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House of Representatives

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

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
February 29, 2012.

I hereby appoint the Honorable ROB WOODALL to act as Speaker pro tempore on this day.

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

MORNING-HOUR DEBATE

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

The Chair will alternate recognition between the parties, with each party limited to 1 hour and each Member other than the majority and minority leaders and the minority whip limited to 5 minutes each, but in no event shall debate continue beyond 11:50 a.m.

THE END OF AN ERA IN CONGRESS

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

Mr. DREIER. Mr. Speaker, what I'm about to announce will not come as much of a surprise. But we all know that this institution has an abysmally low approval rating, and the American people are asking for change in Congress. And so I'm announcing today that I will leave the Congress at the end of this year.

Now, I take the unusual step of announcing it from here in the well of the House because I am a proud institutionalist. I believe that this institution is as great as it has ever been. Mr. Speaker, I announce it from here because, between the Rules Committee upstairs where you serve with me, Mr. Speaker pro tem, and the House floor, this is where the people of California sent me to represent them.

Now, as we look at the challenges that lie ahead, they are very, very great. I deliberated over this decision, and I have to say that 3 years ago I contemplated leaving at the end of that Congress, but ultimately made a decision that I wanted to continue to serve through this term. I wanted to do so in hopes that we would win the majority, with a goal of pursuing the four-point platform that I had always run on, that being the pursuit of a free economy, limited government, a strong national defense, and personal freedom. Mr. Speaker, I wanted to work with not just my Republican colleagues, but my Democratic colleagues as well, working in a bipartisan way to accomplish a number of things.

First, it was absolutely essential that we do everything to end the course that we had been on that ultimately brought us an 82 percent increase in nondefense discretionary spending. I'm happy to say that we've turned the corner on that.

Second, after years of languishing, we were finally able to pass three trade agreements that will create good jobs for union and nonunion workers in this country by virtue of having passed the Panama, Colombia, and South Korea free trade agreements.

I also believe that it's very important for us to recognize, as we look at our national security, the notion of people all over the world who are seeking to determine their own futures has created a wonderful opportunity for us. The House Democracy Partnership, another strong bipartisan organization, has just now partnered with its 17th country in central Asia to help the legislative body strengthen and have the kind of independence and oversight of their executive branch that we have a tendency to take for granted here.

Fourth, Mr. Speaker, I feel very strongly—again, working in a bipartisan way—that it was essential to ensure that both Democrats and Republicans have the opportunity to have their ideas heard through their amendments on the floor of the House of Representatives.

Now, I do believe, again, Mr. Speaker, that this is the greatest deliberative body known to man. We've got a great deal of work that lies ahead throughout this year. But I'm looking forward to following the Madisonian directive—that Members of Congress, after serving here, should go out and live with the laws that have passed. I will say that, as passionate as we've been pursuing a pro-growth jobs-creating agenda, I look forward to doing that myself as I move into the private sector next year.

Mr. Speaker, I will say that I want to express my appreciation. I want to express my appreciation, Mr. Speaker, to lots of people. Of course the volunteers, family and friends, supporters, and the people who have offered prayers for our country on a regular basis. I also want to, most important, express my appreciation, Mr. Speaker, to the people of California who, back in 1978, when I was 25 years old living in a dormitory at my alma mater, Claremont McKenna College, they gave me the nomination for my party, and it's been a very, very exciting time.

I also want to say, Mr. Speaker, that I express my appreciation to the very, very dedicated public servants in my office in California and my offices here in Washington for their commitment to do the best job possible to help me represent the people of California.

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WELCOMING PUBLIC BROADCASTING COMMUNITY TO CAPITOL HILL THIS WEEK

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

Mr. BLUMENAUER. Mr. Speaker, yesterday, Senator OLYMPIA SNOWE announced that she wouldn't run for reelection—not that she couldn't win, but that she didn't want to, not in this environment. This storied representative will be a loss to the institution here. But it doesn't have to be that way, Mr. Speaker.

This week on Capitol Hill we have friends who have joined us from the public broadcasting community, representing public television stations across the country. Today, the Women's Garden Club of America are here in force.

Now, these are people that have an approach that can help us unwind the problems that we have here in Congress. Public broadcasting is America's voice, and for most of America it's the only locally owned and managed source of news and local interest. It's commercial free. It is focused on our kids, our culture, our environment.

Last year, amidst the Tea Party effort to defund public broadcasting, we had a poll that showed 78 percent of Americans wanted the funding to remain the same or be increased. Two-thirds of Republicans wanted it to be held steady or increased. Now, from this year's budget it hopefully appears that we've dodged that bullet—maybe some people have come to their senses. Americans were heard from coast to coast: Don't play games with public broadcasting.

We've got a few minor holes in the President's budget, but I hope we can come together in a bipartisan way, listen to Americans, listen to these representatives, and do it right.

With the Women's Garden Club of America, we have a group—primarily women—who are focused not just on a garden club, but a fight for civic improvement through the connection to nature and to one another. Their work in policy is broad and deep. Their position papers on supporting clean air, clean water, climate change, public lands take issues that around here get lost in a partisan theological fog and make clear why they're important, how to represent American interests, and not the narrow theological, the partisan that get us bogged down.

□ 1010

Mr. Speaker, I hope that Members will listen to groups like our public broadcasting supporters and the Garden Club about simple, commonsense approaches to support fundamental American values and get off the partisan merry-go-round. We should listen to them. We should work with them. America will be a better place, and so will Congress.

HONORING FIRST LADY PATRICIA NIXON

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

Mr. LANCE. I rise today to celebrate the centennial of the birth of First Lady Patricia Nixon. The Nixon library in southern California will present a major exhibit about Mrs. Nixon's life opening March 16, and the National Archives here in Washington will host a forum on Mrs. Nixon's work in the international arena in April.

Thelma Catherine Ryan was born on the eve of St. Patrick's Day on March 16, 1912, in Ely, Nevada, a mining town. Her father, William Ryan, called her his St. Patrick's babe in the morn, so she was called Pat within hours of her birth. The Ryans moved to southern California for a better life and settled on a small truck farm in Artesia near Los Angeles. Orphaned early, her mother, Kate Halberstadt Bender Ryan, died in 1924, and her father in 1929, the year she was graduated from high school.

A young person of tremendous courage and determination, Mrs. Nixon had her heart set on higher education and worked continually to secure the necessary funds. She drove an elderly couple to the east coast and worked as an X-ray technician in New York. Returning west, she was graduated cum laude from the University of Southern California in 1937.

While attending USC, she held part-time jobs on campus and was a department store sales clerk and a Hollywood extra, appearing in several motion pictures, including the 1935 film, ''Becky Sharp.''

Mrs. Nixon taught at Whittier High School in the late 1930s, where she met her husband, who had returned to his hometown to practice law after graduating from Duke Law School. Patricia Ryan and Richard Nixon were married in 1940 and, as was true of so many couples their age, she worked here at home while her husband served in the military in World War II as a naval officer in the Pacific.

Mrs. Nixon campaigned with her husband as he was elected to the House of Representatives in 1946 and 1948 and to the United States Senate in 1950. There's a charming photograph of the Nixons with their infant daughter, Tricia, taken at the Tidal Basin with the cherry blossoms in bloom in the spring of 1947. Julie, their younger daughter, was born the following year.

With her husband's election as Vice President on Dwight Eisenhower's ticket in 1952, Mrs. Nixon became the Second Lady of the land. The Nixons traveled extensively, including for more than 2 months in Asia and the Pacific in 1953, and to South America in 1958, where the couple demonstrated tremendous courage in Caracas while being attacked by a Communist mob, and to the Soviet Union in 1959.

Mrs. Nixon campaigned gallantly in 1960, returning to private life in California and then New York and proudly held the Nixon family Bible when Richard Nixon was inaugurated the 37th President in 1969.

During the Presidential years, the First Lady was truly our Ambassador of Goodwill, visiting South Vietnam, an active combat zone, in 1969; an earthquake-ravaged Peru in 1970; and China, in the groundbreaking trip of 1972. Mrs. Nixon was responsible for the gift from the Chinese of the two giant pandas to the American people. She traveled to more than 80 countries and five continents during her life.

As First Lady, Mrs. Nixon encouraged volunteer service, the spirit of people helping people. She added 600 paintings and antiques to the White House collection, illuminated the White House at night, and opened the White House gardens to the public.

Mrs. Nixon's service to the Nation extended over many years. Only Dolly Madison, Eleanor Roosevelt, and Hillary Clinton, among our First Ladies, have served the country as long as Patricia Nixon.

Laid to rest in 1993 on the grounds of the Nixon library at Yorba Linda, California, Mrs. Nixon's grave marker reads: ''Even when people can't speak your language, they can tell if you have love in your heart.'' Patricia Ryan Nixon had love in her heart and now, at her 100th birthday, we remember her for her devotion to family, her grace and perseverance, and her patriotism to the United States of America.

HONORING STANLEY ELLSWORTH PETERSON

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

Mr. BOSWELL. Mr. Speaker, today I stand before the 112th Congress to recognize and honor Mr. Stanley E. Peterson for his 40 years of service to the United States as an officer in the United States Navy, and as a supervisor in the Federal Bureau of Investigation, and as the chief of police in Youngstown, Ohio.

My intention is to enter into the CONGRESSIONAL RECORD the true history of this great American patriot and dismiss the lies and innuendoes told by an expelled former Member, dismissed by the 107th Congress for his conviction in Federal court of taking bribes and kickbacks.

Stanley E. Peterson was the youngest recruit to the Federal Bureau of Investigation under Director J. Edgar Hoover in 1947. Like his fellow special agents, he lived his life according to the motto of the FBI: ''Fidelity, Bravery and Integrity,'' and its core values: rigorous obedience to the Constitution of the United States; respect for the dignity of those protected; compassion; fairness; uncompromising personal integrity and institutional integrity; accountability by accepting responsibility for his actions and decisions, as well as consequences for his actions

and decisions; leadership, both personal and professional.

Stan Peterson—he was often called Stan—was an intelligent, disciplined, legendary investigator renowned for his likability and tenacity in his work. When organized crime and its surrogates attacked him, he did not compromise; instead, he protected ongoing investigations, remaining loyal to the core values of the FBI up to the day he died, December 31, 2001, in Des Moines, Iowa.

Stanley Ellsworth Peterson was born July 24, 1923, to Eben Caleb and Lutie Strandquist Peterson in Glencoe, Minnesota. His grandparents and their cousins emigrated from Sweden before the turn of the century, looking for opportunities in the United States. Like so many others, the Peterson family struggled during the Great Depression in southern Minnesota. His father, an honored combat veteran of World War I, farmed and drove a delivery truck to keep his family from receiving welfare. His mother taught him humility, honesty, faithfulness, and to always do his best, work hard, never quit, and to be charitable.

Stan was brilliant in his studies, graduated from Glencoe High School at the age of 16, and adventurous, working for a traveling circus as a bookkeeper during the summer months. He attended and received his diploma from Gustavus Adolphus College, St. Peter, Minnesota. But after the attack on Pearl Harbor, December 7, 1941, he enlisted in the U.S. Navy and was sent to Columbia University for midshipman training, earning the rank of Ensign. He served in the U.S. Navy during World War II in the Pacific aboard LST 711. By the end of the war, he was the youngest Ensign to captain LST 911.

After World War II, Stan Peterson was selected to join the FBI, and he married Kathryn Rose Thomas. His first assignment as a special agent was Richland, Washington, the home of the ''Manhattan Project'' facility. In 1947, Richland was a federally controlled atomic energy, top-secret community with restricted access. Remarkably, even their mail was postmarked ''Seattle'' to avoid identification.

□ 1020

After 1 year, he was transferred to Chicago, then Cleveland, and eventually Youngstown, Ohio, the bedlam of organized crime and famous for gangland slayings, illegal gambling, and corruption throughout the city government and the judicial system.

In 1961, the United States Attorney General, Robert Kennedy, directed J. Edgar Hoover and the Department of Justice to take action, initiating the war on organized crime. Stan Peterson became the agent in charge of the expanding regional FBI office with direct communication with the Director and the Attorney General. During his assignment, he received several letters of commendation for his crime-fighting achievements.

After an unprecedented 20 years at the same assignment, he was transferred to Memphis, Tennessee, a few years before his retirement from the FBI in 1975. A few years later, Youngstown Mayor Phillip Richley asked Stanley E. Peterson to become chief of police. This was the first time in the city's history that a chief would be appointed from outside of the department. As a matter of fact, the succeeding mayor, based upon Peterson's record, asked him to remain as chief, charging him to stamp out corruption both on city streets and within city hall.

Stan Peterson withstood police strikes, vigilantism, and personal attacks from all sides as the former G-man fought crime. As a result of Peterson's actions, the county sheriff signed a confession for taking bribes, and city workers, judges, and politicians were convicted of Federal crimes. In the midst of these events, the local newspaper did not recognize the achievements nor investigate but, rather, chose to parrot cacophony from organized crime figures and their surrogates.

After 8 years, Stanley E. Peterson retired as chief of police and eventually was asked to join an investigation with a former U.S. attorney into monopolies involving the railroads and trucking industry.

At his funeral, he was remembered for his living example as a man who prioritized his life by his dedication and relationship with God, his wife and family. He is remembered today for his integrity and service to our Nation.

In closing, I am pleased to note that Stan's son, Dr. Gregory Peterson, and his beautiful wife, Ramona, are in the gallery. I am happy that Dr. Peterson is present as we honor and enter into the RECORD the memory and history of this great American patriot, Stanley E. Peterson.

MORE REGULATION

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

Mr. WALBERG. With Michigan's unemployment rate consistently higher than the national average, I remain committed to thoroughly reviewing the implications of burdensome regulations that have the potential to overwhelm my State's and country's job creators.

A current effort by the Department of Labor is a new standard being considered by the Occupational Safety and Health Administration called the Injury and Illness Prevention Program, or I2P2. The standard will require all employers to implement safety and health programs to ''find and fix'' all hazards in their workplace, even those not otherwise regulated.

This regulation could potentially impact every employer covered by OSHA unless OSHA exempts small employers or those with less hazardous workplaces. Many employers who voluntarily issued safety and health programs have improved their workplaces' safety culture, but there are serious problems about this standard that OSHA has not addressed.

The moment this regulation gets issued, safety and health programs will go from being a good idea to a legal requirement, which means employers will have to meet OSHA's standards rather than what works best for them and their employees and what is indicated as best in best practices.

OSHA will have the authority to come in and second-guess an employer about how well they have implemented their program. Not surprisingly then, job creators see the I2P2 regulation as just another OSHA enforcement tool rather than something that will help them enhance their safety practices.

But they're not the only ones.

A recent RAND study found that California's I2P2 regulation, which has been in place since 1991, has not prevented workplace fatalities and barely made a dent in total injury prevention. Many job creators are worried that OSHA will double dip on citations, issuing one citation for a hazard and another citation because the safety and health program failed to detect and correct the hazard. Talk about double jeopardy.

Finally, another problem is whether employers will be required to find and fix ergonomics hazards. The Clinton administration issued an ergonomic regulation in 2000 that was shot down, thankfully, by Congress.

OSHA will soon hold a small business panel to ask job creators across the country their opinion and insight on I2P2. I hope the Obama administration, against its pattern, listens to the concerns of these business owners instead of imposing a costly regulation that we have proof will not improve worker safety. Imposing a new and costly safety and health program standard will only serve to increase OSHA enforcement with no visible improvement to worker safety and safe health.

As Ronald Reagan once said:

> It is not my intention to do away with government. It is, rather, to make it work for us, not over us; to stand by our side, not ride on our back.

It's my hope we remain committed to this principle and ensure that regulations ensure both productivity and job creation and true health and safety of our workforce.

LATINOS IN AMERICA

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

Mr. GUTIERREZ. As my colleagues know, Latinos are America's fastest growing population. So if you are a Presidential candidate and you want to make sure that every single Latino in America knows you strongly oppose sensible and fair immigration reform, you have to work pretty hard at it. It

takes a lot of time and determination. After all, the Latino population increased more than 40 percent between 2000 and 2010. A lot more Latinos, a lot more Latino citizens, and a lot more Latino voters.

A lot of us live in swing States. We are about 30 percent of the population in Arizona, about 25 percent in Colorado, Florida, and Nevada. Indiana alone has 350,000 Latinos. Not so many, you say; but when you remember that President Obama only won Indiana by 26,000 votes in 2008, his Latino support was the margin of victory.

The truth is we're growing everywhere. One-quarter of all of the children in America are Latino; 500,000 Latinos turn 18, and they all become eligible to vote every year. More than 50 million Latinos live in America. Most of them, 9 out of 10, are citizens of the United States.

Fifty million is a lot of people to keep track of, especially if you want to offend each and every one of them, but that is apparently what Mitt Romney is trying to accomplish.

To appeal to the most extreme elements of his party, last week he called Arizona's harsh immigration law a model for America. Well, he's partially right. Arizona's anti-immigration law is definitively a model. It's just not a model for immigration policy, but it's a model for an awful lot of other things. Let's just count them.

One, if you're a politician, Arizona's law is a model for how to achieve early retirement. State Senator Russell Pearce was an author and lead sponsor of Arizona's draconian anti-immigration law. He talked about little else. His constituents weren't pleased, though, so Senator Pearce became the first State legislator in the history of Arizona to be recalled from office. The biggest backer of Mitt Romney's immigration model is now unemployed.

