force Headquarters National Capital Region, United States Northern Command, where he was responsible for the coordination of interoperable emergency communications with defense mission partners in the National Capital Region. His efforts have provided for robust and reliable command and control systems to enable defense support to civil authorities. He has integrated cyberspace operations and planning into the JFHQ–NCR mission, making it one of the first domestic commands to integrate full-spectrum information operations in the Air Force. His thoughtful management, aggressive integration of emerging technologies, and active engagement with interagency partners has made the National Capital Region safer and better prepared to respond to any emergency. His adherence to the highest standards of professional conduct is a credit to all that wear the uniform of the United States Air Force.

Prior to his current assignment, Colonel Brooks served as the Deputy Chief, United States Military Training Mission, Riyadh, Royal Kingdom of Saudi Arabia. On behalf of the Department of the Air Force, he managed the exchange of critical military information systems and communications technologies with the military forces of Saudi Arabia.

Colonel Brooks has served in a variety of staff and leadership positions both stateside and overseas. He has served in a variety of operational and staff positions in the communications and space career fields, including one group command, five squadron commands, Secretary of Defense Fellowship (Netscape/AOL), Education with Industry (Boeing), Air Force Communications Agency, National Reconnaissance Office, the Joint Staff and special operations, as well as director of communications and information systems for two major commands.

I would like to give my sincere thanks to Frank, his wife Penelope, and their daughters Lauren and Nicole for their unwavering support of our country and the freedom we hold so dear. We congratulate Colonel Brooks on the completion of an exemplary active-duty career and wish him well in the next phase of his life.

TRIBUTE TO NATIONAL VOICES FOR EQUALITY EDUCATION AND ENLIGHTENMENT

HON. FREDERICA S. WILSON

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 2011

Ms. WILSON of Florida. Mr. Speaker, I rise today to pay tribute to the extraordinary efforts of National Voices for Equality Education and Enlightenment (NVEEE) in providing support services to youth and families affected by bullying, violence, and suicide through preventative education and communication.

Jowharah Sanders, founder of National Voices for Equality Education and Enlightenment; says, "Bullying is not just an action; it is inaction as well". I agree wholeheartedly. Fortunately, Ms. Sanders understands that we will have to work together from the ground up to defeat bullying at every level.

Sanders, a drum major for the voiceless and victimized, founded NVEEE in October 2009. Driven by a personal mission, Sanders sought to help those who have been affected by bullying, violence, victimization, and abuse in

their lives, to prevent it from happening to as many children and families as she can, and to show them that they are not alone—even when they feel the most disempowered. Sanders challenged friends and colleagues to join the struggle for peace and equality, and ultimately to be the change they want to see in the world.

National Voices for Equality Education and Enlightenment has been a pioneer in the eradication of bullying. In Florida alone, NVEEE has reached more than 750 students through the ''Not on My Watch Bullying and Prevention Workshop'', which features workshops led by NVEEE's Teen Mentors and Peace Ambassadors. This campaign increases awareness of the violence surrounding youth and young adults, and empowers students and communities to take action by refusing to be bystanders. In March 2011 this workshop became accessible to educational institutions across the nation.

Mr. Speaker and colleagues, please join me as I honor the National Voices for Equality Education and Enlightenment for their stance against bullying. The exemplary dedication demonstrated to this cause is to be commended and I give her my full support.

IN RECOGNITION OF THE NEW JERSEY CULTURE CHANGE COLLABORATIVE

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 2011

Mr. PALLONE. Mr. Speaker, I rise today to applaud the work of the New Jersey Culture Change Collaborative. Since its founding just last year, the coalition of non-profit organizations, retirement communities, and government bodies has worked to promote dignified long-term health care for senior citizens. This week, the coalition is holding ''Culture Change: New Choices for the Elderly,'' an event dedicated to the sharing of ideas for the improvement of health care for the elderly. I would like to draw attention to the New Jersey Culture Change Collaborative and formally thank the group for its beneficial—and necessary—work.

The New Jersey Culture Change Collaborative is a network of professional organizations that is working across the state to improve health care for the elderly. Members of the coalition are the Health Care Association of New Jersey, Green Hill Inc., Healthcare Quality Strategies Inc., Leading Age New Jersey, New Jersey Hospital Association, the New Jersey Department of Health and Senior Services, and Van Dyk Health Care. Each member organization provides a unique perspective on aging and health care issues, and, together, the New Jersey Culture Change Collaborative has the potential to make a real transformation in the way that senior citizens receive long-term health care. Although it is a nascent movement, I have full confidence that it will improve the lives of New Jersey residents by working for more benevolent and patient-centered health care policies. In that light, I would like to request that the week of June 19 be designated National Nursing Home Culture Change Week.

Mr. Speaker, please join me in honoring the New Jersey Culture Change Collaborative on its founding. I would also like to congratulate the coalition for the statewide learning session it is holding this week. The work of the New Jersey Culture Change Collaborative is essential to promoting healthy lifestyles and improving long-term care.

SGT. FRANCISCO ESTRADA

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 2011

Mr. TOWNS. Mr. Speaker, I rise today in honor of Sergeant Francisco Estrada.

Sgt. Estrada was born on February 8, 1960 in Ponce, Puerto Rico. His father, too, was a policeman and he grew up hearing stories of his father's bravery and dignity while on patrol. These stories inspired him to protect and serve his community.

With the help and support of fellow officer Sgt. Victor Perez, Sgt. Estrada worked with the Coney Island community of Searise Towers as a Peace Officer from 1987 to 1992. Afterwards, he became a New York City Hospital Police Officer for Bellevue Hospital. Shortly after in January 1993, he was diagnosed with diabetes. After taking medical leave, the Sergeant gained a civil service position at Woodhull Hospital Police Department. In May 2001, Estrada was given a certificate of appreciation from the New York City Detectives Endowment Association for assisting the NYPD with the Brooklyn Strangler case. After finally achieving the rank of Sergeant in 2002, Estrada finally had the opportunity to teach other officers the skills he acquired. With undying support of his wonderful wife and family and driven by the love of his city, the Sergeant served proudly in New York City for thirty years. In 2009, with much consideration and remorse, Sgt. Estrada retired, citing the medical strain caused by his diabetes.

Mr. Speaker, I urge my colleagues to join me in recognizing Sergeant Estrada for fighting both crime and disease with nobility and professionalism.

HONORING MR. LOU VIVERITO, A DEDICATED PUBLIC SERVANT FOR 42 YEARS

HON. DANIEL LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 2011

Mr. LIPINSKI. Mr. Speaker, I rise today to honor a public servant and a good friend, Lou Viverito. After 16 years of service in the Illinois State Senate, Mayor Brady and the citizens of Bedford Park will name 73rd Street at Central Avenue after Mr. Viverito. Such an honor is an appropriate recognition for a champion for his constituents, as Mr. Viverito has been for the last 42 years.

After serving bravely in the Korean War and receiving multiple decorations, Mr. Viverito began his political career in 1965. He was elected as Stickney Township Democratic Committeeman in 1970 and quickly stood out as a force in local politics. Since 1973, Mr. Viverito has served as President of Stickney's Public Health District where he has made some of his greatest contributions. Thousands of people receive health care through Stickney's high quality facilities every year. As a landmark of his life's work, a brand new clinic, completely paid for, will open later this month in large part due to the efforts of Mr. Viverito.

In 1994, he was elected as an Illinois State Senator and served until his retirement this year. Mr. Viverito's distinguished career in the Illinois State Senate was characterized by dedicated service and several honorable distinctions. He served as Minority Whip for the Senate Democratic Caucus and as Assistant Majority Leader and was a leader on healthcare issues in Illinois for years.