Two, if you want to wreck your local economy, Arizona's law is a model for lost jobs and tax revenue. The purchasing power of Latinos in Arizona in 2009 was nearly $35 billion. That's right. One study estimated that undocumented immigrants alone paid $443 million in local taxes. Another study estimates that Arizona would lose nearly 150,000 jobs if all undocumented workers were removed from the State.

Three, Arizona's law is a model for how to energize Latino voters. In 2004, George W. Bush, when running for President, received nearly 45 percent of the Latino vote in Arizona. That's pretty good. How did anti-immigrant Jan Brewer do for Governor in 2010, 2 years later? More than 70 percent of the Latino voters voted against her. But wait. In 2011, Hispanic voter mobilization led to the election of two Latinos to the Phoenix City Council for the first time ever.

□ 1030

In Daniel Valenzuela's district, Latino voter turnout increased fivefold, 500 percent.

Four—and I'll stop at four because my time is limited—Arizona's law is a model on how to make decent people suffer.

Alabama followed the Arizona model, and a judge advised a woman facing domestic abuse that, if she sought a restraining order against her abuser husband, she would be asked to prove her immigration status and face deportation—while her husband laughed.

In both Arizona and Alabama, citizens and legal immigrants have been harassed and detained because they look suspicious or cannot immediately prove their citizenship status.

So let's review.

Mitt Romney's model for America: has an author who was kicked out of office; means lost jobs and tax revenue for everyone, not just immigrants; has mobilized Latino voters and pushed them away from the Republican Party; and has caused good, hardworking people—immigrants and nonimmigrants alike, documented and undocumented—to live in fear.

Maybe Mitt Romney and I have different ideas of what ''model'' means. Maybe he thinks Bernie Madoff is a ''model'' investment banker or adviser. I think ''model'' means something you can be proud of, something that makes America better and stronger, more just and fair, something that shows America the way to the future.

By that standard, Arizona's law is a perfect model. It shows America exactly the policy to avoid on immigration, and it shows Americans exactly the type of candidate to avoid for President of the United States.

IN HONOR OF THE LIFE AND BRAVERY OF MICHAEL COLALILLO

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

Mr. CRAVAACK. About 450 U.S. soldiers, sailors, and pilots received the Nation's highest combat award during World War II. One of these was a former soldier from West Duluth, who earned the medal during the closing days of the war.

Michael Colalillo was born on December 1, 1925, in Hibbing, Minnesota, the son of an Italian immigrant father who worked in the iron mines. Michael was one of nine children, and at 18, he was drafted into the United States Army.

On April 7, 1945, a month before the war in Europe ended, Colalillo's unit came under heavy fire in a small, rural town in Germany. Pinned on the ground, Colalillo and his fellow soldiers were in a death trap. Lying on the ground, bullets and shells flying everywhere, Colalillo decided something had to be done, and he was the guy who had to do it.

Even though he was a private and not in command, Colalillo rose up and yelled to the other soldiers to follow his lead. Inspired by his confidence, the soldiers advanced in the face of savage enemy fire. When Colalillo stood up that fateful day, he marched forward into America's military history. Mr. Colalillo surged towards the Germans, firing his submachine gun until it was knocked from his hands by shrapnel. He then ran toward an American tank to take control of the machine gun mounted above its cannon turret. Bullets clanged off the tank's armor and zipped by his body as Mr. Colalillo responded to the onslaught of German enemy fire.

''It was a rough time and I was scared,'' Mr. Colalillo said, ''but I had to do what I had to do.''

Mr. Colalillo blasted at one enemy position ''with such devastating accuracy,'' the Medal of Honor citation read, that he killed or wounded 25 German soldiers and silenced a machine gun nest. After this gun jammed, Mr. Colalillo dismounted from the tank and grabbed another submachine gun to continue his assault on foot. When ordered to withdraw, Mr. Colalillo stayed behind and carried a wounded soldier over his shoulder through open enemy terrain while artillery and mortar rounds pulverized the ground around him.

A few weeks later, he was approached by two military police officers, who escorted him to a nearby headquarters. He was informed that the tank's commander had nominated him for the Medal of Honor, which he received in December 1945 at a White House ceremony.

In an interview in 2008 with the 100th Infantry Division Association newsletter, Colalillo recalled ''the good Lord was with me'' during that battle. ''I could see our guys getting shot . . . I could see the muzzle flashes of the Germans shooting at us, and I aimed at them.''

Mr. Colalillo died on December 30 at a nursing home facility in Duluth, Minnesota. He was 86 years old. Mr. Colalillo is survived by his son, Al, of Hayward, Wisconsin, and by his daughter, Michele, of Meadowlands, Minnesota.

In Minnesota, we have a track record of military excellence. According to the Medal of Honor Society, 46 Minnesotans have received our Nation's highest award for bravery. In the Eighth District, we honor those who have served, and for Michael Colalillo, the Medal of Honor Park in Duluth bears his name. We are forever grateful for his service to our great country.

Thank you, Mr. Colalillo. You make us all proud to be Americans. May God's peace be with you.

TOO SILENT ON SUDAN

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

Mr. MCGOVERN. Mr. Speaker, once again, the world is standing by, silent and passive, while the Government of Sudan wages war on its own people.

We have been here before when hundreds of thousands of people perished in Darfur before the international community finally woke up and took action to try to protect innocent civilians from their own government's brutality. The humanitarian crisis continues in Darfur. There is no peace, and villagers, refugees, and humanitarian personnel still live and work under the constant peril of attack. President Bashir has expelled many humanitarian workers from Darfur—and even today, threatens to shut down their lifesaving operations.

Last May, we witnessed the ruthless ethnic cleansing of Abyei by the Sudanese people. More than 100,000 people of the Dinka indigenous population were forcibly displaced. They fled to South Sudan, seeking safe haven, where they remain today in very, very poor conditions. When Sudanese President Bashir saw that the world was indifferent to this brutal assault, he began military operations in June against insurgents in South Kordofan and, more generally, against the Nuba people.

And still the world stood silent.

So, in September, Khartoum launched attacks on another border region. This time, the state of Blue Nile was under siege with attacks by the Sudanese Army and the bombings of civilians. Thousands fled to the neighboring countries of Ethiopia and South Sudan for safety, joining the desperate refugees from South Kordofan.

So Sudan has undertaken a bloodbath against its own people in the states of South Kordofan and Blue Nile—house-to-house arrests and killings, rape, the merciless bombings of civilians.

For nearly 8 months, Khartoum has blocked all humanitarian aid to South Kordofan and Blue Nile. It has not only continued to bomb in those states, but it has crossed the border and has bombed refugee camps and towns inside South Sudan, where tens of thousands had hoped to find food and shelter.

Here are some photos of some people in refugee camps in South Sudan:

Saleh Kora is from the Angolo tribe in South Kordofan. The government dropped bombs on her fields when she was trying to plant. Then the government dropped six bombs on her village. This poor woman here grabbed her children and hid in a nearby ditch. After the bombings stopped, Sudanese soldiers moved into the village and burned several homes. When they began shooting people, Saleh ran and hid with her children. The soldiers didn't care if you were an unarmed civilian, a woman or a child. She fled with her children across the border in January to the Yida refugee camp in South Sudan.

This woman over here to my far right and her little girl are from the Nuba Mountains. She is married to a man who fled the nightmare of Darfur in 2005. Both were suffering from malnutrition when they arrived at the refugee camps.

The people of South Kordofan and Blue Nile are being subjected to bombings, murder, rape, scorched earth, and starvation. This should come as no surprise when Ahmed Haroun, the Sudanese official wanted by the International Criminal Court for crimes against humanity in Darfur, is now the governor of South Kordofan.

Mr. Speaker, we are fast approaching the month of March, the point at which the Famine Early Warning Systems Network, or FEWS NET, has predicted that South Kordofan and Blue Nile will reach emergency levels of food insecurity. This is just one level short of all-out famine. Yet Khartoum still denies food and medical relief to the suffering people of these regions.

Last week, the United Nations Security Council called on the Sudanese Government and the armed rebels to allow unhindered access for humanitarian aid and for both sides to return to talks and to cease hostilities.

□ 1040

President Bashir said ''no.'' The United States and the international community, including China, Russia, and others, must increase the pressure on Sudan to allow the delivery of aid to the suffering people of South Kordofan and the Blue Nile, and to reach agreement on a cease-fire. The safety and security of the Sudanese people, whether in Darfur, Abyei, South Kordofan, Blue Nile, or elsewhere, must be our first priority.

Mr. Speaker, we have been silent for too long.

[From the New York Times, Feb. 15, 2012]

IN SUDAN, SEEING ECHOES OF DARFUR

(By Nicholas D. Kristof)

YIDA, SOUTH SUDAN.—A great humanitarian catastrophe and vicious ethnic cleansing is unfolding here in the remote and impoverished region where Sudan and South Sudan come together.

For some in the Nuba Mountains, living in thatch huts far from electricity or paved roads, the sharpest acquaintance they are making with 21st-century technology is to be bombed by Sudanese aircraft.

Bombings, ground attacks and sexual violence—part of Sudan's scorched earth counterinsurgency strategy—have driven hundreds of thousands of people from their homes in South Kordofan, the Sudanese state where the Nuba Mountains are located. In some ways, the brutality here feels like an echo of what Sudan did in Darfur, only now it is Nubans who are targets.

''They said that they want to finish off the black people; they said they want to kill them all,'' recalled Elizabeth Kafi, a 22-year-old Nuban who said she was kidnapped in December by Sudanese uniformed soldiers. She and others say that the mostly Arab Sudanese soldiers scorn Nubans partly for their darker skin, partly because some are Christian, but mostly because many Nubans back an armed uprising against decades of Sudanese misrule. In 23 days of captivity, she said she saw the soldiers use guns to execute several Nuban men, including her grandfather and brother-in-law. She described watching soldiers gang rape and then cut the throat of a young Nuban woman, and also stab to death the woman's 3-year-old son.

Kafi said that she also saw 20 to 25 soldiers hold down two Nuban girls, who she guessed to be about 14 or 15 years old, and gang rape them. The girls died from the rapes and beatings, she said.

It's impossible to confirm Kafi's full story, but others verified that she had been kidnapped. And many other Nubans recount similar attacks, or describe similar racial epithets. As in Darfur, the Sudanese soldiers often call their darker-skinned victims their ''slaves.'' Ahmed Haroun, a Sudanese official wanted by the International Criminal Court for committing crimes against humanity in Darfur, is now the governor of South Kordofan, and he seems to be employing similar tactics here.

While the Sudanese government is trying to suppress an armed rebellion in the Nuba Mountains, it is civilians who bear the brunt of the suffering. In an apparent effort to starve the rebels, Sudan is blocking aid groups and food assistance from reaching the area, and the United Nations Security Council a few days ago expressed ''deep and growing alarm'' at rising hunger levels there. Some 28,000 Nubans have sneaked out and settled in a new refugee camp here in Yida, South Sudan, just south of the border with Sudan. Scores more straggle in most days, many half-starved.

''I came because I was starving,'' said Muhasin Kuwa, a 24-year-old woman who just arrived at the refugee camp. Both her parents had starved to death, along with seven small children in her small village, she said.

The Sudanese military has tried to block access routes, making escape perilous. I spoke to members from a group of 16 who had crowded into a car, paying $45 each for what they hoped would be a flight to safety in the refugee camp. But then, the day before I interviewed them, they came to a checkpoint manned by Sudanese soldiers.

''They called us over,'' said the vehicle's owner, Haroun Suleiman, 42. ''Then they shot at us with guns.''

Two male passengers, ages 41 and 25, were shot dead, he said. Two women, one with a month-old baby, are still missing. The others ran frantically into the bush and escaped, eventually making their way to the refugee camp.

The Sudanese government bombed this refugee camp in November, and, just a week ago, it bombed the nearby town of Jau, in South Sudan. Fears are growing of a new all-out war between Sudan and South Sudan, in part because of an oil dispute. South Sudan separated from the rest of the country just in July, and the two sides can't agree on the oil pipeline fees that the South should pay. The South then shut off oil production, so both countries are now facing an economic crisis. Some experts warn that the North may try to seize oil wells from the South.

Nuban children are already growing up in war. When kids surrounded me in the refugee camp, I asked them how many had lost a brother or sister in the war. About one-third raised their hands.

When the food runs out in the Nuba Mountains, perhaps in two or three months, there will be a risk of mass starvation. I saw one 4-year-old girl at a feeding center run by Samaritan's Purse, the aid group, who weighed only 22 pounds. Unless outside countries enforce humanitarian access into the Nuba Mountains, we can expect more famished children like her.

The Sudanese armed forces try to keep aid workers and journalists out, so the story of suffering has not received much international attention. I'm going to try to slip into the Nuba Mountains and report back. Stay tuned.

BELL STREET MIDDLE SCHOOL SCIENCE OLYMPIAD TEAM

The SPEAKER pro tempore. The Chair recognizes the gentleman from

South Carolina (Mr. DUNCAN) for 5 minutes.

Mr. DUNCAN of South Carolina. Mr. Speaker, I rise today to recognize an exceptional group of students, teachers, and parents of the Bell Street Middle School Science Olympiad Team, which just won its 10th consecutive Science Olympiad State Championship. Let me repeat that: 10th consecutive Science Olympiad Championship.

The Science Olympiad program is one of the premiere science competitions in the Nation, providing rigorous standards-based challenges to nearly 6,200 teams in 50 States. Science Olympiad's continuously changing event lineup exposes students to a variety of career choices and gives them an opportunity to meet participating and practicing scientists, as well as the opportunity to have life-changing mentors.

Science Olympiad was founded in 1982, and Bell Street Middle School, there in Clinton, South Carolina, began competing in that in 1986. The Science Olympiad Team at Bell Street was formed by three very inspirational teachers: Rosemary Wicker; Dr. David O'Shields, who is a close personal friend; and Michael Mack. Mr. MACK and Dr. O'Shields still work in the school district in Clinton today. Michael Mack is a member of the science faculty at Clinton High School, and Dr. David O'Shields is currently the superintendent of Lawrence County School District 56. Both continue to be active event coaches for the incredibly successful Bell Street Science Olympiad Team. Many of the Bell Street Middle School's Science Olympiad alumni have gone on to become extremely successful in the areas of science and technology.

One examples is the gentleman Dedric Carter. Dedric was a former member of the Bell Street Middle School Science Olympiad Team who went on to enroll at MIT for college. He later became MIT's assistant dean for engineering and a lecturer in the Department of Electrical Engineering and Computer Science. He is currently the senior adviser for strategic initiatives to the Director of the National Science Foundation.

Another one, Jarrett Campbell, is also an alum of Bell Street Middle School's Science Olympiad Team. After competing in the Science Olympiad teams in middle and high school, Jarrett went on to complete a doctorate degree in chemical engineering at the University of Texas at Austin. Jarrett worked for Advanced Micro Devices, where he was awarded over 25 patents in the area of semiconductor technology. Today, Jarrett works as a global energy management specialist for a U.S. company in Paris, France. When he was asked about his experience with the Science Olympiad, Dr. Campbell said this:

> Not only did the teacher, coaches, and parent volunteers pique my interest in science and math, they continually challenged me to expand my knowledge by competing in new disciplines. Looking back, I see how important the camaraderie, teamwork, and constant desire to excel, along with the examples set by these role models leading the team, was exceptional in setting the stage for my career in engineering and energy management.

I believe this statement sums up how valuable this program is to our Nation's youth.

Finally, I would like to take time to congratulate all of the coaches and the members of this year's State championship Science Olympiad Team from District 56's Bell Street Middle School. This year's team included: Mike Beasley, Stephanie Braswell, Jalen Carter, Lawrence Coleman, Terry Craig, Andrew Gann, Karl Gustafson, Dalton Langston, Beth Meadors, Zack Ray, Jonathan Shiflet, Kyle Smith, Bowen Tiller, Nathan Vondergeest, Clay Wright, Triston Moon, Daniel Moore, Luke Ragin, Jacob Wesson, Audrey Atkinson, Chris Cannon, Justin Easter, Dawson Green, Jack Harkins, Tara Hiller, Ami Meadors, Jill Meadors, Olivia Moore, Brianna Motte, Jakob Pountain, Michael Richey, Justin Shockley, Dillon Snead, and Bailey Stephens. Those are the students, but the teachers and the parents that volunteer need to be singled out as well. I don't have them by name, but let them know that we certainly appreciate their efforts.

These are the future scientists. These are the new innovators coming along. I'm excited that at middle school they're challenging these students to be the best they can.

May God continue to bless those students, teachers, and parents. May God continue to bless Bell Street Middle School, and may God continue to bless America.

ENGAGING AFGHANISTAN PEACEFULLY, NOT FORCIBLY

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

Ms. WOOLSEY. Mr. Speaker, it is February 29, a date that exists only once every 4 years, and yet this is the third February 29, the third leap day, that we've been at war in Afghanistan.

I have my granddaughter here with me. She's 8 years old. She's not lived in the United States when we were not at war.

Last week in particular, we were exposed to the grave dangers and the fundamental flaws of our Afghanistan strategy. The week started with the burning, accidentally, of several copies of the Koran by U.S. troops. That sparked days of violence and protests throughout the country. Angry Afghanis tried to storm U.N. compounds and other Western installations.

At our largest military base, thousands, including many who worked at the base, gathered to throw rocks and shout ''Death to America.'' Days later came the killing of two NATO soldiers, shot in the back of the head while working at their desks inside the Afghan interior ministry. The killer was apparently a Taliban insurgent who had infiltrated the government security forces and penetrated what is supposed to be one of the most secure buildings in Kabul.