Beyond his service in Illinois' legislative body, Mr. Viverito has held several other public positions, including Stickney Township Supervisor, Commissioner of the Metropolitan Sanitary District of Greater Chicago, and Member of the Cook County Zoning Board of Appeals. Mr. Viverito is well-known in Chicago due to his civic participation, and his work ethic and infectious smile have made him a beloved member of the Chicago community. He resides with his wife, Carolyn, in the City of Burbank. He also has three grown children and five grandsons.

At tomorrow's ceremony, Mayor Brady of Bedford Park will properly honor Mr. Viverito by renaming a street and holding a reception for him. Please join me in honoring Mr. Viverito as a public servant whose deeds will be remembered for years to come throughout Chicago and Illinois. May he enjoy tomorrow's ceremony in his honor and may he enjoy a long and fulfilling retirement.

HONORING ARMANDO PEREZ ROURA

HON. MARIO DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 2011

Mr. DIAZ-BALART. Mr. Speaker, I rise today to recognize the work and accomplishments of a distinguished radio journalist and community activist of South Florida, Armando Perez Roura.

Armando Perez Roura is a highly recognized and admired member within the communications arena. Born and educated in Cuba, Mr. Perez Roura became President of the National Broadcast College of Cuba at a very young age. Aside from being a grand communicator, Mr. Perez Roura is known for combating the Castro dictatorship from the moment they kidnapped Cuba in 1959.

In 1969, he was forced to flee from his native land. The United States welcomed him upon his arrival. Since then, Mr. Perez Roura has contributed tremendously to the community of South Florida and has worked unremittingly for the liberty of Cuba. He is Founder and President of ''La Unidad Cubana,'' an anti-Castro coalition encompassing various organizations. Due to his profound knowledge and expertise, Mr. Perez Roura has been a political advisor to various countries.

Mr. Perez Roura, with his unique style, has relentlessly condemned each of the crimes committed by the Castro regime and raised awareness on their efforts to spread terrorism

around the world. He has kept the memory of all those who have been victimized by the regime alive in our hearts.

Mr. Perez Roura embodies the American dream and is testament of what can be accomplished through hard work and dedication. Breaking through both language and culture barriers Mr. Perez Roura has become one of the most listened to radio personalities in Miami. Having received a Bachelor in Political Science, Mr. Perez Roura serves as a docent and mentor to many journalists, political leaders, and activists.

He is the pioneer of Spanish Radio and TV, which further exemplifies his exceptional work as a journalist. Mr. Perez Roura is the Founder and Director of Radio Mambi one of the most famous radio stations in South Florida. He produces, hosts and co-hosts various talk shows, Noticieros, En Caliente, La Noticia y Usted and Mesa Redonda. He also produces a daily editorial Toma Nota and regularly writes for Diario las Americas and El Semanario Libre. Throughout the years, Mr. Perez Roura's work has received various awards.

Mr. Speaker, I ask my colleagues to join me in congratulating the voice of Cuban exiles, my dear friend, Mr. Armando Perez Roura. He has defended democratic principles, Republican ideals and Cuba's freedom. In the words of Jose Marti, apostle of the liberty of Cuba, ''Honrar, honra.''

ELECTION SUPPORT CONSOLIDATION AND EFFICIENCY ACT

SPEECH OF

HON. SHEILA JACKSON LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 2011

Ms. JACKSON LEE of Texas. Mr. Speaker, I rise today in opposition to H.R. 672 ''Election Support Consolidation and Efficiency Act.'' This bill seeks to amend the Help America Vote Act of 2002 to terminate the Election Assistance Commission (EAC), the EAC Standards Board, and the EAC Board of Advisors 61 days after enactment of this Act. It also requires that the Director of the Office of Management and Budget (OMB) perform EAC functions with respect to certain existing contracts and agreements during the transition period for finishing EAC affairs.

I oppose this bill because it undermines the intent behind the Help America Vote Act. Let me remind those who have forgotten of the chaos in the days following the election of 2000. Congress passed the Help America Vote Act in 2002 which helped create the Election Assistance Commission. The EAC was created to help state and local election officials use current technology and best practices when overseeing elections.

The EAC oversees voting-system testing and certification. The EAC tests and certifies voting machines for use in elections to safeguard against the problems of 2000 election in Florida; and creates voluntary voting guidelines for states, instilling confidence in the democratic process of this country for all voters.

The Commission also develops and fosters the training and organization of more than 8,000 election administrators throughout the nation.

The EAC's certification program is helping state and local governments save money by using its oversight role to coordinate with manufacturers and local election officials to ensure that the existing equipment meets its durability and longevity potential. This saves state and local governments from the unnecessary expense of new voting equipment.

The Commission plays a major role in collecting accurate and comparable election data.

Living in a nation guided by the spirit of democracy and by which the American people are the voices for change, I do not see how H.R. 672 can continue this legacy. Without the EAC, there would be no federal agency focused on improving the quality of elections. With this, the American people will lose faith in our democracy and, to tell you the truth so will I.

The American people have not forgotten the chaos of the 2000, and let us ensure that this Congress remembers those troubling days as well. We must never forget the feeling of fear and uncertainty as the fabric of our democracy and our faithful constitution was put to test. I feel for scores of votes in Florida, whose voices were not heard as fraud and corruption consumed polling stations. As a representative of Texas, a state of over 20 million people, I refuse to have any voice of Texas' constituents, or mine of the 18th district, be stifled by those who think otherwise.

In the society we live in, it is often those who cannot defend themselves or those with limited political power whose voices are often overshadowed. Among this group are oftentimes the poor, women, the uneducated, the inept, and the elderly. The EAC has worked tirelessly to end this trend. Through research, grant-making and the development of voting guidelines, the Election Assistance Commission is helping many groups gain their Constitutional right to vote, including racial and ethnic minorities, members of the Armed Services (especially those serving overseas), disabled Americans and senior citizens.

The EAC has worked to improve the accessibility of more than 37 million disabled voters with disabilities.

It also has worked to create electronic voting systems for our brave men and women in uniform fighting overseas so that they are able to vote abroad.

Considering my belief that the termination of the EAC would untangle progress our democracy has made in bringing uniformity and equality among states in the voting process, I strongly urge opposition to this bill. If the EAC is terminated, it is very likely we will see many more elections like the election of 2000. If we care about the legacy of our democracy and our constitution, I urge opposition to H.R. 672.

HONORING ST. CLETUS PARISH OF LA GRANGE, ILLINOIS ON ITS 60TH ANNIVERSARY AS A FAITH-BASED COMMUNITY

HON. DANIEL LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 2011

Mr. LIPINSKI. Mr. Speaker, I rise today to honor St. Cletus Parish on its 60th anniversary as a community of faith in La Grange, Illinois. I express my admiration and appreciation of St. Cletus' commitment to upholding the values and practices of the Roman Catholic Church and its congregation's devotion to charity and spiritual development. On July 3rd, St. Cletus Church will celebrate 60 years of spiritual guidance and compassionate service to the 3rd District and the Chicago-area community.

A part of the Archdiocese of Chicago, St. Cletus offers ten masses weekly in addition to formal education through its school, religious education, and youth and Hispanic ministries. Each Christmas season, St. Cletus reaches out to the less fortunate in its inter-city sharing parish, St. Agatha's, and to other needy families. Through the parish's Advent Giving Tree, St. Cletus parishioners generously donate food and gift baskets to brighten the Christmas season for hundreds of needy families. St. Cletus' commitment to service extends beyond the holiday season as well. The St. Cletus Food Pantry distributes bags of groceries provided by parishioners to hundreds of less fortunate families in local communities. Through these services, the St. Cletus community upholds the Catholic ideals of love, sacrifice, and charity.

Because many of the original members of St. Cletus were returning World War II veterans, the parish has always been strongly patriotic. The Parish honors veterans from all over the area every year on July 4th with a special Mass which I am proud to participate in.

From its campus in La Grange, St. Cletus fosters a community of compassionate believers and followers of Jesus Christ, welcoming all to join its family of faith. I am proud to honor St. Cletus' commitment to providing spiritual nourishment through worship, the celebration of the sacraments, education, and service to the 3rd District of Illinois. I congratulate St. Cletus' pastor, Father Clark, and the entire parish community, and I know St. Cletus will continue to be a valuable spiritual asset to La Grange and the Chicago region for years to come.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, June 23, 2011 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JUNE 28

9:30 a.m.

Armed Services

To hold hearings to examine the nominations of General James D. Thurman, USA, for reappointment to the grade of general and to be Commander, United Nations Command, Combined Forces Command, and United States Forces Korea, Vice Admiral William H. McRaven, USN, to be admiral and Commander, United States Special Operations Command, and Lieutenant General John R. Allen, USMC, to be general and Commander, International Security Assistance Force, and United States Forces, Afghanistan.

SD–G50

10 a.m.

Banking, Housing, and Urban Affairs

To hold hearings to examine housing finance reform, focusing on access to the secondary market for small financial institutions.

SD–538

Finance

To hold hearings to examine complexity and the tax gap, focusing on making tax compliance easier and collecting what's due.

SD–215

Foreign Relations

To hold hearings to examine Libya and war powers.

SD–419

Judiciary

Immigration, Refugees and Border Security Subcommittee

To hold hearings to examine the ''Development, Relief and Education for Alien Minors (DREAM) Act''.

SD–226

Environment and Public Works

Water and Wildlife Subcommittee

To hold hearings to examine the status of the Deepwater Horizon Natural Resource Damage Assessment.

SD–406

10:30 a.m.

Appropriations

Department of Defense Subcommittee

To hold closed hearings to examine proposed budget estimates for fiscal year 2012 for national and military intelligence programs.

SVC–217

2:30 p.m.

Foreign Relations

Business meeting to consider S.J. Res. 20, authorizing the limited use of the United States Armed Forces in support of the NATO mission in Libya.

SD–419

Intelligence

To hold closed hearings to examine certain intelligence matters.

SH–219

2:45 p.m.

Agriculture, Nutrition, and Forestry

To hold hearings to examine the state of livestock in America.

SD–G50

3 p.m.

Appropriations

Military Construction and Veterans Affairs, and Related Agencies Subcommittee

Business meeting to markup proposed budget estimates for fiscal year 2012 for military construction and veterans affairs, and related agencies.

SD–124

JUNE 29

9:30 a.m.

Banking, Housing, and Urban Affairs

Securities, Insurance and Investment Subcommittee

To hold hearings to examine the emergence of swap execution facilities, focusing on a progress report.

SD–538

10 a.m.

Commerce, Science, and Transportation

To hold hearings to examine privacy and data security, focusing on protecting consumers in the modern world.

SR–253

Foreign Relations

To hold hearings to examine the nominations of Derek J. Mitchell, of Connecticut, to be Special Representative and Policy Coordinator for Burma, with the rank of Ambassador, and Frankie Annette Reed, of Maryland, to be Ambassador to the Republic of the Fiji Islands, and to serve concurrently and without additional compensation as Ambassador to the Republic of Nauru, the Kingdom of Tonga, Tuvalu, and the Republic of Kiribati, both of the Department of State.

SD–419

Health, Education, Labor, and Pensions

Business meeting to consider S. 958, to amend the Public Health Service Act to reauthorize the program of payments to children's hospitals that operate graduate medical education programs, S. 1094, to reauthorize the Combating Autism Act of 2006 (Public Law 109–416), an original bill entitled, ''Workforce Investment Act Reauthorization of 2011'', and any pending nominations.

SD–106

Homeland Security and Governmental Affairs

Business meeting to consider pending calendar business.

SD–342

10:30 a.m.

Judiciary

To hold hearings to examine barriers to justice and accountability, focusing on how the Supreme Court's recent rulings will affect corporate behavior.

SD–226

Rules and Administration

To hold hearings to examine the nominations of Gineen Maria Bresso, of Florida, Thomas Hicks, of Virginia, and Myrna Perez, of Texas, all to be a Member of the Election Assistance Commission.

SR–301

2 p.m.

Banking, Housing, and Urban Affairs

Housing, Transportation and Community Development Subcommittee

To hold hearings to examine promoting broader access to public transportation for America's older adults and people with disabilities.

SD–538

2:30 p.m.

Homeland Security and Governmental Affairs

Oversight of Government Management, the Federal Workforce, and the District of Columbia Subcommittee

To hold hearings to examine the diplomat's shield, focusing on diplomatic security and its implications for United States diplomacy.

SD–342

Veterans' Affairs

Business meeting to consider pending calendar business.

SR–418

JUNE 30

10 a.m.

Finance

To hold hearings to examine perspectives on deficit reduction, focusing on a review of key issues.

SD–215

Foreign Relations

Western Hemisphere, Peace Corps and Global Narcotics Affairs Subcommittee

To hold hearings to examine the state of democracy in the Americas.

SD–419

2:30 p.m.

Intelligence

Closed business meeting to consider pending calendar business.

SH–219

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S3981–S4036

Measures Introduced: Eighteen bills and one resolution were introduced, as follows: S. 1244–1261, and S.J. Res. 21. **Pages S4023–24**

Measures Reported:

S. 618, to promote the strengthening of the private sector in Egypt and Tunisia, with an amendment in the nature of a substitute. (S. Rept. No. 112–25)

S. 1253, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year. (S. Rept. No. 112–26)

S. 1254, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, to prescribe military personnel strengths for such fiscal year.

S. 1255, to authorize appropriations for fiscal year 2012 for military construction.

S. 1256, to authorize appropriations for fiscal year 2012 for defense activities of the Department of Energy. **Page S4023**

Measures Considered:

Presidential Appointment Efficiency and Streamlining Act—Agreement: Senate began consideration of S. 679, to reduce the number of executive positions subject to Senate confirmation, after agreeing to the motion to proceed and agreeing to the committee-reported amendment, which will be considered as original text for the purpose of further amendment, and taking action on the following amendments proposed thereto: **Pages S3991–S4019**

Pending:

DeMint Amendment No. 501, to repeal the authority to provide certain loans to the International Monetary Fund, the increase in the United States quota to the Fund, and certain other related authorities, and rescind related appropriated amounts. **Page S4008**

DeMint Amendment No. 510, to strike the provision relating to the Director, Bureau of Justice Statistics. **Page S4008**

DeMint Amendment No. 511, to enhance accountability and transparency among various Executive agencies. **Page S4008**

Vitter Amendment No. 499, to end the appointments of presidential Czars who have not been subject to the advice and consent of the Senate and to prohibit funds for any salaries and expenses for appointed Czars. **Pages S4008–09**

Coburn Amendment No. 500, to prevent the creation of duplicative and overlapping Federal programs. **Pages S4010–11**

Portman Amendment No. 509, to provide that the provisions relating to the Assistant Secretary (Comptroller) of the Navy, the Assistant Secretary (Comptroller) of the Army, and the Assistant Secretary (Comptroller) of the Air Force, the chief financial officer positions, and the Controller of the Office of Management and Budget shall not take effect. **Pages S4016–18**

Cornyn Amendment No. 504, to strike the provisions relating to the Comptroller of the Army, the Comptroller of the Navy, and the Comptroller of the Air Force. **Pages S4018–19**

Subsequently, the motion to invoke cloture on the motion to proceed to consideration of the bill, was vitiated. **Page S3991**

A unanimous-consent agreement was reached providing that no amendment offered to the bill be divisible; provided further, that the Vitter and DeMint amendments be subject to a 60 vote threshold and the Coburn amendment be subject to a two-thirds vote threshold; and that upon the disposition of amendments, Senate vote on passage of the bill, as amended, if amended; that the vote on passage be subject to a 60 vote threshold; and if the bill does not achieve 60 affirmative votes on passage, the bill be returned to the calendar; and that upon disposition of the bill, Senate proceed to the immediate consideration of S. Res. 116, to provide for expedited Senate consideration of certain nominations subject to advice and consent; that only relevant amendments be in order; and that upon disposition of the

amendments to S. Res. 116, Senate vote on adoption of S. Res. 116 as amended, if amended.