Mr. Speaker, it is clear that police officers, the ones we are supporting and training to keep militants at bay, are losing patience with our continued military occupation of their country. One of them told The Washington Post:

> Afghans and the world's Muslims should rise against the foreigners. We have no patience left. We will attack the military foreign people.

In response to all of this, General John Allen has ordered the removal of all NATO personnel from Afghan government ministries in and around Kabul. Out in the field, some U.S. soldiers have been instructed not to engage too directly with Afghan security forces, even though the training of these forces is at the heart of our very mission in Afghanistan.

Mr. Speaker, can there be any doubt, given what has happened over the last week or so and the last 10 years, that our 10-year military occupation is losing and not winning over there? The hearts and the minds of the Afghanis have been lost to the United States.

The amazing thing is there is talk that the recent unrest might delay the withdrawal of our troops from Afghanistan. If anything, we need to accelerate that withdrawal. It's this war that has sewn the seeds of resentment and mistrust. It's this war that has increased instability and strengthened the insurgency. It's this war that is fraying the partnership and heightening the tension.

Mr. Speaker, what if we engaged Afghanistan in a different way—peacefully, rather than forcibly, not in war? What if we sent—at a fraction of the cost and pennies on the dollar, I might add—what if we sent civilian experts to help rebuild Afghanistan and invest in its people?

□ 1050

What if we focused on humanitarian aid instead of military aggression? That's the SMART Security philosophy that I've been advocating for many years now.

I'm convinced that such an approach would show the way to greater peace, greater security and prosperity in Afghanistan. We can't begin to do this soon enough. Despite everything that's happened—not just this past week but over the last decade—the Pentagon continues to tell us the Afghanistan strategy is sound and it is succeeding. Do they think we're not paying attention?

It couldn't be clearer that what we're doing isn't working. It's time for SMART Security, Mr. Speaker. It's time to bring our troops home, and the time is now.

THE GREAT RULER PAGE II

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

Mr. POE of Texas. Mr. Speaker, the country cannot afford the great ruler, his administration, and especially his policies.

He costs too much.

He spends too much.

He blames others too much.

He violates the Constitution too much.

He blames George Bush too much.

He infringes on religious liberty too much.

He ignores our border security too much.

He divides the people too much.

He refuses to assume responsibility too much.

He misleads the poor too much.

He sues States too much.

He refuses to compromise too much.

He blames the rich too much.

He subsidizes failed green energy projects too much.

He encourages people to depend on the government too much.

He vilifies capitalism too much.

He preaches government intervention too much.

He regulates too much.

He campaigns too much.

He blames businesses too much.

He blames George Bush too much.

He taxes too much.

He punishes people who pay taxes too much.

He promises ''free stuff'' to non-taxpayers too much.

He likes the word ''debt'' too much.

He regulates our lives too much.

He likes big government too much.

He blames oil companies too much.

His budget hurts veterans too much.

He likes high gasoline prices too much.

He blocks offshore drilling too much.

He stonewalls domestic energy too much.

He gambles taxpayer money on unproven energy projects too much.

He sends money to countries who hate us too much.

He despises the Keystone XL pipeline too much.

He apologizes for America too much.

He blames George Bush too much.

He cuts benefits to our veterans too much.

He blames the Tea Party too much.

He blames Congress too much.

He preaches America's best days are behind us too much.

He blames conservatives too much.

He likes the word ''czar'' too much.

He turns his back on Israel too much.

He treats our enemies better than our friends too much.

He blames our problems on Greece too much.

He blames our problems on the Europeans too much.

He ignores individual freedom too much.

He is anti-free market too much.

He cuts defense spending too much.

He infringes on personal liberty too much.

He has to have it his way too much.

He tramples on states' rights too much.

He blames Congress too much.

He blames George Bush too much.

And he really, really, really despises Texas too much.

Mr. Speaker, we no longer can afford the great ruler, his administration, and especially his policies.

And that's just the way it is.

HONORING SHERRY STINEBISER

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

Mr. THOMPSON of Pennsylvania. Mr. Speaker, today I rise to recognize Sherry Stinebiser for decades of service to the communities of northwestern Pennsylvania.

On June 25, 2011, Sherry was elected to a 1-year term as president of the ladies auxiliary to the Department of Pennsylvania Veterans of Foreign Wars, the VFW. Like every task Sherry has taken on in her long career of service, her primary goal as president has been serving others.

Joining the Ladies Auxiliary in 1996, Sherry is a life member of Cleo Bargerstock Auxiliary 1424 in Marienville, Pennsylvania, which is located within the Pennsylvania Fifth Congressional District.

Outside of the auxiliary, Sherry has worked for more than 30 years as a licensed practical nurse. She has volunteered her spare time as an emergency medical technician and serves as a board member of a group called Experience Incorporated, a local organization in Warren and Forest Counties dedicated to providing services to elderly citizens.

Albert Einstein once said: Only a life lived for others is worth living.

A model citizen who has committed her life to serving others, I believe Sherry would agree.

Thank you for your service, Sherry.

KEYSTONE UPDATE

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

Mr. OLSON. Mr. Speaker, I rise to give the American people an update on the Keystone XL pipeline.

Monday, President Obama took the first step to get out of the way and bring tar sands oil from Canada to my home, southeast Texas. It's the yellow pipeline line here on this chart.

The administration agreed to build the first segment from Cushing, Oklahoma, right here, to southeast Texas, the Port of Houston and the Port of Port Arthur. In announcing the administration's changed position, White House spokesman Jay Carney said:

Moving oil from the Midwest to the world-class, state-of-the-art refineries on the gulf coast will modernize our infrastructure, create jobs, and encourage American production.

Amen.

430 miles down, 1,223 to go. But there is no new oil with this pipeline being built. None. So, Houston, we still have a problem. And that problem is exploding prices for gasoline.

Since the day President Obama took office—and he took office on January 20, 2009—since that time, gasoline prices have doubled, from $1.84 per gallon to over $3.70 per gallon. Doubled. This hits Texas families hard. If you have a pickup truck with a 24-gallon gas tank and fill it up every 2 weeks, that's a $90 increase in gas expenses per month. There goes the $1,000 every American got by the payroll tax cut extension, something we fought for 2 months here in Congress, just thrown away.

In a speech in Miami, our President said there was ''no magic bullet'' to lower gas prices, and there's some truth to that statement. The President is limited in what he can do to lower gas prices, but there's a lot a President can do to increase gas prices. Unfortunately, President Obama's policies have put us on a path to the worst summer for gas prices in our country's history. We enter this summer with the highest gas prices in our country's history at this time of the year. They're only going to go up. And the President had a knee-jerk reaction to the Gulf of Mexico spill. He shut the gulf down for nearly a year. That's at least 10 American rigs that left the gulf for overseas, taking American energy with them, and American jobs.

□ 1100

He chose Hollywood elitists and radical environmentalists over American unions and the American people by putting the Keystone pipeline in limbo. And while a small portion of the 20,000 jobs the full pipeline would have created are going to be kept by this new decision—4,000 of them—we still have no new oil. Eighty thousand barrels a day flowing through the Keystone XL pipeline is not going to happen. We're just basically building another lane on the freeway.

The most alarming thing to me is that the Obama administration has spent 3 years watching Iran export terror and develop their own nuclear weapons to destroy Israel. Now that the House and Senate, followed by the European Union, have imposed sanctions on Iran over their nuclear ambitions, the Iranians are threatening to shut down the Strait of Hormuz.

This is a map of the Strait of Hormuz, and as a former naval aviator who deployed for 6 months to the region in 1994 and flew low-level missions through the strait, I can tell you that the Iranian threat to shut it down is real—very real. It's a narrow body of water, 30 miles wide at some points. It's worse because, as you can see, the sea lanes where the ships go through

and commerce goes through are very close to Iran. This island over here, Abu Musa, that is an Iranian military base.

There is an old saying that ''a picture is worth a thousand words.'' And this is our President as a candidate in 2008 at a gas station in Indianapolis. What's missing? Action to support low gas prices at that time.

I urge the President to listen to the American people and to fully approve the Keystone XL pipeline. Do it now, and put America back in business.

PRESIDENT OBAMA ENERGY MYTHS AND FACTS

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from North Carolina (Ms. FOXX) for 5 minutes.

Ms. FOXX. Mr. Speaker, I know I'm going to repeat some of the things that my colleague from Texas has gone over as it relates to energy in our country and the response of the Obama administration. But, Mr. Speaker, these facts bear repeating because the media has been complicit with the Obama administration in hiding the facts from the American people about the extraordinarily negative impact that the President and his administration have had on the American people as it relates to energy prices.

Let me say, again, that on his inauguration date in 2009, the average price of gasoline in this country was $1.84. The average price of gasoline today is $3.73. That is a 102 percent increase. By spring, the estimates by Barrons are that the price of gasoline will be $4.50. This is a tremendous burden on the hardworking American taxpayers. We hear the President and his people in his administration talking about how they want to be fair—fair to the middle class. Well, what's not fair to hardworking American taxpayers is the President's inability to see how the price of gasoline is hurting those hardworking American taxpayers.

A 1-cent increase in the cost of gas equals $1 billion out of our economy and is a $4 million per day cost to consumers. A 50-cent increase in gasoline equals a $70 billion yearly loss to the U.S. economy. Again, how does it affect the average family? In 2009, it cost them $173.80 more; in 2010, $281.06; in 2011, $368.09.

The Republicans have a plan to do something about this, but again, we have to explain to the American people we're only one-half of one-third of the Federal Government. We've passed five bills in the House to increase energy production from the abundant supply of natural resources we have in this country.

Mr. Speaker, we could be energy independent in this country, but the President and the people who work for him and the Senate are stopping us from being that way. We've passed legislation to ensure construction of the Keystone pipeline. Together with the Keystone pipeline and the other bills we've passed, we'd decrease our reliance on Middle Eastern oil and stabilize gas prices. They will create hundreds of thousands of good American jobs and make our Nation more secure.

But what is the Obama administration saying? And they are being helped to perpetuate these myths by the lamestream media. They claim they are not responsible for the increased prices and that there's nothing they can do. But they are trying to take credit for previous Presidents Clinton and Bush pro-energy policies. The reason oil production is up today is because of development on private and State lands. North Dakota alone produced almost 16 million barrels of oil in January 2011 compared to only a little more than 2 million in January 2012, the majority of which is on State and private lands.

The Obama administration is not opening new offshore areas for energy production. The President and the administration claim to be opening more than 75 percent of offshore lands for energy exploration. This is absolutely false.

The Obama administration has blocked energy production on Federal lands, and the Obama administration denies the potential of domestic oil production. So everywhere we turn, the President and the people who work for him are keeping us from becoming energy independent.

Let me give you some quotes from the President. January 2008:

> Under my plan of a cap-and-trade system, electricity rates would necessarily skyrocket.

We all remember that.

Energy Secretary Steven Chu, December 2008:

> Somehow we have to figure out how to boost the price of gasoline to the levels in Europe.

And another one:

> Mr. Chu has called for gradually ramping up gasoline taxes over the next 15 years to coax consumers into buying more efficient cars and living in neighborhoods closer to work.

Mr. Speaker, we Republicans have a plan. We need the Senate to act on that plan.

DOMESTIC OIL EXPLORATION

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

Mr. MURPHY of Pennsylvania. Mr. Speaker, while we are all aware of the debt this country has hanging over our heads, over $15.3 trillion, we have to also be aware of what it takes to grow our way out of this debt. Part of the way of growing us out of this debt is by having jobs. But there is also another burden hanging over our heads, and that is the cost of gasoline to American families, which adds to their own personal debt.

Bear in mind at the last inauguration in 2009, the price of gasoline was $1.83 a gallon. Now, it's approaching $4 a gallon. Think about what that means to the average family where they're spending a couple thousand dollars more per year for gasoline and no end in sight. It's expected that prices will go up to well over $4, perhaps $5, per gallon in some States in the coming months. It is a burden that families, unfortunately, have to bear when they find themselves needing to travel to and from work or to and from other important activities and they cannot avoid this, especially in areas where public transportation is weak or not available.

Now, we have put forth a plan in this House to open up some other areas for drilling for our own oil. It has been criticized by some who say it would take too long for that oil to get to market and by others who say it wouldn't have that much of a price difference on oil. I beg to differ. Four or 5 years ago when I put forth a bill, a bipartisan bill with many of my colleagues, to open up the Outer Continental Shelf for drilling, we had noted at that time the impact that would have upon our economy. It's anticipated that there's about $8 trillion worth of oil and natural gas off our coast, and that would lead, if that were invested in our infrastructure, to over 1 million new jobs per year for the next few years.

□ 1110

The Federal revenue that would come from that over the next 20 years would be about $2.5 trillion to $3.7 trillion. Even when you're talking about our national debt, those are large numbers. If we invest that in America's infrastructure, noting that for every $1 billion we invest it's about 30,000 to 35,000 jobs, that's a lot of jobs, and it takes care of our many unemployed and underemployed in this country.

Well, for those who say it will not lower gas prices, I beg to differ. Certainly, there are studies in the past that have been flawed when they look at only the impact of Alaska in terms of what that would mean. But I would like to put forth some other numbers that are important and that is, if you open up the Outer Continental Shelf also, it has a big impact.

Right now, we import perhaps 60 percent or more of our oil. Some of that comes from Canada and Mexico, our North American neighbors; but much of that oil also comes from OPEC nations. Further, OPEC has stated time and time again they would like to see gasoline and oil prices go up so much that oil is at $200 a barrel. It's critical for their economies. And when OPEC leaders get together, it also includes some countries that are not very friendly to us, such as Iran and Venezuela, and other countries which we have defended with our blood and treasure over the years, which has cost us more. But look at this, in terms of international policy, of using our own oil versus OPEC.

In 2011, our trade deficit with OPEC was $127 billion. In 2010, it was $96 billion. In 2009, it was $62 billion. And in 2008, the last time we had a big oil price jump, it was $177 billion. That means we're buying more oil from OPEC than they're buying of our own goods. But it goes beyond that. There is also the cost of blood.

In our first Iraq war in Desert Storm, one Army group in my district, the Quartermaster Unit, was hit by a scud missile, and it killed many of those soldiers. How do you put a price on that cost of war? And clearly we are battling Iraq because they also invaded Kuwait and were attempting to control more oil fields in the market. Yes, it was about dealing with Saddam Hussein; but, yes, it was also about dealing with control of oil.

Look what we're doing now with the costs—patrolling the Strait of Hormuz with our 5th and 6th Navy Fleet out there to patrol the Mediterranean and the Persian Gulf to make sure Iran doesn't cut off world oil supplies and cause more problems.

But look also at the lives cost in the Iraq war in Operation Iraqi Freedom. Sixty-three Pennsylvanians have been killed, including many from my own district, whose lives were lost defending our causes in Iraq. There are also, in Pennsylvania, 553 wounded. But overall, 4,484 have died up to 2011 in Operation Iraqi Freedom—Americans. Pennsylvania has certainly paid a high price on that; but also know between 224,000 and 258,000 civilians were killed in Iraq directly from warfare.

Now, although other countries may have paid us back in dollars for what we spent in first Desert Storm, gulf war, we are bearing the costs of Operation Iraqi freedom. And we can never, ever return to the families the lives of their loved ones, their wives and sons and daughters and mothers.

Let's remember that opening up our own oil fields in America is not just about paying the price for families and what it cost them, but also making sure we know we will never have to pay again the price of blood. That reason and that reason alone is enough to say let's be drilling for our own oil.

RECESS

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

Accordingly (at 11 o'clock and 13 minutes a.m.), the House stood in recess.

□ 1200

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. YODER) at noon.

PRAYER

Reverend Gerald Theriot, The American Legion, Schriever, Louisiana, offered the following prayer:

Most gracious and all-enabling God, awaken within our hearts and minds the ability to reason and discuss differences so that we may realize reasonable, fair, and just solutions to the issues that are before us.

Allow our legislators to meet the desires of those who support them and, at the same time, to do what is best for all in our Nation.

We know that we all must meet the obligations of the trust that is placed upon us, and we therefore come to You in faith seeking courage and strength to perform our tasks well.

Dear God, as I stand here today, I am thankful for and ask for Your continued blessing on this House as they endeavor to perform their duties.

We ask Your blessing on our Nation and the defenders of our freedoms, both civilian and military.

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.

Mr. LANCE. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER pro tempore. The question is on the Speaker's approval of the Journal.

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

Mr. LANCE. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

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

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

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

Mr. CRAWFORD led the Pledge of Allegiance as follows:

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

WELCOMING REVEREND GERALD THERIOT

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

There was no objection.

Mr. LANDRY. Mr. Speaker, I rise today to thank our guest chaplain, Mr. Gerald Theriot, for his dedicated life of public service.

Chaplain Theriot is a retired veteran of the United States Air Force, a cryptologic linguist specializing in French, Vietnamese, and Korean. Mr. Theriot rose through the ranks and retired as a first sergeant. Following his military service, Mr. Theriot served his Louisiana neighbors in the Department of Social Services.

Chaplain Theriot is a loyal member of American Legion Post 513 in Thibodaux, Louisiana, where he has served as a vice commander, historian, service officer, and chaplain. He has also served as Louisiana's department chaplain since 1997. And on September 1, 2011, Mr. Theriot was appointed the national chaplain of The American Legion.

Chaplain Theriot is the proud husband of Mrs. Ethel Theriot, father of four, and grandfather of our State's future leaders.

On behalf of Louisiana's Third Congressional District and the United States House of Representatives, I applaud Mr. Gerald Theriot for his sacrifice and service and commitment to our country.

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.