Pages S3995–96

A unanimous-consent-time agreement was reached provided for further consideration of the bill at 11:30 a.m., on Thursday, June 23, 2011; that Vitter Amendment No. 499 (listed above) and DeMint Amendment No. 510 (listed above) be debated concurrently; that there be up to 30 minutes of debate, with Senators Vitter, DeMint, Reid, or designee, and McConnell, or designee, each controlling 7½ minutes; that upon the use or yielding back of time, Senate vote on or in relation to Vitter Amendment No. 499 and DeMint Amendment No. 510, in that order; that there be no amendments, motions, or points of order in order to either amendment prior to the votes, other than budget points of order and the applicable motions to waive; and that the provisions of the previous order regarding amendments remain in effect. Page S4019

Nominations—Agreement: A unanimous-consent-time agreement was reached providing that at a time to be determined by the Majority and Republican Leaders, Senate will begin consideration of the nominations of James Michael Cole, of the District of Columbia, to be Deputy Attorney General, Virginia A. Seitz, of the District of Columbia, to be an Assistant Attorney General, and Lisa O. Monaco, of the District of Columbia, to be an Assistant Attorney General; that there be two hours for debate concurrently on the nominations equally divided in the usual form; that upon the use or yielding back of time, Senate vote, without intervening action or debate, on confirmation of the nominations in the order listed; that no further motions be in order to the nominations. Page S4035

Nominations Received: Senate received the following nominations:

Brian T. Baenig, of the District of Columbia, to be an Assistant Secretary of Agriculture.

Mary Beth Leonard, of Massachusetts, to be Ambassador to the Republic of Mali.

Margaret Bartley, of Maryland, to be a Judge of the United States Court of Appeals for Veterans Claims for the term of fifteen years.

Gloria Wilson Shelton, of Maryland, to be a Judge of the United States Court of Appeals for Veterans Claims for the term of fifteen years.

Routine lists in the Army and Navy. Page S4036

Messages from the House: Page S4022

Measures Referred: Pages S4022–23

Executive Communications: Page S4023

Additional Cosponsors: Pages S4024–25

Statements on Introduced Bills/Resolutions: Pages S4025–33

Additional Statements: Page S4022

Amendments Submitted: Pages S4033–35

Notices of Hearings/Meetings: Page S4035

Authorities for Committees to Meet: Page S4035

Privileges of the Floor: Page S4035

Adjournment: Senate convened at 9:30 a.m. and adjourned at 7:24 p.m., until 10:00 a.m. on Thursday, June 23, 2011. (For Senate's program, see the remarks of the Majority Leader in today's Record on page S4035.)

Committee Meetings

(Committees not listed did not meet)

APPROPRIATIONS: DEPARTMENT OF DEFENSE

Committee on Appropriations: Subcommittee on Department of Defense received testimony from sundry public witnesses requesting funding for programs in the Department of Defense appropriations bill for fiscal year 2012.

UNEMPLOYMENT INSURANCE SYSTEM

Committee on Finance: Committee concluded a hearing to examine preventing overpayments and eliminating fraud in the unemployment insurance system, after receiving testimony from Jane Oates, Assistant Secretary of Labor for Employment and Training; Kristen Cox, Utah Department of Workforce Services Executive Director, Salt Lake City; Paul Trause, Washington State Employment Security Commissioner, Olympia; and Michael Cullen, On Point Technology, Inc., Oak Brook, Illinois.

SECURING RAIL AND TRANSIT

Committee on Homeland Security and Governmental Affairs: Committee concluded a hearing to examine the next steps for securing rail and transit, after receiving testimony from John S. Pistole, Administrator, Transportation Security Administration, Department of Homeland Security; Peter Boynton, Connecticut Department of Emergency Management and Homeland Security Commissioner, Hartford; and Stephen E. Flynn, Center for National Policy, Washington, D.C.

DIABETES RESEARCH

Committee on Homeland Security and Governmental Affairs: Committee concluded a hearing to examine transforming lives through diabetes research, after receiving testimony from Griffin Rodgers, Director, National Institute of Diabetes and Digestive and

Kidney Diseases, National Institutes of Health, and Charles Zimliki, Chair, Artificial Pancreas Critical Path Initiative, Center for Devices and Radiological Health, Food and Drug Administration, both of the Department of Health and Human Services; Kevin Kline, New York, New York, Caroline Jacobs, Shapleigh, Maine, Jack Schmittlein, Avon, Connecticut, Kerry Morgan, Glen Allen, Virginia, and Jonathan Platt, Tarzana, California, all of the Juvenile Diabetes Research Foundation (JDRF) Children's Congress.

INTELLECTUAL PROPERTY LAW ENFORCEMENT EFFORTS

Committee on the Judiciary: Committee concluded an oversight hearing to examine intellectual property law enforcement efforts, including S. 968, to prevent online threats to economic creativity and theft of intellectual property, S. 978, to amend the criminal penalty provision for criminal infringement of a copyright, S. 678, to increase the penalties for economic espionage, and S. 1228, to prohibit trafficking in counterfeit military goods or services, after receiving testimony Victoria A. Espinel, Intellectual Property Enforcement Coordinator, Office of Management and Budget, Executive Office of the President; Jason M. Weinstein, Deputy Assistant Attorney General, Criminal Division, and Gordon M. Snow, Assistant Director, Cyber Division, Federal Bureau of Investigation, both of the Department of Justice; and Allen Gina, Assistant Commissioner, Office of International Trade, U.S. Customs and Border Protection, and Erik Barnett, Assistant Deputy Director, U.S. Immigration and Customs Enforcement, both of the Department of Homeland Security.

NOMINATIONS

Committee on the Judiciary: Committee concluded a hearing to examine the nominations of Christopher Droney, of Connecticut, to be United States Circuit Judge for the Second Circuit, who was introduced by Senator Lieberman, Robert David Mariani, to be United States District Judge for the Middle District of Pennsylvania, Cathy Bissoon, and Mark Raymond Hornak, both to be a United States District Judge for the Western District of Pennsylvania, who were all introduced by Senators Casey and Toomey, and Robert N. Scola, Jr., to be United States District Judge for the Southern District of Florida, who was introduced by Senators Nelson (FL) and Rubio, after the nominees testified and answered questions in their own behalf.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 36 public bills, H.R. 2269–2304; and 8 resolutions, H.J. Res. 68–69; and H. Res. 321–326 were introduced. **Pages H4455–57**

Additional Cosponsors: **Pages H4459–60**

Reports Filed: Reports were filed today as follows:

Committee on Science, Space, and Technology; First Semiannual Report of Activities (H. Rept. 112–112) and;

H. Res. 320, providing for consideration of the bill (H.R. 2219) making appropriations for the Department of Defense for the fiscal year ending September 30, 2012, and for other purposes (H. Rept. 112–113). **Page H4455**

Speaker: Read a letter from the Speaker wherein he appointed Representative Webster to act as Speaker pro tempore for today. **Page H4369**

Recess: The House recessed at 10:19 a.m. and reconvened at 11:30 a.m. **Page H4375**

Chaplain: The prayer was offered by the guest chaplain, Reverend Dr. Joe Pool, First United Methodist Church, Rockwall, Texas. **Page H4375**

Suspension—Failed: The House failed to agree to suspend the rules and pass the following measure which was debated yesterday, June 21st:

Election Support Consolidation and Efficiency Act: H.R. 672, amended, to terminate the Election Assistance Commission, by a ⅔ yea-and-nay vote of 235 yeas to 187 nays, Roll No. 466. **Pages H4392–93**

Jobs and Energy Permitting Act of 2011: The House passed H.R. 2021, to amend the Clean Air Act regarding air pollution from Outer Continental Shelf activities, by a recorded vote of 253 ayes to 166 noes, Roll No. 478. **Pages H4378–92, H4393–H4420**

Rejected the Keating motion to recommit the bill to the Committee on Energy and Commerce with instructions to report the same to the House forthwith with an amendment, by a recorded vote of 177 ayes to 245 noes, Roll No. 477. **Pages H4418–19**

Rejected:

Speier amendment (No. 1 printed in part A of H. Rept. 112–111) that sought to strike section 2 of the bill (by a recorded vote of 176 ayes to 248 noes, Roll No. 467); **Pages H4401–02, H4411–12**

Hastings (FL) amendment (No. 2 printed in part A of H. Rept. 112–111) that sought to direct emission sources from the Outer Continental Shelf (OCS) to title I of the Clean Air Act, ensuring that the vessels often responsible for the majority of the OCS's emission sources are not left unregulated (by a recorded vote of 167 ayes to 254 noes, Roll No. 468); **Pages H4402–03, H4412–13**

Welch amendment (No. 3 printed in part A of H. Rept. 112–111) that sought to require all permit applications to include data on federal oil subsidies received by the company applying for the permit (by a recorded vote of 183 ayes to 238 noes, Roll No. 469); **Pages H4403–04, H4413**

Keating amendment (No. 4 printed in part A of H. Rept. 112–111) that sought to require that all completed applications include data on bonuses provided to the executives of the applicant from the most recent quarter (by a recorded vote of 167 ayes to 258 noes, Roll No. 470); **Pages H4404, H4413–14**

Rush amendment (No. 5 printed in part A of H. Rept. 112–111) that sought to allow the Administrator to provide additional 30-day extensions if the Administrator determines that such time is necessary to meet the requirements of this section, to provide adequate time for public participation, or to ensure sufficient involvement by one or more affected States (by a recorded vote of 172 ayes to 253 noes, Roll No. 471); **Pages H4404–05, H4414–15**

Quigley amendment (No. 6 printed in part A of H. Rept. 112–111) that sought to strike underlying text that eliminates the ability of the Environmental Appeals Board (EAB) to remand or deny the issuance of Clean Air Act permits for offshore energy exploration and extraction (by a recorded vote of 173 ayes to 251 noes, Roll No. 472); **Pages H4405–06, H4415**

Eshoo amendment (No. 7 printed in part A of H. Rept. 112–111) that sought to preserve access to local courts by striking a provision which requires permit decisions to be litigated in the DC Circuit in Washington, DC (by a recorded vote of 183 ayes to 240 noes, Roll No. 473); **Pages H4406–07, H4415–16**

Capps amendment (No. 8 printed in part A of H. Rept. 112–111) that sought to preserve state authority over OCS sources where states have been delegated authority to issue air permits for offshore drilling activities (by a recorded vote of 180 ayes to 242 noes, Roll No. 474); **Pages H4407–09, H4416**

Hochul amendment (No. 9 printed in part A of H. Rept. 112–111) that sought to require a report that details how the amendments made by this Act are projected to increase oil and gas production and lower energy prices for consumers (by a recorded vote of 186 ayes to 238 noes, Roll No. 475); and **Pages H4409–10, H4416–17**

Schrader amendment (No. 10 printed in part A of H. Rept. 112–111) that sought to prohibit any permits issued under the Clean Air Act for oil or natural gas drilling on the Outer Continental Shelf (OCS) off the coast of Oregon (by a recorded vote of 160 ayes to 262 noes, Roll No. 476). **Pages H4410–11, H4417–18**

H. Res. 316, the rule providing for consideration of the bills (H.R. 2021) and (H.R. 1249), was agreed to by a recorded vote of 239 ayes to 186 noes, Roll No. 465, after the previous question was ordered by a recorded vote of 230 ayes to 184 noes, Roll No. 464. **Pages H4378–92**

A point of order was raised against the consideration of H. Res. 316 and it was agreed to proceed with consideration of the resolution by a yea-and-nay vote of 215 yeas to 189 nays with 1 voting "present", Roll No. 463. **Pages H4379–81**

Committee Resignation: Read a letter from Representative Castor, wherein she resigned from the Committee on Armed Services. **Page H4420**

Committee Election: The House agreed to H. Res. 321, electing a Member to a certain standing committee of the House of Representatives. **Page H4420**

America Invents Act: The House began consideration of H.R. 1249, to amend title 35, United States Code, to provide for patent reform. Consideration is expected to resume tomorrow, June 23rd. **Pages H4420–52**

Pursuant to the rule, the amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill shall be considered as an original bill for the purpose of amendment under the five-minute rule. **Page H4433**

Proceedings Postponed:

Smith (TX) Manager's amendment (No. 1 printed in part B of H. Rept. 112–111) that seeks to make technical edits and necessary changes to more substantive issues, such as prior user rights and an additional oversight requirement for the PTO. **Pages H4448–52**

H. Res. 316 , the rule providing for consideration of the bills (H.R. 2021) and (H.R. 1249), was agreed to by a recorded vote of 239 ayes to 186 noes, Roll No. 465, after the previous question was ordered by a recorded vote of 230 ayes to 184 noes, Roll No. 464. **Pages H4378–92**

A point of order was raised against the consideration of H. Res. 316 and it was agreed to proceed with consideration of the resolution by a yea-and-nay

vote of 215 yeas to 189 nays with 1 voting "present", Roll No. 463. **Pages H4379–81**

Amendments: Amendments ordered printed pursuant to the rule appear on pages H4460–61.

Quorum Calls—Votes: Two yea-and-nay votes and fourteen recorded votes developed during the proceedings of today and appear on pages H4381, H4391, H4392, H4392–93, H4411–12, H4412–13, H4413, H4413–14, H4414, H4415, H4415–16, H4416, H4417, H4417–18, H4419, H4419–20. There were no quorum calls.

Adjournment: The House met at 9:30 a.m. and adjourned at 9:32 p.m.

Committee Meetings

MISCELLANEOUS MEASURES

Committee on Armed Services: Full Committee held a markup of the First Semiannual Report on the Activities of the Committee on Armed Services for the 112th Congress. The First Semiannual Report on the Activities of the Committee on Armed Services for the 112th Congress was agreed to without amendment.

TERRORIST THREATS

Committee on Armed Services: Subcommittee on Emerging Threats and Capabilities held a hearing on the evolution of the terrorist threat. Testimony was heard from public witnesses.