PRESIDENT FULFILLS PROMISE TO INCREASE GAS PRICES

(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, in his 2008 campaign, during an interview with the San Francisco Chronicle, the President promised energy rates ''would necessarily skyrocket'' under his policies. Since February 2009, the price of gas has jumped from $1.92 per gallon to an outrageous $3.72 per gallon. Hardworking Americans continue to watch as a substantial amount of each paycheck is diverted by rising energy costs destroying jobs.

Although the President claims to have changed his policies, his decision to terminate the Keystone pipeline project from Canada shows that he remains dedicated to his campaign promise. House Republicans are focused on helping Americans feel relief at the pump by supporting legislation that expands supply and allows for the continuation of the Keystone pipeline.

I urge the President to put party politics aside and work with House Republicans to find ways to lower energy costs, which is necessary for American families.

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

LET'S WORK TOGETHER

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

Mr. BACA. Mr. Speaker, it's been over 400 days since the Republicans took control of the House of Representatives and they still have not put forward a jobs agenda.

Instead of focusing on creating new jobs, Republicans have been working on a partisan agenda that would end Medicare as we know it, protect tax breaks for companies that send jobs overseas, and cut jobs, including 550,000 jobs that would be lost in the Republican transportation bill.

Now prices at the pump are on the rise across the Nation. American families are hurting. It's time for Republicans to stop political games and work with Democrats on all-of-the-above energy solutions that stop the speculators who are inflating oil prices, extend production tax credits to create over 37,000 new jobs in solar energy, and cut $40 billion in tax breaks for oil over the next decade. Let's work together on a responsible energy plan to lower gas prices and create new jobs at home.

Before I close, I would just like to announce that I'm having a woman's health conference next month, March 15.

LOWERING GAS PRICES AND CREATING JOBS

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

Mr. JOHNSON of Ohio. Mr. Speaker, here's the sign at a gas station at the corner of Pike Street and I–77 in Marietta, Ohio: $3.69 for a gallon of unleaded regular. It's one example of surging gas prices across southeastern Ohio.

When President Obama took office, the price for a gallon of gas was $1.86. It has now doubled, and some estimate that it will be around 5 bucks by this summer. This is just one indicator that President Obama's energy policies have failed America and are continuing to make our economy worse.

He says that he wants an all-of-the-above approach to energy, but his actions do the exact opposite. In fact, President Obama cut oil production on Federal lands by 11 percent last year and he blocked the Keystone XL pipeline.

We can't afford President Obama's destructive energy policies anymore. Not only will increased energy production lower the price at the gas pump, but it will create much-needed jobs right now. Hardworking Americans need both, not more of the same from President Obama.

□ 1210

KICKOFF OF WOMEN'S HEALTH WEDNESDAY

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

Ms. DEGETTE. Mr. Speaker, today I rise to announce the inaugural Women's Health Wednesday. Starting today and continuing for every Wednesday, Members of this distinguished body will take to the floor to talk about mammograms, about comprehensive family planning, and, yes, even about birth control.

Mr. Speaker, I would like to kick off this first Women's Health Wednesday by reminding everybody this is 2012, not the dark ages. So it amazes me that the debate we've been having lately, both in the Halls of this Congress and out in the political scene, is about birth control. Birth control.

Ninety-nine percent of women have used birth control at some point in their lives, including 98 percent of Catholic women; and 1.5 million women in this country rely on birth control for noncontraceptive purposes to treat a variety of medical conditions. The Institute of Medicine has determined, based upon science, that birth control is a fundamental part of women's preventive care. Yet here we are, debating about birth control.

Mr. Speaker, over the next coming weeks, we will have many conversations, and I'm excited to talk about women's health.

PASTOR YOUCEF

(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, this evening the House will consider H. Res. 556, condemning Iran for their persecution, imprisonment, and sentencing to death of Christian Pastor Youcef Nadarkhani. Pastor Youcef has been in prison for 2½ years now under the charges of apostasy and condemned to death by hanging. His wife, too, was arrested and condemned to life in prison, but later released.

Christians and other religious minorities are under assault in Iran today. Hundreds have been imprisoned and many have been executed on trumped-up charges. In fact, while the official charges against Pastor Youcef are apostasy and evangelism, the state media said that he has been charged with rape and extortion.

The authorities in Iran know that they are violating both their own constitution and the Universal Declaration of Human Rights in their treatment of Pastor Youcef and other minorities.

This week, the House will call on Iran to respect these agreements and to release Pastor Youcef so that he, his wife, and children may practice their religion freely and not according to the dictates of the state.

WOMEN'S HEALTH WEDNESDAY

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

Ms. CHU. Mr. Speaker, today I'm thinking about the 99 percent of American women who have used birth control. Today, I'm thinking about the 98 percent of Catholic women who have used birth control.

Birth control is a necessity for many women, and it is unfair that women have to pay 68 percent more for it in out-of-pocket costs than men because it is not covered by all health insurance plans.

It is especially unfair to the women who use birth control pills to save their lives. In fact, these pills have prevented 200,000 ovarian cancers and 100,000 deaths.

The nurses, secretaries, and janitors who work at religiously affiliated hospitals and universities should not have to pay more for their health care costs and be punished because of where they work. That's not fair. The Obama administration's policy changes this and is fair. It's about time that women get a break for all that they do to raise children in this world.

TRIBUTE TO CHRIS PARR

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

Mr. CRAWFORD. Mr. Speaker, I rise today to honor the memory of Christine Parr. Although Chris passed away earlier this month, her memory will live on with her family and friends.

For nearly 40 years, Chris was married to husband Al Parr. Together, they built a life and family in Harrisburg, Arkansas. Chris and Al have two children, Will and Angela. Chris joined Al in being active members of the Harrisburg Church of Christ where Al serves as pulpit minister.

Chris was a homemaker and a collector of souvenir spoons, bears, and Russian stacking dolls, among other things. Years ago she also operated a sewing business and day care from her home. She enjoyed anything to do with a needle and thread and over the years has made many clothes and quilts for her family and friends.

I will always remember Chris and the kindness that she showed my family and me. Chris had a passion for America. She loved people; and once she committed herself to a cause, she and Al devoted themselves completely and worked tirelessly.

My thoughts and prayers are with Chris's family. As a person of great faith, I know that Chris is now in Heaven with her Lord and Savior Jesus Christ. While her presence here on Earth will be missed, her example will be a guide for her family and friends for years to come.

God bless Chris Parr, and God bless her family.

WOMEN'S HEALTH AND CONTRACEPTIVES

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

Mrs. MCCARTHY of New York. Mr. Speaker, I rise today to speak about the importance of ensuring coverage for contraceptives and the impact this has on women's health.

For centuries, important aspects of women's health care have been treated as a political football by advocates on all sides of the issue. In politicians' efforts to score political points, women suffer because of a lack of access to coverage, a lack of reliable information about health care choices, and because many women are vilified for some of the health care choices they make.

It's time to take politics out of women's health, and it's time to ensure that women's health coverage includes full access to contraception. Birth control can have significant health care benefits for women and their families. It can significantly reduce health care costs. And it's one of the most commonly taken drugs in the United States.

We need to stop playing games with people's health and instead live up to our responsibilities to protect the right of women to make the health care choices that are right for them. I look forward to working every Wednesday to talk about women's health.

FIFTH ANNUAL INTERNATIONAL RARE DISEASE DAY

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

Mr. LANCE. Mr. Speaker, today, February 29, marks the fifth annual International Rare Disease Day, a day devoted to bringing attention to the needs of those with rare diseases.

There are nearly 7,000 rare diseases. Research opportunities remain difficult; and approved therapies are scarce, despite the fact that rare or orphan diseases afflict nearly one in 10 Americans. Bureaucratic hurdles and a lack of research incentives add to the challenges of those with rare or orphan diseases and the organizations that serve them.

As cochairman of the Rare Disease Caucus with my colleague, Congressman JOSEPH CROWLEY, I am committed to working in a bipartisan capacity with like-minded Members, policy advocates, and families across the Nation to increase awareness and education of rare diseases.

It is through greater awareness that we are able to bring hope to those who suffer from rare and orphan diseases.

GAS PRICES

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

Mrs. DAVIS of California. Mr. Speaker, I represent San Diego, California, which has the dishonor of being home to the highest gas prices in the Nation. The most expensive gas in San Diego was going for $4.75 a gallon, and that hurts my constituents.

My friends on the other side of the aisle believe the solution is simple—more production means lower prices. However, our Nation's oil production is the highest it has been in years. And yet so are gas prices. The conclusion? More drilling does not mean lower prices.

Independent analysis has pointed to Wall Street speculators as a culprit for the rise in gas prices. Mr. Speaker, we've heard this story before: Wall Streeters gaming markets to make big bucks at the expense of consumers.

Another culprit? There is nothing truly competing against gasoline. Prices will go down when there are alternative fuels and real transportation choices to compete with oil.

There are two things that Congress can do to relieve the pain at the pump: an innovative 21st-century approach to our energy problems, and we need to tame the speculative markets.

JOB CREATION

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

Mr. BUCSHON. Mr. Speaker, I rise today in support of commonsense policies that will help create jobs.

I had the pleasure of meeting with one of my constituents, Jon David of Evansville, Indiana. Jon owns a small business, David Enterprises, an asphalt contractor and concrete supplier. He would like to expand his business, but onerous regulations are preventing him from doing it.

When I sat down with Jon, he talked about how EPA rules—such as emissions controls, dust regulations, the permitting process for oil refining, and wetlands designations on his property—these regulations, he tells me, are keeping him from selling his product and services that would allow him to expand his business and hire more employees. Instead, he spends his time dealing with regulations that increase his costs and prevent him from expanding.

The EPA under this administration should take note of how rules and regulations are hurting job creation. This is unacceptable. The House has passed bills to help out Jon and others like him, but the Senate has ignored them. There are 27 bills, at least, that we've passed here that we've sent to the Senate that would help Jon so he could quit spending his days fighting regulations so his business can survive.

HONORING REACH OUT AND READ RHODE ISLAND

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

Mr. CICILLINE. Mr. Speaker, I rise today to honor Reach Out and Read Rhode Island, a program that works with doctors to encourage young patients and their families to read.

In honor of the upcoming Read Across America Day, I wish to recognize the contributions this program makes in my home State, where it reaches 35,000 infant-to-preschool-aged children each year in 44 locations. Reach Out and Read Rhode Island provides free books through pediatricians' offices for children between the ages of 6 months and 5 years old, creating a small library for children and emphasizing the importance of reading.

Reach Out and Read Rhode Island helps to distribute 60,000 books each year to young children and their families, working to build a foundation for when a child enters school. Reach Out and Read Rhode Island should take great pride in the contributions it makes to our young children. I congratulate Reach Out and Read Rhode Island on its success.

□ 1220

EXPAND DOMESTIC ENERGY PRODUCTION TO REDUCE GAS PRICES

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

Mr. HULTGREN. Mr. Speaker, last week, I heard from my constituents about the impact rising gas prices are having on their families and on their small businesses.

Congress must act to protect our constituents from even higher gas prices by expanding our Nation's domestic energy production. The solution is pretty simple—let's expand American energy production. This will reduce the cost of gas, putting money back in the wallets of every American, and it will create the kind of good-paying jobs that so many people need and would help get our economy moving again.

The House has already passed four bills to expand domestic energy production. It's time for the Senate to pass those bills and send them to President Obama so that he can show us whether his commitment to an all-of-the-above energy policy is mere rhetoric.

Creating jobs, saving our constituents money, and helping our economy should be bipartisan goals, and we can achieve them by expanding American energy production.

ASSAD'S ATROCITIES

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

Ms. KAPTUR. Mr. Speaker, first, I join with my female colleagues in supporting full health coverage for every single woman in our Nation.

I also rise to condemn the actions of Syria's Assad government, which are

truly appalling. America and this House should not be sitting silent as thousands of Syrian civilians are slaughtered by their government. Assad is not a man of peace, as some in this body have asserted. He is an international war criminal. His bloodstained hands should be shunned the world over.

The United Nations now believes that over 100 civilians are being murdered daily, including women and children. Estimates vary as to how many civilians have been killed since Assad's regime launched its brutal crackdown down on peaceful demonstrators in Syria in the spring of last year. CNN is reporting as many as 9,000 people have been killed in the last year, yet the leadership of this House remains silent. The Senate passed a resolution in mid-February. Why haven't we?

I and my colleague, Congressman KEITH ELLISON, have introduced a resolution identical to the bill the Senate just passed on a bipartisan basis. And I urge my colleagues to speak out against the unspeakable violations that take place every moment.

Doing right is long overdue. Let's stop the horrors and mobilize the world to stop the killing.

CABOT GUNS AND PENN UNITED TECHNOLOGIES

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

Mr. KELLY. Mr. Speaker, I recently had the pleasure of visiting with an outstanding new company in western Pennsylvania called Cabot Guns, a company whose belief in American exceptionalism and dedication to uncompromising quality have resulted in a new standard of precision-made handguns. In fact, Cabot Guns are already being described as the finest pistols in the world by the Blue Book of Guns. Cabot Guns embodies the best of what this great Nation's finest machinists, engineers, and master craftsmen have to offer, and is proof of the enduring prowess of the American dream.

These highly prized firearms provide a new industry for my district and are made in collaboration with Penn United Technologies, a pioneering manufacturer of precision components for the defense, aerospace, medical, energy, and nuclear industries that was founded 40 years ago by the great innovator and patriot, Carl Jones, a man whose legacy lives on through Cabot Guns and Penn United's strong belief in family, God, and country and a firm commitment to our Second Amendment.

CONTRACEPTIVE COVERAGE

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

Ms. BONAMICI. Mr. Speaker, contraceptive coverage is an issue of women's health, access to health care, and affordability that affects our entire health care system. As we deliberate this important issue, it's imperative that we consider all of the benefits of access to contraceptives, starting with the prevention of unplanned pregnancies.

One thing about which we should all agree is that we need to reduce the number of abortions. Now, access to contraceptives plays a critical role in that goal, but the benefits don't stop there. Contraceptives are often prescribed for certain medical conditions that, untreated, could keep women from work, lead to more serious health problems, or otherwise impact the quality of their lives. These negative consequences are easy to prevent with access to preventive health care, which can help with unnecessary costs, both intangible and tangible.

Unfortunately, too many women across the country suffer every day because they don't have access to health care that includes contraceptives. This is an issue of access, of affordability, and of the rights of women to receive quality health care. I urge my colleagues to make that their focus.

ENERGY SECURITY

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

Mr. STUTZMAN. Mr. Speaker, Hoosiers across northeast Indiana paid $3.85 for a gallon of gasoline this morning. Gas prices are skyrocketing, and people in my district are looking for long-term solutions.

Unfortunately, for the past 3 years, President Obama has rejected serious efforts to promote American energy security. By failing to put forward a responsible energy policy, this administration is making things worse at the pump.

In 2008, Energy Secretary Steven Chu said, ''Somehow we have to figure out how to boost the price of gasoline to the levels in Europe.''

Well, if something doesn't change, Hoosiers could see those prices soon.

In January, President Obama rejected the bipartisan Keystone XL pipeline and blocked the flow of over 800,000 barrels of oil each day. The President's decision does nothing to lower prices or protect us from uncertainty in the Middle East. It's a serious blow to Hoosier families already struggling in the real economy.

Hoosiers deserve a true all-of-the-above approach. The House has already passed five energy bills that are being held up in the Senate. It's time to promote real energy security.

WOMEN'S HISTORY MONTH

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

Mr. CARNAHAN. Mr. Speaker, today I rise to honor the start of Women's History Month, which starts tomorrow. This month gives us all the opportunity to recognize the important and glass ceiling-shattering work women across our country and around the world have done and continue to do. Despite the tremendous progress that has been made over the past century towards gender equality, more still needs to be done.

Over the last 14 months, we've seen the rights of women come under attack again and again in this body. Though I firmly believe in encouraging healthy debate, the attacks that we have seen are an affront to the rights and health of women around this country. That's why I was so heartened by the recent compromise on contraceptive care. While I have deep respect for the religious and moral beliefs of all Americans, I am pleased with this compromise because these guidelines increase access to contraceptive services for women while respecting religious liberty. It protects the beliefs and health of all American women and families.

In the spirit of Women's History Month, I ask that we put an end to this partisan bickering and focus on achieving better women's health.

STOP DEFICIT SPENDING

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

Mr. CHAFFETZ. For 4 consecutive years, President Obama has introduced a budget with a $1 trillion deficit—4 years in a row. This has never happened in our Nation's history.

Well, how much is $1 trillion? If you spent $1 million a day every day, it would take you almost 3,000 years to get to $1 trillion. No longer can we do this. We're paying more than $733 million a day in interest on our national debt. We deficit spend something like $4 billion a day.

Ladies and gentlemen, we cannot sustain the spending that we have. Our Nation is going bankrupt. It is imperative that this Congress get a grip on its fiscal future and put forward a budget that is responsible and over the course of time will actually balance our books and pay off the national debt.

□ 1230

ATTACKS ON WOMEN'S HEALTH

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

Mrs. CAPPS. Mr. Speaker, I rise today in opposition to the extensive attacks made on women's health in recent weeks.

We have seen an almost unprecedented number of attacks on women's access to health care, reproductive options, and even prenatal care. From a

hearing on women's health that included a panel with no women witnesses, to public statements diminishing the importance of women's access to a full range of preventive health services, to accusations that prenatal testing is in some way a pathway to abortions, it has been open season on women's health. This is not acceptable.

We need to trust women to know what is best for their families and for themselves, and those of us in Congress should always have their best interests in mind. Women do not deserve to have their health used as a political football.

WOMEN'S HEALTH CARE

(Ms. LINDA T. SÁNCHEZ of California asked and was given permission to address the House for 1 minute.)

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, former New York Governor Mario Cuomo, a man who saw the duality in being a legislator and a man of faith, once noted that ''all religiously based values don't have an a priori place in our public morality.'' I think my colleagues have forgotten that message in recent days when it comes to women's health, ignoring the important impacts that access to contraceptives can mean for women.

Contrary to what some of my colleagues may believe, contraception is not a cheap, easily accessible solution for all women. An objective, nonpartisan panel developed recommendations for contraceptive coverage paid for by religiously affiliated employers. The Obama administration adopted new regulations based on these recommendations.

These regulations were not designed to jeopardize anyone's religious freedom. These regulations were designed to protect the health needs of women, period. We should be doing everything possible to support women's health, not attacking women for demanding better health care.

ACCESS TO CONTRACEPTION

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

Ms. DELAURO. Mr. Speaker, 25 years ago I was diagnosed with ovarian cancer. I was lucky, had excellent doctors who detected the cancer by chance in Stage 1. I am alive today by the grace of God and biomedical research. Many women today are not so lucky.

Ten women in the U.S. are diagnosed with a gynecological cancer every hour, and yet we know that using contraception for a year reduces the risk of ovarian cancer by 10 to 12 percent, using it for 5 years reduces that risk by roughly 50 percent. Twenty-six thousand women will die from these terrible cancers each and every year. This is just one of the ways that access to contraception is beneficial to women's health.

Improved access to birth control is directly linked to declines in maternal and infant mortality and helps to reduce unintended pregnancies. It significantly reduces a woman's risk of endometrial cancer. That is why, after an impartial and comprehensive review of the scientific data, the Institute of Medicine made the decision to include contraception among covered preventive services under the Affordable Care Act because contraception is very much part of women's health. It can help prevent ovarian cancer. It can save women's lives.

SAN JOAQUIN RIVER RELIABILITY ACT

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

Ms. SPEIER. Mr. Speaker, I rise today in strong opposition to H.R. 1837, the so-called San Joaquin River Reliability Act. This bill should be called the San Joaquin River Runs Dry Act. It will literally divert water from fishing and farming communities in California and send it right into the open arms of agribusiness.

The author and backers of this bill don't want a sustainable water policy for California. Instead, they want to overturn a century of California law that protects healthy waterways for fish, crops, and drinking supplies.

This bill should be called the GRAB Act, Give Rights to Agribusiness. It represents an unprecedented intrusion on States' water rights by the Federal Government. This goes beyond California and would affect water policy across the Western States.

Taking water away from farmers and fishermen struggling to make ends meet is bad for our economy and bad for our country. I urge my colleagues to protect States' rights, to support farming and fishing families, and vote against this extreme overreach of a bill.

ACCESS TO WOMEN'S HEALTH SAVES LIVES

(Ms. JACKSON LEE of Texas asked and was given permission to address the House for 1 minute.)

Ms. JACKSON LEE of Texas. Yesterday, Mr. Speaker, I had the privilege of meeting with leaders who treat women as OB/GYNs from Baylor College of Medicine and from St. Joseph Hospital in Houston, Texas. They acknowledged the importance of access to women's health care.

In a hearing in Judiciary, a very renowned doctor, an OB/GYN, indicated that thousands of women are impacted with respect to cervical cancer by having access to contraceptives and to be able to be treated properly.

Let me be very clear: Now, with the established compromise, no religious institution will have to pay any money. One of the witnesses who happened to be a bishop said, That's fine; I'm not interfering with what some woman does elsewise.

So why do we have this crisis? We have a settlement to resolve—the protection of religious liberty and the protection of women's rights.

May I quickly indicate that just recently I introduced H.R. 83 that has to do with preventing bullying. And with the tragic incidences of the last 48 hours—now three young people dead—it's time again for this House to move again on a bill that deals with best practices to help our schools understand how to help our children.

I look forward to this legislation moving forward. I also look forward to acknowledging that access to women's health saves lives. Let's save lives.

MAKING IN ORDER CONSIDERATION OF HOUSE RESOLUTION 562, DIRECTING OFFICE OF HISTORIAN TO COMPILE ORAL HISTORIES FROM MEMBERS INVOLVED IN ALABAMA CIVIL RIGHTS MARCHES

Mr. BISHOP of Utah. Mr. Speaker, I ask unanimous consent that it shall be in order at any time through the legislative day of March 1, 2012, to consider in the House House Resolution 562; the resolution be considered as read; and the previous question be considered as ordered on the resolution and preamble to adoption without intervening motion or demand for division of the question except 1 hour of debate equally divided and controlled by the majority leader and the minority leader or their respective designees.

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

There was no objection.

PROVIDING FOR CONSIDERATION OF H.R. 1837, SACRAMENTO-SAN JOAQUIN VALLEY WATER RELIABILITY ACT

Mr. BISHOP of Utah. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 566 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 566

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. 1837) to address certain water-related concerns on the San Joaquin River, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be 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 Natural Resources. After general debate the bill shall be considered for amendment under the five-minute rule. In lieu of the amendment in the nature of a substitute recommended by the Committee on Natural Resources now printed in the bill, it shall be in order to consider

as an original bill for the purpose of amendment under the five-minute rule an amendment in the nature of a substitute consisting of the text of Rules Committee Print 112–15. That amendment in the nature of a substitute shall be considered as read. All points of order against that amendment in the nature of a substitute are waived. No amendment to that amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, 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 amendment in the nature of a substitute made in order as original text. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Utah is recognized for 1 hour.

Mr. BISHOP of Utah. Mr. Speaker, for 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.

This resolution provides a structured rule for the consideration of H.R. 1837. It's entitled the Sacramento-San Joaquin Valley Water Reliability Act and provides for 1 hour of general debate, equally divided and controlled by the chairman and the ranking member of the Committee on Natural Resources.

This is a bipartisan bill that came from our committee on a bipartisan vote.

□ 1240

In like manner, the Rules Committee has decided to make this a bipartisan amendment process because we made in order all amendments filed at the Rules Committee which were germane, which complied with the House rules. I think this is very fair, and it's a generous rule to talk about a bill that has support on both sides of the aisle.

With that, I reserve the balance of my time.

Mr. POLIS. Mr. Speaker, I thank the gentleman for yielding me the 30 minutes, and I yield myself such time as I may consume.

I'd like to begin by acknowledging the service of DAVID TIMOTHY DREIER to this House of Representatives and to this country. There will be many more opportunities prior to his departure to acknowledge his work for his country, but our chairman today announced that he will be retiring at the end of this session. Chairman DREIER said:

> We all know that this institution has an abysmally low approval rating, and the American people are asking for a change in Congress. So I am announcing today that I will leave Congress at the end of the year.

I would like to reassure my chairman that the change the American people, my constituents, and our country had in mind was not, in fact, his retirement. That will be a tremendous loss to this body.

DAVID DREIER is a proud institutionalist, somebody who has capably served the country, has been a friend and mentor to me, first as ranking member and now chair of the powerful Rules Committee, and somebody that I've had the opportunity and the privilege to work with on a number of bipartisan issues around trade and U.S.-Mexico relations.

His retirement will constitute the loss of not only a wealth of knowledge but of a tireless and dedicated and honorable public servant, and I hope that he continues to find opportunities to serve the public, as he truly has much more to give and is too young to call it quits. I hope that, at the end of this session, his retirement from this body will be a new beginning for our chair.

I rise today with great concern over this bill's impact on my home State and its number one resource and scarcest resource in issue, water. You know, we have an old saying in the West that ''whiskey is for drinking and water is for fighting.''

I think, Mr. Speaker, we're going to see some of that fighting here on the floor of the House tonight, and I would argue that this isn't the appropriate venue to settle inter-California disputes that have long been settled through case law and settlements.

Water fights are long, expensive, tiring, but, you know, they've led to an established and workable framework within which States and localities have operated for years.

Mr. Speaker, this bill is not just about California. This bill has far-reaching implications for nearly 17 other States, including my own State of Colorado. This bill would override the century-long legacy whereby the Bureau of Reclamation respects each State's legal ability to control, appropriate, use, and distribute irrigation water. Because of this, more than several dozens letters from stakeholders in opposition to this legislation, including the nonpartisan Western States Water Council and the States of Colorado, Wyoming, and Oregon, have all been received by the Natural Resources Committee.

Mr. Speaker, I submit for the RECORD a letter in opposition from my home State of Colorado.

COLORADO DEPARTMENT
OF NATURAL RESOURCES,
Denver, CO, August 19, 2011.

Hon. TOM MCCLINTOCK, *Chairman,*
Subcommittee on Water and Power, House Committee on Natural Resources, Longworth House Office Building, Washington, DC.

Hon. GRACE NAPOLITANO, *Ranking Member,*
Subcommittee on Water and Power, House Committee on Natural Resources, Longworth House Office Building, Washington, DC.

DEAR CHAIRMAN AND RANKING MINORITY MEMBER, COMMITTEE ON NATURAL RESOURCES: The State of Colorado would like to join with the Western States Water Council (WSWC) in an expression of unified opposition to House Resolution 1837, the ''San Joaquin Water Reliability Act''. The State concurs that this Act is an ''unwarranted intrusion on the rights of the states to allocate and administer rights to the use of state water resources.'' Furthermore, in light of the current atmosphere of cooperation and amiability between the Western states and Federal agencies, this Act could detract from the hard work and efforts that have gone into the evolution of Western water law and policy.

The development of water law in the arid West has been a long incremental process, involving ratification of treaties, negotiation of interstate compacts, and litigation before the United States Supreme Court. To allow this Act to proceed would have the effect of throwing a proverbial ''monkey wrench in the machinery'', especially in regards to current projects, such as the Bay Delta Conservation Plan, a bipartisan deal reached by the California Legislature.

The testimony on June 2 of John Laird, Secretary for the Natural Resources Agency of California, reminded the Subcommittee of Justice Rehnquist's opinion in the 1978 case California v. United States: ''The history of the relationship between the Federal Government and the States in the reclamation of the arid lands of the Western States is both long and involved, but through it runs the consistent thread of purposeful and continued deference to state water law by Congress.''

For these reasons, and the reasons stated in the Western States Water Council correspondence and resolution passed on July 29, 2011, the State of Colorado opposes the passage of House Resolution 1837.

Regards,

MIKE KING,
Executive Director,
Colorado Department of Natural Resources.

In this letter that I submitted to the RECORD from my home State of Colorado, our Natural Resources Department wrote:

> The development of water law in the arid West has been a long incremental process, involving ratification of treaties, negotiation of interstate compacts, and litigation before the United States Supreme Court. To allow this Act to proceed would have the effect of throwing a proverbial ''monkey wrench in the machinery.''

And so today, under this rule, this House will be considering, with one broad, sweeping stroke of the Federal legislative brush, numerous unintended consequences that will undo the existing framework, wiping away decades of settled water law, wiping away relative certainty, to the detriment of our Western States and to the sole benefit of attorneys.

Mr. Speaker, I know that many of us in this body are concerned about frivolous lawsuits and States rights. Anybody who shares my concerns about

States rights and frivolous lawsuits should join me in opposing this bill. This legislation will open up a century of water law to new litigation across the West. If you ask me, that's the definition of needlessly frivolous lawsuits.

This bill imposes Federal law over bipartisan local agreements, in this case those reached by the California legislature on the Bay-Delta, all while imposing unintended consequences and burdens on other States. This bill simply isn't true to our values of local control.

Unfortunately, Mr. Speaker, the committee has refused to address many issues with this bill and how it will impact the West. Now, that's not because the committee was unaware of the problems. In fact, the testimony on June 2 of John Laird, the Secretary for the Natural Resources Agency of California, reminded the subcommittee of Justice Rehnquist's opinion in the 1978 case, California v. United States, where Justice Rehnquist wrote:

> The history of the relationship between the Federal Government and the States in the reclamation of the arid lands of the Western States is both long and involved, but through it runs the consistent thread of purposeful and continued deference to State water law by Congress.

Mr. Speaker, this bill does the exact opposite. The Western States Water Council wrote to express their strong opposition to H.R. 1837 as an ''unwarranted intrusion on the rights of States to allocate and administer rights to the use of State water resources.''

Mr. Speaker, this bill would set a dangerous precedent of preempting State water rights, leaving other States vulnerable to this kind of Federal infringement, effectively letting Representatives from New York, from Michigan, from Florida and from Texas vote on California water. And I know as the Representative from Colorado, I wouldn't want the shoe to be on the other foot and having Representatives from across the country deciding what we do with our water.

Finally, this bill would erode any efforts in the multistate work to recover listed salmon species along the West Coast, with immense impact to local economies and fisheries. It would preempt California State law, which is why the California Natural Resources Secretary has written in opposition to this bill, and why the California Attorney General is also opposed.

I encourage my colleagues to join me in a ''no'' vote on the rule and the underlying legislation.

I reserve the balance of my time.

Mr. NUNES. Mr. Speaker, will the gentleman yield for a colloquy, please?

The SPEAKER pro tempore. The gentleman from Colorado controls the time.

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

Mr. BISHOP of Utah. Mr. Speaker, at this time, I yield 5 minutes to the gentleman from California (Mr. NUNES), who is the sponsor of this bipartisan piece of legislation, to talk about his particular underlying bill.

Mr. NUNES. Mr. Speaker, I was asking my good friend from Colorado to enter into a colloquy with me, and that's okay. But I do want to say that the gentleman from Colorado and myself work in a bipartisan manner. We're both cochairs of the Mexico-U.S. Caucus. We've worked hard on that, and I would hope that the gentleman from Colorado would listen to the debate today because I think after we listen to the debate—I understand some of the concerns that he raises.

But as Mr. BISHOP pointed out, the Rules Committee was very gracious to allow all the amendments on the Democrat side and the Republican side to be offered and accepted to be debated here on the floor. So I would just urge my colleague, with whom we work together on numerous other issues in this Congress, that we find today a way to come together in a bipartisan manner. Hopefully, the gentleman from Colorado will listen to all the facts as they're presented.

Mr. Speaker, after decades of California water being controlled by the Federal Government, Congress can conclude one thing: flushing water into the San Francisco Bay is not helping to recover species, and people are suffering needlessly.

We're going to hear a lot from opponents about this bill, about science. I want to start right off the bat and make one thing clear: we're supporting sound science with H.R. 1837, and we are rejecting junk science that has long been foisted on the people of California, junk science the Federal court has labeled the unlawful work of zealots.

It is important for me to impress upon the House, the opponents of H.R. 1837 do not possess scientific high ground, as they are all but certain to allege. Their experts, and the activists masquerading as experts who support them, have been biased from the beginning and have molded their work to produce the findings that best suit their radical agenda.

□ 1250

We can say this with certainty that this agenda has not improved the fish populations. If that were true, we would not be here today.

Mr. Speaker, the U.S. District Court has thrown out the biological decisions used to justify the horrible regulations that cut off water supplies to families throughout California. The court's decision was a shocking indictment of the kind of government operating in America today when it comes to our environmental laws. The U.S. District Court judge said, I've never seen anything like it. He went on to say that government scientists acted like zealots and had attempted to mislead and to deceive the court into accepting junk science.

These are powerful statements by the Federal court and should give anyone who believes in due process, open government, and justice a cause for concern.

But the band has marched on without missing a beat; and instead of disciplining these scientists, the Fish and Wildlife Service actually gave them an award for outstanding service under pressure.

The arrogant disregard for public trust didn't stop there. Just yesterday, the President issued a veto threat, essentially doubling down on the dishonest smear campaign accusing House Republicans, and I believe many Democrats, of doing just the sort of thing that his administration has been found guilty of by a Federal court.

Mr. Speaker, we are not ignoring the latest science in favor of special interests. We are not the people who are sending zealots into the Federal court to lie in the defense of junk science. We are not the people rigging regulations to favor a small minority of special interest groups.

The agenda of junk science governing the bay delta is indefensible. Just as the Federal court had said, it's dishonest.

Congress needs to ask itself, who are these people that come up with these things? Who are they?

I think the Congress will be interested to find out that one of the leaders just weeks ago, a guy by the name of Dr. Peter Gleick, he spent his career trying to dry up farmland in rural communities throughout California; and, in fact, he's even testified before Congress to this. But Dr. Gleick is an activist. He's an activist who poses as a scientist.

Just a few weeks ago, he admitted to impersonating another person and stealing information from a nonprofit. He then mingled that stolen information with a fake memo in an effort to discredit his intellectual critics. Radicals like Dr. Gleick lie; they make it their mission to destroy scientists who do not agree with their twisted, antihuman views.

Meanwhile, they are used by some in this House as an excuse to take people's water away, to take their private property rights away, to dry up farm land and, worst of all, to justify human suffering.

Mr. Speaker, people in our Nation's bread basket are standing in food lines, and they're getting carrots that have been imported from China.

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

Mr. BISHOP of Utah. I yield the gentleman an additional 30 seconds.

Mr. NUNES. Mr. Speaker, their sacrifices have done nothing to improve the environment. Fish populations have declined, and I think what we will prove today here in the Congress is that there is a better path forward, and H.R. 1837 provides that path forward.

So I would urge not only my Republican colleagues but also my Democrat colleagues to listen to the evidence, and I would urge them to vote for this rule so we can move on to the debate so we can finally restore sanity to California's water system.

Mr. POLIS. Mr. Speaker, it's my honor to yield 3 minutes to the gentlewoman from California, a former member of the Rules Committee, Ms. MATSUI.