MISCELLANEOUS MEASURES

Committee on Education and the Workforce: Full Committee held a markup of the following: H.R. 2218, the "Empowering Parents through Quality Charter Schools Act"; and the Report on the Activities of the Committee on Education and Workforce for the First Quarter of the 112th Congress. H.R. 2218 was ordered reported without amendment. The Report on the Activities of the Committee on Education and Workforce for the First Quarter of the 112th Congress was agreed to without amendment.

MEDICARE: SECONDARY PAYER REGIME

Committee on Energy and Commerce: Subcommittee on Oversight and Investigations held a hearing entitled "Protecting Medicare with Improvements to the Secondary Payer Regime." Testimony was heard from Deborah Taylor, Director of Financial Management, Centers for Medicare and Medicaid Services; James Cosgrove, Director, Health Care, GAO; and public witnesses.

REFORMING FCC PROCESS

Committee on Energy and Commerce: Subcommittee on Communications and Technology held a hearing entitled "Reforming FCC Process." Testimony was heard from public witnesses.

MISCELLANEOUS MEASURES

Committee on Financial Services: Full Committee held a markup on the Report on the Activity of the Committee on Financial Services for the 112th Congress; H.R. 2072, the "Securing American Jobs Through Exports Act of 2011"; H.R. 1070, the "Small Company Capital Formation Act of 2011"; H.R. 1082, the "Small Business Capital Access and Job Preservation Act"; H.R. 33, to amend the Securities Act of 1933 to specify when certain securities issued in connection with church plans are treated as exempted securities for purposes of that Act; H.R. 1062, the "Burdensome Data Collection Relief Act"; and H.R. 940, the "United States Covered Bond Act of 2011." The following were ordered reported without amendment: H.R. 33; and H.R. 1062. The following were ordered reported, as amended: H.R. 1082; H.R. 2072; H.R. 1070; and H.R. 940. The Semiannual Report on the Activity of the Committee on Financial Services was agreed to without amendment.

PIERCING BURMA'S VEIL OF SECRECY

Committee on Foreign Affairs: Subcommittee on Asia and the Pacific held a hearing on Piercing Burma's Veil of Secrecy: The Truth Behind the Sham Election and the Difficult Road Ahead. Testimony was heard from public witnesses.

MISCELLANEOUS MEASURES

Committee on Homeland Security: Full Committee held a markup of the following: the Committee Activity Report for the First Quarter of the 112th Congress; and H.R. 901, the "Chemical Facility Anti-Terrorism Security Authorization Act of 2011." H.R. 901 was ordered reported as amended. The Committee Activity Report for the First Quarter of the 112th Congress was agreed to without amendment.

OUTDOOR RECREATION ON PUBLIC LANDS

Committee on Natural Resources: Subcommittee on National Parks, Forests and Public Lands held a hearing entitled "Opportunities for Outdoor Recreation on Public Lands." Testimony was heard from public witnesses.

LEGISLATIVE MEASURES

Committee on Natural Resources: Subcommittee on Indian and Alaska Affairs held a hearing on H.R. 1158, to authorize the conveyance of mineral rights by the Secretary of the Interior in the State of Montana, and for other purposes; and H.R. 1560, to amend the Ysleta del Sur Pueblo and Alabama and

Coushatta Indian Tribes of Texas Restoration Act to allow the Ysleta del Sur Pueblo Tribe to determine blood quantum requirement for membership in that tribe. Testimony was heard from Rep. Rehberg; Rep. Reyes; Jodi Gillette, Deputy Assistant Secretary for Indian Affairs, Department of the Interior; and public witnesses.

MISCELLANEOUS MEASURES

Committee on Oversight and Government Reform: Full Committee held a markup on the following: H.R. 2146, the ''DATA Act''; H.R. 1974, the ''Access to Congressionally Mandated Reports Act''; H.R. 2061, the ''Civilian Service Recognition Act of 2011''; H.R. 789, a bill to designate the facility of the United States Postal Service located at 20 Main Street in Little Ferry, New Jersey, as the ''Sergeant Matthew J. Fenton Post Office''; H.R. 1843, a bill to designate the facility of the United States Postal Service located at 489 Army Drive in Barrigada, Guam, as the ''John Pangelinan Gerber Post Office Building''; H.R. 1975, a bill to designate the facility of the United States Postal Service located at 281 East Colorado Boulevard in Pasadena, California, as the ''First Lieutenant Oliver Goodall Post Office Building''; H.R. 2062, a bill to designate the facility of the United States Postal Service located at 45 Meetinghouse Lane in Sagamore Beach, Massachusetts, as the ''Matthew A. Pucino Post Office''; H.R. 2149, a bill to designate the facility of the United States Postal Service located at 4354 Pahoa Avenue in Honolulu, Hawaii, as the ''Cecil L. Heftel Post Office Building''; H.R. 2213, a bill to designate the facility of the United States Postal Service located at 801 West Eastport Street in Iuka, Mississippi, as the ''Sergeant Jason W. Vaughn Post Office''; H.R. 2244, a bill to designate the facility at the United States Postal Service located at 67 Castle Street in Geneva, New York, as the ''Corporal Steven Blaine Riccione Post Office''; and the Activity Report of the Committee on Oversight and Government Reform. The following were ordered reported, as amended: H.R. 2146; H.R. 1974; and H.R. 2061. The following were ordered reported without amendment: H.R. 789; H.R. 1843; H.R. 1975; H.R. 2062; H.R. 2149; H.R. 2213; and H.R. 2244. The Activity Report of the Committee on Oversight and Government Reform was agreed to without amendment.

GENERAL MOTORS BAILOUT

Committee on Oversight and Government Reform: Subcommittee on Regulatory Affairs, Stimulus Oversight, and Government Spending held a hearing entitled, ''Last Implications of the General Motors Bailout.'' Testimony was heard from Ron Bloom, former Senior Advisor to the Secretary of the Treasury; Vincent Snowbarger, Deputy Director for Operations, Pension Benefit Guaranty Corporation; and public witnesses.

CHANGING ROLE OF FDIC

Committee on Oversight and Government Reform: Subcommittee on TARP, Financial Services, and the Bailout of Public and Private Programs held a hearing entitled ''The Changing Role of the FDIC.'' Testimony was heard from Sheila Bair, Chairman, FDIC.

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2012; AND MISCELLANEOUS MEASURES

Committee on Rules: The Committee granted, by voice vote, an open rule providing for consideration of H.R. 2219, the Department of Defense Appropriations Act, 2012. The rule provides one hour of general debate equally divided and controlled by the chair and ranking minority member of the Committee on Appropriations. The rule waives all points of order against consideration of the bill. The rule waives points of order against provisions in the bill for failure to comply with clause 2 of Rule XXI. Under the Rules of the House the bill shall be read for amendment by paragraph. The rule authorizes the Chair to accord priority in recognition to Members who have pre-printed their amendments in the Congressional Record. The rule provides one motion to recommit with or without instructions. The rule establishes a standing order of the House, which prohibits consideration of an amendment to a general appropriation bill proposing both a decrease in an appropriation designated as costs of the Global War on Terror pursuant to section 301 of House Concurrent Resolution 34 and an increase in an appropriation not so designated, or vice versa. Testimony was heard from Rep. Young of Florida; and Rep. Dicks.

Also, the Committee on Rules constituted, by voice vote, its subcommittees as follows: Legislative and Budget Process: Mr. Sessions, chairman; Ms. Foxx; Mr. Woodall; Mr. Webster; Mr. Dreier; Mr. McGovern, ranking member; and Ms. Slaughter. Rules and Organization of the House: Mr. Nugent, chairman; Mr. Bishop of Utah; Mr. Scott of South Carolina; Mr. Dreier; Mr. Hastings of Florida, ranking member; Mr. Polis. Pursuant to clause 1(d) of Rule XI, the Committee ordered reported by voice vote its semiannual report on activities of the Committee for the first quarter of the 112th Congress.