Ms. MATSUI. I thank the gentleman for yielding me time.

Mr. Speaker, I rise in strong opposition to this rule and to this bill. The issue of water in California has been debated for many decades because it is such a critical issue for our States. As a daughter of a California Central Valley farmer, I grew up on a farm; and I deeply understand the value of and the controversy over water.

Being able to plan the next growing season is critical for farmers. Unless they can count on the water being provided, there is no assurance for their crops. Now, in northern California, we have balanced our watershed. We have provided water for our farms, our cities, and our sensitive habitats in a way that we can have sustainability. But this legislation throws out the ability of the people of California to decide their own water future.

Mr. Speaker, any real solution to California's water issues will need to be crafted with consensus within California, not in a partisan manner on the House floor the way H.R. 1837 has been written.

This legislation purports to have the support of northern California, but I'm here to tell you that nothing could be further from the truth. My district, the Sacramento region as a whole, the five delta counties, are among countless others who oppose this bill, and the list continues to grow.

Some of the strong concerns include the loss of the State's right to manage its own water, the decimation of environmental protections for our Sacramento-San Joaquin Delta, the ability to manage the Folsom Dam reservoir for the benefit of the lower American River, and, most importantly, the overall instability that this bill would create in California. The idea of usurping the rights of States to control their own water is incredibly damaging, not only to the Sacramento area but to California and even to our country.

For those of our colleagues who represent areas outside of California and plan to support the bill because they may not impact your State, I have news for you. This is not just about California. H.R. 1837 will set a precedent that will create a domino effect so that it could happen next in Utah, Colorado, Nevada, Texas, and so forth. We don't need Federal legislation that only creates more problems for an already intractable problem. We cannot afford to give up California's right to control its own water future. The stakes are just too high.

I urge my colleagues to strongly reject this legislation.

Mr. BISHOP of Utah. Mr. Speaker, I had the honor of attending a public hearing in California with the gentleman to my right from California. It was an honor to listen to these people, and I'm pleased to yield 5 minutes to the chairman of the subcommittee that worked through this bipartisan bill, Mr. MCCLINTOCK.

Mr. MCCLINTOCK. I thank the gentleman for yielding.

Mr. Speaker, in 2009 and again in 2010, hundreds of billions of gallons of contracted water were expropriated from California farms and instead dumped into the Pacific Ocean in the name of the delta smelt.

This tragic policy fallowed hundreds of thousands of acres of some of the most fertile and productive farmland in America. It threw thousands of hardworking families into unemployment. It devastated communities throughout the region, and it created the spectacle of unemployed farm workers standing in food lines to receive carrots imported from China in a region that, just a short time before, had produced much of American-grown fruits and vegetables; and it contributed to rising grocery prices that families felt far beyond the congressionally created dust bowl of California's Central Valley.

In the last Congress, the then-minority Republicans begged and pleaded for hearings to address this catastrophe. The majority turned a deaf ear.

Last year, we returned as the new House majority to take testimony on what could be done to correct this disaster. The result of those hearings is the bill by Mr. NUNES that this rule brings to the floor.

This bill restores the water allocations established under the historic Bay-Delta Accord in 1994. When that agreement, commanding broad bipartisan support, was signed, Interior Secretary Bruce Babbitt assured all parties:

> A deal is a deal. And if it turns out that there is a need for additional water, it will come at the expense of the Federal Government.

The water diversions shattered that promise. This bill redeems it.

The Federal Central Valley Project is part of a coordinated operating agreement with the State Water Project at California's request and consent. The two are inseparable. In order to protect the water rights of every Californian, this bill brings the full force of Federal law to protect those rights so that there is no ambiguity. This protection has earned this provision the support of the Northern California Water Association, representing the water districts that serve the farms and communities and families throughout the areas of origin in California.

My opponents just said this preempts State water rights. It doesn't preempt State water rights. It specifically invokes and protects State water rights against infringement by any bureaucracy—local, State, or Federal—a legitimate constitutional function of the Federal Government established under the 14th Amendment and made essential by the terms of the State-approved joint operating agreement of these intertwined water systems.

□ 1300

The bill also restores common sense and practicality to protections for endangered native species like salmon and the delta smelt. One of the greatest threats to these endangered native species is nonnative invasive predators like the striped bass. Indeed, it is common to find striped bass in the Sacramento Delta gorged with endangered salmon smolts and delta smelt. This bill allows open season on these predators, and it encourages the use of fish hatcheries to assure the perpetuation of thriving native populations of salmon and smelt.

It replaces the cost-prohibitive provisions of the San Joaquin River Settlement Act, which contemplates spending an estimated $1 billion to achieve the stated goal of establishing a population of 500 salmon below the Friant Dam. That comes to $2 million per individual fish. This bill replaces the absurd mandate of a year-round cold water fishery on the hot valley floor with a warm water fishery that actually acts in concert with the habitat. It removes disincentives in current law that discourage groundwater banking in wet years. It allows for the recycling of environmental flows by communities once they've achieved their environmental purpose.

Mr. Speaker, the movement for stronger environmental protections began over legitimate concerns to protect our vital natural resources; but like many movements, as it succeeded in its legitimate ends, it also attracted a self-interested constituency that has driven far past the borders of common sense and into the realms of political extremism and outright plunder.

This bill replaces the cost-prohibitive and unachievable dictates that caused so much human suffering in California with workable, affordable, and realistic measures based on real science and not on what one Federal judge rightly called the ''ideological zealotry'' of rogue bureaucrats.

This debate will determine if we are about to enter a new era when common sense can be restored to our public policy and when a sensible balance can be restored between environmental and human needs. I welcome that debate, and I ask for the adoption of the rule to bring it forth.

Mr. POLIS. It is my honor to yield 2 minutes to the gentleman from New Jersey (Mr. ANDREWS).

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

Mr. ANDREWS. I thank my friend for yielding.

174 days ago, the President of the United States came to this floor and made a series of proposals to help small businesses and big businesses create jobs for the American people.

Only one element of that jobs plan has been dealt with, belatedly, which is the extension of the middle class tax cut. There has been no vote on a bill to create construction jobs, on the rebuilding of our libraries and schools; no

vote on a bill to cut taxes for small businesses that create jobs; no vote on bills that would put our police officers and firefighters back on the job or our teachers back in the classroom.

Nothing.

Now, the bill that is before us today is very important, not just for California but for the country, and it is something that needs to be taken up. I respect all views on all sides, but I think it's time that the House leadership respected the urgent economic problems of this country.

Since the President came here, there has been another increasingly urgent economic problem, which is the manipulation of gasoline prices by speculators, and Americans are seeing the consequences of this at the pump every day. Members on our side have some ideas to stop this speculation and to stop the pillaging of the wallets of American consumers at the gas pumps every day. Not surprisingly, that's not coming up for a vote either.

The priorities of the House are misaligned with the priorities of the American people. Let's put on this floor legislation that creates jobs and that gives relief to our people at the fuel pumps.

Mr. BISHOP of Utah. I appreciate the gentleman from New Jersey's comments. I would remind him also that the CBPA, the bill that started this problem, was actually authored by the Senator from New Jersey at the time, and I appreciate that. This is one of those things we are trying to fix.

I gladly yield 1 minute to the gentleman from Nebraska (Mr. TERRY).

Mr. TERRY. First, I want to mention to my friend from New Jersey that we have several bills, including that of the Keystone pipeline, sitting over in the Senate. They're bills that will create tens of thousands of jobs, maybe hundreds of thousands of jobs. Yet it does not seem that HARRY REID would like to bring those to the floor, so we are doing our job here.

Mr. Speaker, this bill today is about creating, really, a new environment for job creation in recognizing the human suffrage that has occurred in the Central Valley. I visited out there almost 2 years ago and saw the level of employment and the human impact of this Federal mandate upon California under the Endangered Species Act.

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

Mr. BISHOP of Utah. I yield the gentleman an additional 30 seconds.

Mr. TERRY. I don't know about the court case where it really raised some serious issues regarding the credibility behind the rule, itself. What I do know is that, by passing this bill today, we basically push the restart button so that the entities that are hurt and the environmentalists can work together for an appropriate balanced rule that protects people's livelihoods as well.

This should be a bipartisan bill. It came out of committee as a bipartisan bill. This is exactly the type of thing that we should be working together and across the aisle on, and I would encourage my friends on the Democratic side of the aisle to join with us in passing this bill.

Mr. POLIS. I yield 2 minutes to the gentleman from California (Mr. COSTA).

Mr. COSTA. I thank the gentleman from Colorado for yielding.

Mr. Speaker, I rise today in support of the rule providing for the consideration of H.R. 1837.

California's water system is broken. For too long, the San Joaquin Valley, which many of us represent, has borne the brunt of the water challenges facing our State. We have a water system designed for 20 million people. We have 38 million people today living in California. By the year 2030, we could have 50 million people. My district was and is ground zero for the hydrological and regulatory drought that occurred in 2009 and 2010. I was in the food lines in which farmworkers, sadly, found themselves because there wasn't sufficient water to employ them.

My constituents who rely on water for their livelihoods are looking to Congress to see that we are listening and that we care to work on real solutions that impact their futures. The politics of water are not new in California nor in the West. They've existed for decades. I would hope that at some point we could put the politics aside. This debate is too important. It has been put off for too long.

For the farmers, the farmworkers, and the farm communities that I represent, I urge my colleagues to support this rule on a bipartisan basis.

Mr. BISHOP of Utah. With gratitude to the last speaker, this may be about California water, but it impacts all of us who eat, and as you can tell, I am one who does that very well.

I yield 2 minutes to the gentleman from Michigan (Mr. MCCOTTER).

Mr. MCCOTTER. I rise in support of the rule and the underlying bill, a bill which is a piece of bipartisan legislation that was introduced not to serve mere partisans but to serve real people, not to promote one's party but to promote everyone's prosperity.

I say this in a true spirit of inclusion as someone who comes from a manufacturing State, as one whose auto companies stared into the abyss of potential bankruptcy. It was a bipartisan coalition that helped to save it and a policy that was put forward by a Republican President named Bush and continued by a Democratic President named Obama.

Today, we must come together in a similar bipartisan fashion, for there is a federally dictated drought in the San Joaquin Valley, one that devastates farmers and all of our fellow Americans who live and who, if they can, work there.

To me, as someone who has watched and lived with my constituents through such an experience, I see no choice but for the Federal Government to rectify its legislatively imposed drought and to allow the people of the San Joaquin Valley the same rights that we have to pursue our prosperity and continue to keep the fruits of our labor without the heavy hand of government coming in and making it more difficult for us to pursue and to create a better life for ourselves and for our children.

□ 1310

Finally, on a note, I know that these are very contentious times, and one of the underlying issues regarding this bill is the Endangered Species Act. But whether you are wholeheartedly for the Endangered Species Act or wholeheartedly opposed, can we agree on one thing? The Endangered Species Act exists to preserve wildlife, not to impoverish human life.

Mr. POLIS. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. I thank the gentleman for yielding, and I rise in opposition to the rule, and I rise in opposition to the legislation.

There is going to be an argument today about science. This bill makes it very simple. It ends that argument. It simply says that we will use the science that was in effect in 1994.

We use the science that's what, 18 years ago? That will be the science for the purposes of this legislation. You might as well tell the people of California to use the same telecommunications systems they had in 1994, no iPhones, no BlackBerries, no advancement in knowledge, skills, training, or technology.

It's a pretty simplistic approach to science. You might say it's mindless. The Federal Government is going to come in and tell the State of California that it cannot use its regulatory process or scientific process to determine what's best for its State.

As the Attorney General of our State says and the Supreme Court says, the Federal Government simply cannot commandeer the legislatures of the States, but that's what this legislation does. I love the fact that we have people here with wonderful conservative credentials who are now suggesting the Federal Government should preempt California law, preempt the California Legislature, preempt the Federal law, and go back to 1994.

Where else would you take America back to 1994 in terms of imposing the will of the Congress on the States, and that's why almost all of the Western States, their water agencies, their executive offices, oppose this legislation, because this is the greatest preemption of State water rights in the history of this country.

The people who are supporting this, these heavily subsidized farmers who have more than one or two or three subsidies from the Federal Government to grow their crops, are now insisting that the Federal Government take what is a contract right. It's a contract

right, that's it. They want to turn it into perpetuity. They want the water in perpetuity, and the hell with the rest of the State of California. That obviously isn't acceptable.

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

Mr. POLIS. I yield the gentleman an additional 1 minute.

Mr. GEORGE MILLER of California. That is not acceptable to any Member of this Congress about their own State. Why is it acceptable all of a sudden to do that to the State of California?

You simply cannot do this. We have in place a process that is working today for the first time in 40 years, and that's why the resources director of the State of California, that's why both of our Senators oppose this process, because this group of people had never come together in the last 40 years to work on California problems.

The urban users, the rural users, the agricultural interests, the manufacturing interests, the municipal interests, with the blessings of the State legislature that set out the guidelines, that set out the goals, that set out the purposes—that's going on today. Every party to that agreement except for this select few of special interests. This party is the only party that says ''blow it up.'' Use the United States Congress to blow up a process that for the first time has the possibility of solving the water problems in this State and making it sustainable for agriculture, for the environment, for manufacturing, and for municipal use in our State. Yes, we have a tough problem. We have 30 million people. The drought that they talk about, that was imposed.

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

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

Mr. GEORGE MILLER of California. That was a Statewide drought. Yes, they lost some employment in farm work, but, in fact, agricultural employment, even through the drought, was pretty stable.

The big employment in the Central Valley came because we were selling homes to people who couldn't pay for them. That was the crash. It was first place and the longest crash that we had in this country in terms of mortgages and the loss of the people who were working in those trades.

But that drought was still felt across the State. Thousands of people lost their jobs in tourism in northern California, in commercial fisheries, in recreational fisheries, in the bait shops and the support services all across our State. That drought was an equal destroyer of this California economy from north to south.

Don't wreck this opportunity for California to settle California's problems.

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

Mr. POLIS. Mr. Speaker, if we defeat the previous question, I will offer an amendment to the rule to provide that immediately after the House adopts this rule, it will bring up H.R. 964, the Federal Price Gouging Prevention Act. Mr. ANDREWS mentioned that, rather than discussing this, why aren't we tackling the big issues of the day, such as gas prices? Well, my colleague from New York (Mr. BISHOP) has a proposal to do just that.

I yield 2½ minutes to the gentleman from New York (Mr. BISHOP) to talk about his proposal.

Mr. BISHOP of New York. I thank the gentleman for yielding.

Mr. Speaker, I rise in opposition to this rule and urge the House to defeat the previous question so we can bring to the floor today my bill that would have an immediate impact on lowering gas prices.

Leap day arrives more often than a Republican energy plan. A year ago, when it became clear that the Republican leadership wouldn't help Americans fight rising gas prices, I introduced a bill that this motion is modeled after to crack down on speculation, which forces prices up artificially.

This legislation makes it illegal to sell gasoline at excessive prices and prevents Big Oil from taking advantage of consumers by manipulating prices. This is real help for consumers in a tough economy.

Domestic oil output is the highest it's been for 8 years. In fact, we've become a net exporter of gasoline, unable to consume all that we produce. And yet it's clear speculators are behind the spike in prices. They will never take delivery of oil, but they make up 64 percent of the market.

When speculators place their bets that prices will rise, it follows that actual prices will rise. They have for 21 straight days. In that time, the average price per gallon went up 60 cents in my district.

Still the Republican leadership has yet to address market manipulation or turn off the spigot of subsidies for Big Oil, which made a record-high $137 million in profits last year. That's up 75 percent from the profits they realized in 2010.

We could invest in an energy plan that further expands domestic production, develops renewable sources, and forges a long-term strategy that weans us off Middle Eastern oil and protects consumers from rising gas prices over the long run. Mr. Speaker, let's make a leap to support American families while striking at the heart of rising American gas prices.

To that end, I urge my colleagues to support this motion.

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

Mr. POLIS. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. GARAMENDI).

Mr. GARAMENDI. Mr. Speaker, I want to talk about two issues here, one of which was discussed by my colleague from California, which is the bill that will be up later this afternoon.

While the rule allows for amendments, some of the amendments that were proposed are not going to be before us. Specifically, this bill is a blatant attempt to do two things: one, steal 800,000 acre feet of water and transfer it to heavily subsidized farmers on the west side of the San Joaquin Valley; and, secondly, completely overrule and override State law. That's why, I suppose, States such as Colorado, Montana, New Mexico, Oregon, Wyoming, and the Western States Water Council, which is composed of the representatives of the Governors of 16 Western States, are all opposed to this bill.

This is a terrible precedent. If you care anything about your State's ability to control its own destiny insofar as water is concerned, you do not want this bill to pass because it is a blatant attempt by the Westside Farmers to simply grab water and take total control of the California water system.

It blows away all of the environmental laws of the Federal Government and all of the environmental laws of the State of California and even overrides the State Constitution. I cannot think of a worse policy for anyone to be supporting if you care anything at all about States' rights.

In addition to that, the bill totally destroys the efforts that have been underway to solve the problems that do exist in California water. There is absolutely not one new drop of water in this bill, but there is 800,000 acre feet stolen and delivered to the southern water contractors. For many, many reasons it ought to be defeated.

Briefly on Mr. BISHOP's attempt to have his bill heard on this floor: not a bad idea. Consider for a moment the fact that 26 million gallons of gasoline are exported from the United States every day. Something is wrong when that is occurring at the same time we're finding higher and higher gas prices.

□ 1320

Mr. BISHOP of Utah. I remind the body, once again, that 9 out of the 10 amendments were made in order, and the only one that was not made in order had a question of its germaneness to the body here.