NOAA'S CLIMATE SERVICE PROPOSAL; AND MISCELLANEOUS MEASURES

Committee on Science, Space, and Technology: Full Committee held a hearing on Examining NOAA's Climate Service Proposal. Testimony was heard from Jane Lubchenco, Administrator, NOAA; and Robert

Winokur, Deputy Oceanographer, Department of the Navy.

Prior to the start of the hearing there was a markup. The 1st Semiannual Report of the Activities of the Committee on Science, Space, and Technology was agreed to without amendment.

STATE OF SMALL BUSINESS ACCESS TO CAPITAL AND CREDIT

Committee on Small Business: Full Committee held a hearing entitled ''The State of Small Business Access to Capital and Credit: The View from Secretary Geithner.'' Testimony was heard from Timothy Geithner, Secretary, Department of the Treasury.

MISCELLANEOUS MEASURES

Committee on Transportation and Infrastructure: Full Committee held a markup of the following: H.R. 1073, to designate the United States courthouse to be constructed in Jackson, Mississippi, as the ''R. Jess Brown United States Courthouse''; H.R. 1264, to designate the property between the United States Federal Courthouse and the Ed Jones Building located at 109 South Highland Avenue in Jackson, Tennessee, as the ''M.D. Anderson Plaza'' and to authorize the placement of a historical/identification marker on the grounds recognizing the achievements and philanthropy of M.D. Anderson; H.R. 1791, to designate the United States courthouse under construction at 101 South United States Route 1 in Fort Pierce, Florida, as the ''Alto Lee Adams, Sr., United States Courthouse''; H.R. 2018, the ''Clean Water Cooperative Federalism Act of 2011''; and the Summary of Legislative and Oversight Activities Committee Report. The following were ordered reported without amendment: H.R. 1073; H.R. 1264: and H.R. 1791. The following was ordered reported, as amended: H.R. 2018. The Summary of Legislative and Oversight Activities Committee Report was agreed to without amendment.

COMPETITION FOR INTERCITY PASSENGER RAIL IN AMERICA

Committee on Transportation and Infrastructure: Full Committee held a hearing on the Committee print ''Competition for Intercity Passenger Rail in America.'' Testimony was heard from Joseph Boardman, President and CEO, Amtrak; and public witnesses.

2011 ANNUAL REPORT OF THE BOARDS OF TRUSTEES OF THE FEDERAL HOSPITAL INSURANCE AND FEDERAL SUPPLEMENTARY MEDICAL INSURANCE TRUST FUNDS

Committee on Ways and Means: Subcommittee on Health held a hearing on the recently released 2011 Annual Report of the Boards of Trustees of the Federal Hospital Insurance and Federal Supplementary Medical Insurance Trust Funds, 9:30 a.m., 1100 Longworth.

Joint Meetings

MANUFACTURING IN THE UNITED STATES

Joint Economic Committee: Committee concluded a hearing to examine manufacturing in the United States, focusing on why we need a national manufacturing strategy, after receiving testimony from Senator Stabenow; Representative Charles Bass; Mark Zandi, Moody's Analytics, Philadelphia, Pennsylvania; and Alex M. Brill, American Enterprise Institute for Public Policy Research, Jay Timmons, National Association of Manufacturers (NAM), and Scott Paul, Alliance for American Manufacturing, all of Washington, D.C.

BUSINESS MEETING

Joint Committee on the Library: Committee adopted its rules of procedure for the 112th Congress.

BUSINESS MEETING

Joint Committee on Printing: Committee adopted its rules of procedure for the 112th Congress.

ETHNIC TENSION IN KYRGYZSTAN

Commission on Security and Cooperation in Europe: Commission concluded a hearing to examine addressing ethnic tension in Kyrgyzstan, focusing on the report of the International Commission of Inquiry into the events in Southern Kyrgyzstan in June 2010, after receiving testimony from Muktar Djumaliev, Ambassador of the Kyrgyz Republic to the United States; Kimmo Kiljunen, Independent International Commission of Inquiry into the Events in Southern Kyrgyzstan in June 2010, Helsinki, Finland; and Martha Brill Olcott, Carnegie Endowment for International Peace, and Alisher Khamidov, Johns Hopkins University School of Advanced International Studies, both of Washington, D.C.

COMMITTEE MEETINGS FOR THURSDAY, JUNE 23, 2011

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Agriculture, Nutrition, and Forestry: to hold hearings to examine farm bill accountability, focusing on the importance of measuring performance, while eliminating duplication and waste, 9:30 a.m., SD–G50.

Committee on Banking, Housing, and Urban Affairs: to hold hearings to examine reauthorization of the National Flood Insurance Program, part II, 10 a.m., SD–538.

Committee on Commerce, Science, and Transportation: Subcommittee on Oceans, Atmosphere, Fisheries, and Coast Guard, to hold hearings to examine U.S. Coast Guard budget and oversight, 10 a.m., SR–253.

Committee on Energy and Natural Resources: Subcommittee on Water and Power, to hold hearings to examine S. 500, 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, S. 715, to reinstate and transfer certain hydroelectric licenses and extend the deadline for commencement of construction of certain hydroelectric projects, S. 802, to authorize the Secretary of the Interior to allow the storage and conveyance of nonproject water at the Norman project in Oklahoma, S. 997, to authorize the Secretary of the Interior to extend a water contract between the United States and the East Bench Irrigation District, S. 1033, to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the City of Hermiston, Oregon, water recycling and reuse project, and S. 1047, to amend the Reclamation Projects Authorization and Adjustment Act of 1992 to require the Secretary of the Interior, acting through the Bureau of Reclamation, to take actions to improve environmental conditions in the vicinity of the Leadville Mine Drainage Tunnel in Lake County, Colorado, an original bill entitled, ''Bureau of Reclamation Fish Recovery Programs Reauthorization Act of 2011'', and an original bill entitled, ''Fort Sumner Project Title Conveyance Act'', 2:30 p.m., SD–366.

Committee on Finance: to hold hearings to examine health care entitlements, focusing on the road forward, 10 a.m., SD–215.

Committee on Foreign Relations: business meeting to consider the nominations of William J. Burns, of Maryland, to be Deputy Secretary, Gary Locke, of Washington, to be Ambassador to the People's Republic of China, and Ryan C. Crocker, of Washington, to be Ambassador to the Islamic Republic of Afghanistan, all of the Department of State; to be immediately followed by a hearing to examine evaluating goals and progress in Afghanistan and Pakistan, 10 a.m., SD–106.

Subcommittee on Western Hemisphere, Peace Corps and Global Narcotics Affairs, with the Subcommittee on International Development and Foreign Assistance, Economic Affairs and International Environmental Protection, to hold joint hearings to examine rebuilding Haiti in the Martelly era, 2:15 p.m., SD–419.

Committee on Health, Education, Labor, and Pensions: to hold hearings to examine middle class families, 10 a.m., SD–430.

Committee on Homeland Security and Governmental Affairs: to hold hearings to examine Federal regulation, focusing on a review of legislative proposals, 10 a.m., SD–342.

Committee on Indian Affairs: to hold an oversight hearing to examine the ''Indian Reorganization Act'' 75 years later, focusing on restoring tribal homelands and promote self-determination, 2:15 p.m., SD–628.

Committee on the Judiciary: business meeting to consider S. 1145, to amend title 18, United States Code, to clarify and expand Federal criminal jurisdiction over Federal contractors and employees outside the United States, an original bill entitled, ''Second Chance Reauthorization Act of 2011'', and the nominations of Steve Six, of Kansas, to be United States Circuit Judge for the Tenth Circuit, Stephen A. Higginson, of Louisiana, to be United States Circuit Judge for the Fifth Circuit, Jane Margaret Triche-Milazzo, to be United States District Judge for the Eastern District of Louisiana, Alison J. Nathan, and Katherine B. Forrest, both to be a United States District Judge for the Southern District of New York, Susan Owens Hickey, to be United States District Judge for the Western District of Arkansas, Major General Marilyn A. Quagliotti, USAF (Ret.), of Virginia, to be Deputy Director for Supply Reduction, Office of National Drug Control Policy, Executive Office of the President, and Alfred Cooper Lomax, to be United States Marshal for the Western District of Missouri, and David L. McNulty, to be United States Marshal for the Northern District of New York, both of the Department of Justice, 10 a.m., SD–226.

Select Committee on Intelligence: to hold hearings to examine the nomination of David H. Petraeus, of New Hampshire, to be Director of the Central Intelligence Agency, 2:30 p.m., SH–216.

House

Committee on Agriculture, Full Committee, meeting to approve the Activity Report of the Committee on Agriculture for the 1st Quarter of the 112th Congress, 10 a.m., 1300 Longworth.

Subcommittee on Rural Development, Research, Biotechnology, and Foreign Agriculture, hearing to review opportunities and benefits of agricultural biotechnology, 11 a.m., 1300 Longworth.

Committee on Appropriations, Full Committee, markup of the FY 2012 Financial Services Bill and Correction to FY 2012 Energy and Water Bill, 9:30 a.m., 2359 Rayburn.

Committee on Armed Services, Full Committee, hearing on Recent Developments in Afghanistan and the Proposed Drawdown of U.S. Forces, 10 a.m., 2118 Rayburn.

Committee on the Budget, Full Committee, hearing entitled ''The Congressional Budget Office's Long-Term Budget Outlook.'' 10 a.m., 210 Cannon.

Committee on Education and the Workforce, Subcommittee on Higher Education and Workforce Training, hearing entitled ''Demanding Accountability in National Service Programs.'' 10 a.m., 2175 Rayburn.

Committee on Energy and Commerce, Full Committee, markup of the following: the Semi-Annual Committee Activity Report; H.R. 1938, the ''North American-Made Energy Security Act''; and legislation on the ''Coal Residuals Reuse and Management Act.'' 9 a.m., 2123 Rayburn.

Committee on Financial Services, Subcommittee on Insurance, Housing and Community Opportunity, hearing entitled ''Legislative Proposals to Reform the Housing Choice Voucher Program.'' 9:30 a.m., 2128 Rayburn.

Subcommittee on Domestic Monetary Policy and Technology, hearing entitled ''Investigating the Gold: H.R. 1495, the Gold Reserve Transparency Act of 2011 and the Oversight of United States Gold Holdings.'' 2 p.m., 2128 Rayburn.

Committee on Foreign Affairs, Full Committee, hearing on Iran and Syria: Next Steps, 10 a.m., 2172 Rayburn. Prior to the hearing the Committee will meet regarding the Semiannual Committee Report on Legislative Review and Oversight Activities.

Subcommittee on Africa, Global Health, and Human Rights, hearing on Global Strategies to Combat the Devastating Health and Economic Impacts of Alzheimer's Disease, 2 p.m., 2200 Rayburn.

Subcommittee on the Middle East and South Asia, hearing on Preserving Progress: Transitioning Authority and Implementing the Strategic Framework in Iraq, Part 2, 2 p.m., 2172 Rayburn.

Committee on Homeland Security, Subcommittee on Cybersecurity, Infrastructure Protection and Security Technologies and the Subcommittee on Emergency Preparedness, Response and Communications, joint hearing entitled ''H.R. __, the 'WMD Prevention and Preparedness Act of 2011.' '' 10 a.m., 311 Cannon.

Committee on the Judiciary, Full Committee, markup of the following: H.R. 1741, the ''Secure Visas Act''; H.R. 966, the ''Lawsuit Abuse Reduction Act of 2011''; H.R. 1933, to amend the Immigration and Nationality Act to modify the requirements for admission of nonimmigrant nurses in health professional shortage areas; H.R. 1932, the ''Keep Our Communities Safe Act of 2011''; and the Committee Activities Report. 10 a.m., 2141 Rayburn.

Committee on Natural Resources, Subcommittee on Water and Power, hearing on the following bills: H.R. 461, the South Utah Valley Electric Conveyance Act; H.R. 795, the Small-Scale Hydropower Enhancement Act of 2011; and H.R. 2060, the Central Oregon Jobs and Water Security Act. 10 a.m., 1324 Longworth.

Subcommittee on Energy and Mineral Resources, hearing on the following bills: H.R. 2170, the Cutting Federal Red Tape to Facilitate Renewable Energy Act; H.R. 2171, the Exploring for Geothermal Energy on Federal Lands Act; H.R. 2172, the Utilizing America's Federal Lands for Wind Energy Act; and H.R. 2173, the Advancing Offshore Wind Production Act. 10 a.m., 1334 Longworth.

Committee on Oversight and Government Reform, Subcommittee on Technology, Information Policy, Intergovernmental Relations and Procurement Reform, hearing entitled ''Improving Oversight and Accountability in Federal Grant Programs.'' 10:30 a.m., 2154 Rayburn.

Committee on Small Business, Subcommittee on Contracting and Workforce, hearing entitled ''Insourcing Gone Awry: Outsourcing Small Business Jobs.'' 10 a.m., 2360 Rayburn.

Full Committee, markup of the Semiannual Report on the Activity of the Committee on Small Business, 2 p.m., 2360 Rayburn.

Committee on Transportation and Infrastructure, Subcommittee on Aviation and the Subcommittee on Coast Guard and Maritime Transportation, joint hearing entitled ''GPS Reliability: A Review of Aviation Industry Performance, Safety Issues, and Avoiding Potential New and Costly Government Burdens.'' 9 a.m., 2167 Rayburn.

Committee on Veterans' Affairs, Subcommittee on Disability Assistance and Memorial Affairs, hearing entitled ''Arlington National Cemetery: An Update from the New Administration.'' 2:30 p.m., 334 Cannon.

Committee on Ways and Means, Subcommittee on Select Revenue Measures, hearing on the importance of foreign direct investment (FDI) to the U.S. economy and how tax reform might affect foreign-headquartered businesses that invest and create jobs in the United States, 10 a.m., 1100 Longworth.

Subcommittee on Social Security, hearing on Social Security's current revenue streams, proposed changes to those structures and the impact they would have on the program, beneficiaries, workers and the economy, 1:30 p.m., B–318 Rayburn.

House Permanent Select Committee on Intelligence, Full Committee, hearing on USD(I) Quarterly Update, 10:15 a.m., HVC–304. This is a closed hearing. Prior to the hearing at 10 a.m. the Committee will meet to markup the Semiannual Committee Activity Report.

Next Meeting of the SENATE

10 a.m., Thursday, June 23

Senate Chamber

Program for Thursday: After the transaction of any morning business (not to extend beyond 11:30 a.m.), Senate will continue consideration of S. 679, Presidential Appointment Efficiency and Streamlining Act, with two roll call votes on or in relation to Vitter Amendment No. 499 and DeMint Amendment No. 510, at approximately 12 noon.

Next Meeting of the HOUSE OF REPRESENTATIVES

10 a.m., Thursday, June 23

House Chamber

Program for Thursday: Resume consideration of H.R. 1249—America Invents Act.

Extensions of Remarks, as inserted in this issue

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