I am pleased to yield 3 minutes to the gentleman from California (Mr. DENHAM), who does have a germane amendment that will be debated later on on the floor.

Mr. DENHAM. Thank you. I appreciate the opportunity to talk on this not only in support of the rule, but in support of the bill. This is something we went through in committee with very great debate, but it goes well beyond the debate of committee.

We've debated this in the State of California for many, many years, if not decades now. To have Members from California come down to the floor and say that this is mindless, this is anything but mindless. These are jobs. When you go down to DENNIS CARDOZA's district and see 30 percent unemployment in the Los Banos area or

down to JIM COSTA's district and see 30 to 40 percent unemployment in Firebaugh or over in Mendota, and you call it mindless? Come down and talk to the people in our districts and tell them that their jobs are mindless, that their homes are mindless, that their cars that they're having to give up are mindless. These are farmworkers. These are individuals. These are farmers that are seeing their families destroyed right now. It is not mindless. They are certainly not special interests. Come down to these districts.

We have invited the President, on a bipartisan basis, many times now to come to California. Don't just go to L.A. and San Francisco, but come see the Central Valley and the challenges that we have. See how, when the water is shut off, we see our farms destroyed.

This absolutely has impact on the rest of the Nation. If you want a safe food supply, if you want a reliable food supply, make sure we have reliable water delivery. That is simply all this does.

Anytime that we talk about water throughout the Nation, or certainly throughout California, it becomes a battle. A lot have talked about pre-'94 when a deal was a deal. That deal hasn't been changed by the farmers. That deal has been changed by Members of Congress that have preempted State water rights.

We want a deal. We want a deal every year. We want an agreement that says that if you're going to have a contract for 100 percent of your water, you actually get 100 percent of your water. This year, because we had a lack of storage last year on the wettest of water years in California, this year we're going to have a 30 percent water allocation. We're still going to pay 100 percent of the cost of the contract but have 30 percent of the water, which means once again we will see 30 percent unemployment in JIM COSTA's district, in DENNIS CARDOZA's district, in my district, and in many of the districts throughout the Central Valley.

Before you start to ignore many of our agriculture acres and many of the jobs that go with it, let's come together in a bipartisan fashion as we've done in the committee level, as we've done elsewhere within the State, but making sure that Republicans and Democrats are working together and, more importantly, that the House and Senate are working together.

I give a great deal of praise to the author of the bill, Congressman NUNES, for getting a regional perspective for this, getting north and south and central California to actually work together. That is a tremendous accomplishment. The bigger accomplishment is actually getting the Senate and the House to work together.

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

Mr. BISHOP of Utah. I yield the gentleman an additional 30 seconds.

Mr. DENHAM. It is time that we come up with a solution that avoids further cost, that avoids further delay, that avoids us having to continue to cut jobs in the Central Valley and in California. It's time to come to an agreement that will actually save the Central Valley and our farming industry and making sure that we've got certainty in water year in and year out. This bill will show the priority of the House. If the Senate has a different priority, let them show that. But the California public expects the Senate and the House to work together, just as we've come together in a bipartisan fashion on this bill.

Mr. POLIS. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. THOMPSON).

Mr. THOMPSON of California. I thank the gentleman for yielding.

Mr. Speaker and Members, I think it was Einstein that said: If you start with the wrong numbers in your equation, you can never get to the correct solution. What we just heard was a textbook perfect example of that.

The idea that there's 30,000 to 60,000 lost jobs as a result of what is happening south of the delta, I don't know where those numbers came from. You're certainly welcome to your own opinion, but you're not welcome to your own facts. The facts tell a whole different story.

If you look at what UC Davis did, if you look at what the University of the Pacific did, UC Berkeley, all their numbers point to a loss associated with certain things: a loss of jobs associated with the drought, a loss of jobs associated with an endangered species. But these are in the hundreds or the single-digit thousands, not anywhere close to 30,000 or 60,000. We need to get this thing right.

My friend from California was absolutely correct when he called for us to work together. That's exactly what we've been trying to do, to work together. This bill was not crafted with the stakeholders at the table. This bill was crafted in the proverbial back room with not all of the stakeholders present. None of us who have a legitimate dog in this fight were included in this.

If this bill were to pass, there will be thousands of jobs lost. They'll be north of the delta. They'll be farming jobs; they'll be fisheries jobs; they'll be recreational jobs. They'll be all kinds of jobs associated with the economy north of the delta.

You can't come to this floor with legislation that creates winners and losers in the marketplace without bringing everybody to the table to work on that. That's exactly what this bill does—it creates winners and losers. It chooses jobs south of the delta at the expense of jobs north of the delta. That's wrong and this bill should be defeated.

Mr. BISHOP of Utah. Mr. Speaker, sometimes it is hard to estimate jobs when you're thirsty, but I realize if there was even one job that is cost because of bad Federal behavior, that is one job too many.

I would be happy to yield 2 minutes to my friend from Florida (Mr. DIAZ-BALART).

Mr. DIAZ-BALART. I'm glad, sir, that you just mentioned that, because I just heard here that, no, no, it's not maybe X thousands of jobs that are going to be lost; it is X minus a few thousand jobs that are going to be lost.

What? Did I just hear that? I just did.

Rarely do you see such a reckless and immoral disregard for American families, for American farmers, for American farmworkers, for hardworking people than what we have in front of us and what this bill is trying to solve in a bipartisan way, because this does have bipartisan support.

I keep hearing about all of these horrors. But wait a second. Take a step back, Mr. Speaker. These are farmers who have been farming that very land for generations. This is not like they are trying to do something new. They've been doing this for generations.

Can you imagine the circumstances if the Federal Government steps in and says, ''No, we are going to cut off your water. You're not going to be able to farm, and forget about those jobs. Go do something else,'' just because some bureaucrat someplace decides that they found a fish all of the sudden after these farmers have been there for generations?

Sometimes a little common sense has to prevail and sometimes a little moral sense has to prevail. Let's stand up for these farmers who have been there for generations. Let's stand up for these farmworkers, the poorest, hardest working individuals for generations. Let's say ''no'' to a Federal Government that thinks that, oh, just a few less jobs won't hurt, won't matter.

This is grotesque. This is immoral. Let's stand up together in a bipartisan way to stand up for American families, for American farmers like they deserve this Congress to do for them.

Mr. POLIS. Mr. Speaker, I would like to inquire of the gentleman from Utah how many speakers he has remaining.

Mr. BISHOP of Utah. To be honest, I'm not quite sure. I know I have a speech and there may be another one coming down here.

Mr. POLIS. I will reserve the balance of my time.

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

I had the opportunity of going down to California to one of the hearings where we met the farmers who are living in this particular area. I heard their anguish. I understood their anger. Their ability to make a living was being prohibited while we in Congress simply talked about unrealistic concepts. They were living in pain while we continued to talk. Actually, our actions and talking were causing that particular pain.

This bill is about trying to help people. This is time to put people in the forefront and put our ideology behind

so that we can solve a problem that has been caused by us. This effort is to put forward legislation that corrects harms that are inflicted by onerous, extreme, completely unbalanced Federal regulations which too often seem to favor a narrow special interest group constituency as opposed to a balanced approach to protect our environment while considering jobs and the needs of real human people.

□ 1330

As many have said already, our colleagues have put forth a program which, unfortunately, is causing massive unemployment in the San Joaquin Valley, causing thousands of acres which were the most productive farmland to go fallow, and risks turning this productive area into a dust bowl causing erosion. These are negative environmental and economic impacts that were not considered in the Federal Government's original decision, but ought to have been and should be considered now.

The unfortunate reality is that California's Central Valley is one place where our actions and other regulations have had a negative impact on the country, leaving those farmers in danger but also affecting all of us. If you are an artichoke lover, which I am not, 98 percent of those that are sold in the supermarket are raised in San Joaquin Valley of California. For those who enjoy walnuts—I'm now zero for two—or almonds and garlic—which I finally like—98 percent of those supplies come from California. Nearly all of the domestic avocados and nectarines are raised in California. Just for the record, I'm three out of six for those particular food items.

California's man-made drought does not just impact Californians. It attacks and it touches each and every one of us in some way. The next time we go to the grocery store and stop and take a look at where these products come from, the chances are pretty good they're coming from California's Central Valley. You can nearly have a complete food meal group just by looking at what comes out of a 10-square-mile area of Central Valley California.

As prices continue to rise at the grocery store for fresh produce of all kinds, you can be assured that some of the main drivers of those increased costs come from a combination of skyrocketing fuel costs under this administration's poor domestic energy production policies, as well as less domestic food caused by this water diversion.

Ironically and sadly, in recent years since the Federal water takings—and that's takings by the Federal Government—more and more produce has found its way from other foreign sources to replace what should have been produced in our own particular country. This bill addresses that problem in a positive way by reinstating water rights to farmers from water that was unjustly taken away by Federal regulations.

With that, Mr. Speaker, I advise the gentleman from Colorado I have no further speakers, and I reserve the balance of my time.

Mr. POLIS. Mr. Speaker, I am prepared to close, and I will yield myself the balance of my time.

Mr. Speaker, I ask unanimous consent to insert the text of the previous question 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. My colleague, Mr. BISHOP, has brought forth something that I think is an important national issue that my constituents have certainly been calling me about. And I know that there has been concern from across the country about rising gas prices. If we defeat the rule and the previous question, we will be able to immediately bring forth Mr. BISHOP's bill and the discussion about price gouging and gas prices.

Mr. Speaker, this bill sets a dangerous precedent for preempting State water rights, leaving other States vulnerable to this kind of Federal interference. This bill is opposed by the State of California, California's two U.S. Senators, the leaders of both State legislative houses, commercial and recreational fishing associations, water districts, local governments and the California Bay Delta Farmers. This bill overrides a bipartisan local settlement to restore the San Joaquin River that ended 18 years of costly litigation and uncertainty. This bill guts the review process for water projects in California's Central Valley and eliminates science-based protections for many species required under both California law and the U.S. Endangered Species Act.

There is simply no reason to support legislation that has a myriad of unintended consequences. It is an attack on certainty, and it is an attack on issues that should be decided, frankly, by States and stakeholders.

H.R. 1837 would eliminate desperately needed protections for fisheries, threatening thousands of fishing jobs and millions of dollars in income that sustains families, as evidenced by the impact seen during the first-ever closures of California's salmon fishery in 2008 and 2009 due to collapsing runs.

This bill is a recipe for lawsuit after lawsuit, an attack on a century of State leadership on water law and a dismissal of the consensus agreement that the people of California have reached without the needless meddling of this body, without those from other States being called upon to settle a California matter of water.

Mr. Speaker, this bill is a solution in search of a problem, a bill that ends up creating more problems for more people than the problem it's trying to solve. Simply put, this bill is cutting off the nose to spite the face; and my State, along with 17 others, stands to get harmed over in the process, particularly by the dangerous precedent of Federal second-guessing of local water rights.

If this bill were really about the delta smelt, then it should be drafted more narrowly. If this bill were really about jobs, then take into account the jobs of the salmon industry which the bill would decimate. Take those concerns to local stakeholders and to the State of California and work out a solution that is in the best interests of California citizens. Unfortunately, this bill is not about real problems. It's about scoring political points and advancing sound bites.

I urge my colleagues to join me on a ''no'' vote on the rule and the underlying bill and defeat the previous question.

I yield back the balance of my time.

Mr. BISHOP of Utah. Mr. Speaker, in addition to restoring agricultural productivity in this area, what has been referred to as ''America's salad bowl,'' this bill is a comprehensive piece of legislation which would reduce Federal spending by $300 million by allowing certain water users, presently obligated to repay Federal loans on water projects in this area, to repay those loans early on a penalty-free basis.

In addition, as we are facing unprecedented debt, this bill would stop wasteful spending, terminate over a billion dollars in unproven and unnecessary Federal spending projects, and it codifies the historic, previously-agreed-upon bipartisan State and Federal agreement known as the Bay-Delta Accord. It is pro-environment by restoring warm-water fish habitats. It also protects northern California waterfowl habitat and still helps those who are trying to make a living as farmers in this area.

Mr. Speaker, in this body, we always use comparatives and superlatives at the drop of the hat or any other cliche you wish to use. If a bird flies over this Capitol, we will talk about it in superlatives. We often do that. We talk about bills being so important. In this case, I think superlatives are appropriate. This is a significant bill that is life and death for these farmers, and it is unique. Even though it deals with California, there is no other State that has this particular problem. We are not setting any precedent for anywhere else.

I yield the balance of my time to the gentleman from Ohio (Mr. BOEHNER), the Speaker.

Mr. BOEHNER. Let me thank my colleague for yielding. My colleagues know that I don't often come to the floor and speak on bills; but as I saw this bill coming up today, I thought to myself, here is a perfect example of government getting in the way.

I never thought, in my wildest dreams, I'd ever run for public office or ever seek to come here to Congress. But as a small businessman, I was concerned about the ever-growing size of

the Federal Government and the ever-growing reach of the Federal Government. I saw it in my own business, I saw it with my suppliers, and I saw it with my customers. And out of that frustration, I came here because I thought government was too big, spent too much, and was far too intrusive into our economy and, frankly, our society.

Look at this bill and you will see it's a perfect example of the overreach of government. We've got a group of people in California who don't like production agriculture and who think that using water to grow crops to feed the world is environmentally dangerous. They're using the endangered species law for what I would describe as an unintended purpose. They're using a law to shut down production agriculture that they don't like, and they're abusing a law that was created by this Congress. It is wrong, and it should not stand.

Secondly, here we are in a country where the American people are asking where are the jobs. The President says he's doing everything he can to help create more jobs in America.

□ 1340

Well, here's a situation where we've got tens of thousands of farmers and those who work on those farms in the Central Valley of California being denied the use of their own land, being denied the labor to feed their own families because someone is abusing the law.

This is a good bill, and it ought to pass.

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

AN AMENDMENT TO H. RES. 566 OFFERED BY MR. POLIS OF COLORADO

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

SEC. 2. Immediately upon adoption of this resolution the Speaker shall, pursuant to clause 2(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. 964) to protect consumers from price-gouging of gasoline and other fuels, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be 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. All points of order against provisions in the bill are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may 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. If the Committee of the Whole rises and reports that it has come to no resolution on the bill, then on the next legislative day the House shall, immediately after the third daily order of business under clause 1 of rule XIV, resolve into the Committee of the Whole for further consideration of the bill.

SEC. 3. Clause 1(c) of rule XIX shall not apply to the consideration of the bill specified in section 2 of this resolution.

(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. BISHOP of Utah. Mr. Speaker, 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 on the resolution.

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

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on ordering the previous question will be followed by 5-minute votes on adopting the resolution, if ordered, and agreeing to the Speaker's approval of the Journal, if ordered.

The vote was taken by electronic device, and there were—yeas 241, nays 178, not voting 14, as follows:

[Roll No. 80]

YEAS—241

Adams
Aderholt
Akin
Alexander
Amash
Amodei
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
Capito
Cardoza
Carter
Cassidy
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
Gingrey (GA)
Gohmert
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
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
Lummis
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)
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
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
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
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NAYS—178

Altmire
Andrews
Baca
Baldwin
Barrow
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Bonamici
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
Critz
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
Hahn
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)
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)
Napolitano
Neal
Olver
Owens
Pallone
Pascrell
Pastor (AZ)
Pelosi
Perlmutter
Peters
Peterson
Pingree (ME)
Polis
Price (NC)
Quigley
Rahall
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
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)
Yarmuth

NOT VOTING—14

Ackerman
Bass (CA)
Cantor
Crowley
Goodlatte
Lee (CA)
Myrick
Nadler
Paul
Payne
Rangel
Ros-Lehtinen
Sherman
Woolsey

□ 1407

Mr. KUCINICH changed his vote from ''yea'' to ''nay.''

Messrs. ALEXANDER, STIVERS, and BURGESS changed their vote from ''nay'' to ''yea.''

So the previous question was ordered.

The result of the vote was announced as above recorded.

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

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

RECORDED VOTE

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

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 245, noes 173, not voting 15, as follows:

[Roll No. 81]

AYES—245

Adams
Aderholt
Akin
Alexander
Amash
Amodei
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
Capito
Cardoza
Carter
Cassidy
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
Gingrey (GA)
Gohmert
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)
Kissell
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
Lewis (CA)
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marino
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McIntyre
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
Peterson
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Reed
Rehberg
Reichert
Renacci
Ribble
Rigell
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
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
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NOES—173

Altmire
Andrews
Baca
Baldwin
Barrow
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Bonamici
Boswell
Brady (PA)
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
Critz
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
Hahn
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)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Napolitano
Neal
Olver
Owens
Pallone
Pascrell
Pastor (AZ)
Pelosi
Perlmutter
Peters
Pingree (ME)
Polis
Price (NC)
Quigley
Rahall
Reyes
Richardson
Richmond
Rothman (NJ)
Roybal-Allard
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)
Yarmuth

NOT VOTING—15

Ackerman
Bass (CA)
Braley (IA)
Cantor
Crowley
Goodlatte
Lee (CA)
Nadler
Paul
Payne
Rangel
Rivera
Ros-Lehtinen
Ruppersberger
Woolsey

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining.

□ 1415

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.

Stated against:

Mr. BRALEY of Iowa. Mr. Speaker, on roll-call No. 81, had I been present, I would have voted "no."

PERSONAL EXPLANATION

Mr. GOODLATTE. Mr. Speaker, on rollcall Nos. 81 and 80, due to being unavoidably detained, had I been present, I would have voted "aye."

THE JOURNAL

The SPEAKER pro tempore. The unfinished business is the question on agreeing to the Speaker's approval of the Journal, which the Chair will put de novo.

The question is on the Speaker's approval of the Journal.

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

Mr. HASTINGS of Washington. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 283, nays 127, answered ''present'' 2, not voting 21, as follows:

[Roll No. 82]

YEAS—283

Aderholt
Alexander
Altmire
Amodei
Austria
Baca
Bachmann
Bachus
Barletta
Barrow
Bartlett
Barton (TX)
Bass (NH)
Becerra
Berg
Berkley
Biggert
Bilbray
Bilirakis
Bishop (GA)
Black
Blackburn
Blumenauer
Bonamici
Bonner
Bono Mack
Boren
Boustany
Brady (TX)
Braley (IA)
Brooks
Broun (GA)
Brown (FL)
Buchanan
Bucshon
Buerkle
Burton (IN)
Butterfield
Calvert
Camp
Campbell
Canseco
Capito
Capps
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Chabot
Chaffetz
Cicilline
Coble
Cohen
Cole
Connolly (VA)
Cooper
Courtney
Crawford
Crenshaw
Cuellar
Culberson
Davis (CA)
DeGette
DeLauro
Denham
DesJarlais
Deutch
Diaz-Balart
Dingell
Doggett
Dreier
Duncan (SC)
Duncan (TN)
Edwards
Ellison
Ellmers
Engel
Eshoo
Farenthold
Farr
Fincher
Flake
Fleischmann
Forbes
Fortenberry
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garamendi
Gerlach
Gingrey (GA)
Gonzalez
Gosar
Gowdy
Granger
Graves (GA)
Green, Al
Green, Gene
Griffith (VA)
Grimm
Guinta
Guthrie
Hahn
Hall
Hanabusa
Harris
Hartzler
Hastings (WA)
Hayworth
Heinrich
Hensarling
Herger
Higgins
Hinojosa
Hirono
Hochul
Huizenga (MI)
Hultgren
Hurt
Issa
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, Sam
Kaptur
Kelly
Kildee
King (IA)
King (NY)
Kingston
Kissell
Kline
Labrador
Lamborn
Landry
Langevin
Lankford
Larsen (WA)
Larson (CT)
LaTourette
Latta
Levin
Lewis (CA)
Lipinski
Loebsack
Lofgren, Zoe
Long
Lowey
Lucas
Luetkemeyer
Luján
Lungren, Daniel E.
Mack
Maloney
Manzullo
Marchant
Marino
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McHenry
McIntyre
McKeon
McKinley
McMorris Rodgers
McNerney
Meehan
Meeks
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Moran
Mulvaney
Murphy (CT)
Myrick
Napolitano
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Pascrell
Paulsen
Pelosi
Pence
Perlmutter
Petri
Pitts
Platts
Polis
Pompeo
Posey
Price (GA)
Price (NC)
Quigley
Rehberg
Reichert
Reyes
Richardson
Rigell
Rivera
Roby
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Roskam
Ross (AR)
Ross (FL)
Rothman (NJ)
Roybal-Allard
Royce
Runyan
Ruppersberger
Ryan (WI)
Sanchez, Loretta
Scalise
Schiff
Schmidt
Schock
Schrader
Schwartz
Schweikert
Scott (SC)
Scott (VA)
Scott, Austin
Scott, David
Sensenbrenner
Serrano
Sessions
Sewell
Sherman
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Speier
Stark
Stearns
Stutzman
Sullivan
Sutton
Thompson (PA)
Thornberry
Tiberi
Tonko
Towns
Tsongas
Turner (NY)
Upton
Van Hollen
Walden
Walz (MN)
Wasserman Schultz
Watt
Waxman
Webster
Welch
West
Westmoreland
Whitfield
Wilson (FL)
Wilson (SC)
Wolf
Womack
Yarmuth
Young (FL)
Young (IN)

NAYS—127

Adams
Andrews
Baldwin
Benishek
Bishop (NY)
Boswell
Brady (PA)
Burgess
Capuano
Cardoza
Castor (FL)
Chandler
Chu
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Coffman (CO)
Conaway
Conyers
Costa
Costello
Cravaack
Critz
Cummings
Davis (IL)
Davis (KY)
DeFazio
Dent
Dicks
Dold
Donnelly (IN)
Doyle
Duffy
Emerson
Fattah
Filner
Fitzpatrick
Foxx
Fudge
Gardner
Garrett
Gibbs
Gibson
Graves (MO)
Griffin (AR)
Grijalva
Gutierrez
Hanna
Hastings (FL)
Heck
Herrera Beutler
Himes
Hinchey
Holden
Holt
Honda
Hoyer
Hunter
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (OH)
Johnson, E. B.
Jones
Jordan
Keating
Kind
Kinzinger (IL)
Kucinich
Lance
Latham
Lewis (GA)
LoBiondo
Lynch
Markey
Matheson
McCotter
McDermott
McGovern
Moore
Murphy (PA)
Neal
Olver
Pallone
Pastor (AZ)
Pearce
Peters
Peterson
Pingree (ME)
Poe (TX)
Quayle
Rahall
Reed
Renacci
Ribble
Richmond
Roe (TN)
Rooney
Rush
Ryan (OH)
Sánchez, Linda T.
Sarbanes
Schakowsky
Schilling
Shuler
Sires
Slaughter
Southerland
Stivers
Terry
Thompson (CA)
Thompson (MS)
Tierney
Tipton
Turner (OH)
Velázquez
Visclosky
Walberg
Walsh (IL)
Waters
Wittman
Woodall
Yoder
Young (AK)

ANSWERED ''PRESENT''—2

Amash
Owens

NOT VOTING—21

Ackerman
Akin
Bass (CA)
Berman
Bishop (UT)
Cantor
Crowley
Fleming
Flores
Gohmert
Goodlatte
Harper
Huelskamp
Lee (CA)
Lummis
Nadler
Paul
Payne
Rangel
Ros-Lehtinen
Woolsey

□ 1422

So the Journal was approved.

The result of the vote was announced as above recorded.

HOUR OF MEETING ON TOMORROW

Mr. HASTINGS of Washington. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 9 a.m. tomorrow.

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

There was no objection.

SACRAMENTO-SAN JOAQUIN VALLEY WATER RELIABILITY ACT

Mr. HASTINGS of Washington. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the bill H.R. 1387.

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

There was no objection.

The SPEAKER pro tempore. Pursuant to House Resolution 566 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. 1837.

□ 1422

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. 1837) to address certain water-related concerns on the San Joaquin River, and for other purposes, with Mr. YODER in the chair.

The Clerk read the title of the bill.

The Acting CHAIR (Mr. BASS of New Hampshire). Pursuant to the rule, the bill is considered read the first time.

The gentleman from Washington (Mr. HASTINGS) and the gentlewoman from California (Mrs. NAPOLITANO) each will control 30 minutes.

The Chair recognizes the gentleman from Washington.

Mr. HASTINGS of Washington. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in strong support of H.R. 1837, the Sacramento-San Joaquin Valley Water Reliability Act.

Like California, my central Washington district is heavily dependent on irrigated water to support my agricultural industry. I understand the importance of having a stable, reliable water supply. I've witnessed how government regulations and environmental lawsuits can create conflicts for people, and jobs are the losers. However, Mr. Chairman, I have never seen anything like the economic devastation that California's San Joaquin Valley has experienced as a direct result of Federal policies that restrict water supply and that created this man-made drought.

Mr. Chairman, in 2009, Federal regulations to protect an endangered species 3-inch fish led to the deliberate diversion of over 300 billion, Mr. Chairman, 300 billion gallons of water away

from the San Joaquin Valley farmers. This caused hundreds of thousands of acres of fertile farmland to dry up. It put thousands of people out of work, and it caused unemployment to reach 40 percent in some communities.

Last April, the Natural Resources Committee traveled to Fresno, California, for a field hearing where we heard directly from farmworkers and valley growers who have been devastated and seen their livelihoods pushed to the brink by this man-made drought. We heard stories of farmworkers who normally feed the Nation, being forced to stand in food bank lines to receive handouts of carrots—carrots from China.

Mother Nature temporarily rescued this region with historic precipitation last year, but another man-made drought is just around the corner if we do nothing. Rain and snow levels have declined, and just last week the Federal Government announced that the San Joaquin Valley farmers would receive only 30 percent of their initial water allocation for this year. This is unacceptable, and if Congress doesn't act now we will once again see farmworkers having to abandon the fields and return to the food lines.

Families and communities in California have waited far too long for Congress to act. In 2009, Mr. Chairman, and in 2010, Mr. Chairman, while this man-made drought was devastating California, the Obama administration and a Democrat-led Congress did nothing. Republicans are ready to act today on bipartisan legislation that will end this man-made drought and protect up to 30,000 jobs.

This comprehensive solution would restore water deliveries that have been cut off due to Federal regulations and environmental lawsuits. It will ensure a reliable water supply for people and for fish and it will secure water rights just generally, and it will save taxpayer money by ending unnecessary and dubious government projects.

I want to stress, Mr. Chairman, that this man-made drought does not just impact California but has rippling effects across the entire Nation. California's San Joaquin Valley is a salad bowl for the world and provides a significant share of fruits and vegetables for our country. The inability of these farmers to do their jobs would lead negatively to increased reliance on foreign food sources. Why, Mr. Chairman, would we want to do that?

Also, according to an initial analysis by the nonpartisan CBO, this bill will repeal and reduce nearly $300 million in Federal spending over the next 10 years while also generating nearly $250 million in revenue. To repeat, this bill cuts spending by $300 million and it increases revenue by a quarter of a billion dollars.

This bill is a chance to right the regulatory wrongs of the past, to end future man-made droughts, and to protect jobs and economic livelihood of farmworkers, farmers, and their families. I urge my colleagues to support this bill.

With that, I reserve the balance of my time.

Mrs. NAPOLITANO. Mr. Chairman, I yield myself 5 minutes.

I really applaud my good friend, DOC HASTINGS, with some of the statistics that he was quoting about the farmers in the valley. There were misrepresentations, which were later clarified, of the actual figures that were affected and, unfortunately, they were very far apart, and that's just for the record. I will be glad to give them to anybody who wants them later.

H.R. 1387, the Sacramento-San Joaquin Valley Water Reliability Act is anything but. It repeals existing State law as written for the use of the water from the San Joaquin River in California's Central Valley. It reallocates water in a way that elevates agricultural uses above all other water needs—that's municipal, fisheries, and environmental uses.

This bill was mostly aimed at California; believe me, mostly California. If enacted, it would set precedent: an unprecedented standard of State preemption, environmental disregard, and privatization of a public resource for the benefit of a select view. It could be, in my estimation, renamed the Barrister Employment Act.

□ 1430

The California State legislature stated it best:

> H.R. 1837 is almost breathtaking in its total disregard for equity and its willful subjugation of the State of California to the whims of Federal action.

May I point out that in the past my colleagues on the other side have asked for less intrusion of the Federal Government, less government control, let the locals handle it. This would do the reverse. It would put it in the hands of the Federal Government to be able to determine the State's right to enact its own water laws.

Despite amendments to the bill by the majority, it still seeks to make sweeping negative changes to the State's ability to manage water in the west.

It amends the State constitution, and undermines California's ability to manage its own resources.

It would repeal or overturn nearly 20 years of environmental protections under the Central Valley Project Improvement Act, the CVPIA, and the Endangered Species Act, which is normally under attack by my friends on the other side.

It repeals the San Joaquin Restoration Settlement Act, a compromise widely supported by all stakeholders, and diminishes funds for restoration. It also completely eliminates the coequal goal of protecting the environment and allowing for water deliveries.

It puts jobs of fishermen at risk. The Pacific Fishery Management Council has raised concerns about the impacts on the fishery and fishing communities. The northwest fisheries were closed in 2008 and 2009 and parts of 2010. They had no fishing. The industry was lost to them.

The Subcommittee on Water and Power received over 34 letters with nearly 300 stakeholders opposing this legislation. They include the Western States Water Council; seven States—California, Colorado, Montana, Nevada, New Mexico, Arizona, and Wyoming; the Department of the Interior; and a statement of administration policy. Also, the senior Senator and the junior Senator of California oppose this. And the list goes on: elected officials, environmental groups, State legislatures, attorneys general offices, Governors' offices, and letters from these different States, not to mention the nonpartisan, 18 Governor-appointed Western States Water Council.

The scope of harmful provisions included in this legislation is matched only by the number of necessary provisions left out. Also, the severity of this legislation, which benefits only a small group, not all of California.

Through a series of amendments, my colleagues seek to address the glaring issues associated with the legislation—the subsidies reform, construction of new facilities, and use of best available science.

Mr. Chairman, this is a bad bill, and I urge a ''no'' vote. I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Chairman, I am very pleased to yield 5 minutes to the gentleman from California (Mr. MCCLINTOCK), the chairman of the subcommittee that developed this legislation on the Natural Resources Committee.

Mr. MCCLINTOCK. Mr. Chairman, I thank the gentleman for yielding, and I compliment the gentlelady from California on stating the opposite of this bill with remarkable precision.

It does not repeal 20 years of California water law; it restores it by restoring the allocation that was agreed to by a broad bipartisan coalition in the Bay-Delta Accord of 1994. In fact, at that time, the Democratic Interior Secretary, Bruce Babbitt, assured all parties that this agreement would be honored by the State and Federal governments.

His promise was broken first by his own Department and most recently when a Federal court deemed the delta smelt to be more important than the livelihoods of thousands of Central Valley farmworkers. Hundreds of billions of gallons of water that these communities had already paid for and depended upon were simply expropriated and blissfully and cavalierly dumped into the Pacific Ocean, turning much of California's fertile Central Valley into a dust bowl.

This bill redeems the promise made to the people of California and restores the allocations that were agreed to.

We hear: Well, that was then and this is now, and the science has changed. What they are referring to is not

science; it is ideology masquerading as science. In 2010, their claims were thrown out of the Federal court, which cited ideological zealots who had attempted to, in the words of the court, ''Mislead and to deceive the court into accepting what is not only not the best science, it's not science.''

The science is this: the Northwest Fisheries Science Center determined the Pacific Decadal Oscillation is a principal factor in salmon migration. Ocean currents.

The California Department of Water Resources determined that pumps which deliver water to the Central Valley had a negligible influence on salmon and delta smelt migration.

The National Academy of Sciences reported that nonnative and invasive predators, like the striped bass, are a far more significant influence on salmon and delta smelt populations.

So the second thing that this bill does is to replace the ideological zealotry that created this human disaster with practical and fact-based solutions to support native delta smelt and salmon populations. For example, as I said earlier, it's common to find striped bass in the delta gorged with salmon smolts and delta smelt. This bill allows open season on these destructive, invasive, and nonnative predators.

Fish hatcheries produce millions of salmon smolts each year, and tens of thousands return as fully grown adults to spawn, but these fish are not allowed to be counted. This bill counts them, ensuring that hatcheries will produce thriving and bountiful populations of salmon and delta smelts and any other species considered endangered.

The San Joaquin River Settlement Act envisions an absurdly impractical year-round cold war salmon fishery on the hot valley floor at an estimated cost of $2 million per individual fish. That act was adopted by the Democrats 2 years ago when they controlled this House. It is so expensive because it attempts to establish something that only existed sporadically in nature. Instead, this bill establishes a year-round warm water fishery that acts in concert with the habitat at a fraction of the cost.

Third, the bill removes disincentives in current law that discourage farmers from purchasing surplus water in wet years to recharge groundwater banks.

It removes prohibitive regulatory restrictions on water transfers between willing buyers and willing sellers, which once had efficiently distributed water throughout that system from areas of surplus to areas of shortage.

It allows environmental flows to be recycled and used by human communities once those flows have achieved their environmental purposes.

Fourth, it brings the full force of Federal law to invoke and protect State water rights and forbid their violation by any bureaucracy: local, State, or Federal. In fact, this provision specifically addressed concerns raised by the very same opponents to the original bill who feared that, because of the unique joint operating agreement between the State and Federal Governments, changes in Federal allocations could lead to raids on senior water rights holders by the State government.

This provision fully addresses those concerns through the Federal Government's legitimate constitutional authority in the 14th Amendment to protect the property rights of its citizens against encroachment by any government bureaucracy. This is the preemption issue that the opponents are raising. They are some of the same opponents who attacked the original bill for not protecting those rights. This bill doesn't preempt those rights; it specifically invokes them and protects them.

It brings to an end the predation on the working people of California. It places senior water rights holders in a safe and secure position, and treats our water as the precious resource it is.

Mrs. NAPOLITANO. I yield 4 minutes to the gentleman from California (Mr. GARAMENDI).

Mr. GARAMENDI. I thank the gentlewoman.

One hardly knows where to start, when you take California water law and push it aside and preempt it with Federal water law, really running over the top of the State of California, and then you steal 800,000 acre-feet and transfer it to your buddies—yes, you're going to come up with a lot of reasons why it makes sense. But the reality is quite different.

Let us understand very clearly here that 150 years of California water law is thrown out and a new Federal law is put in place that preempts California water law. The 1994 CALFED agreement was an interim agreement. It was never, ever intended to be a permanent statutory agreement on how water would be delivered in California.

In addition to that, let me understand—yes, I see your little chart over there that you're going to throw up. That was 1994, and it said precisely what we ought to do today. And that is: today, we ought to be working together to solve the problems of California water. And guess what, California is.

But with this law in place, it won't happen. The ability of California to work together to solve its problems are thrown out. What sense does that make unless you want to steal 800,000 acre feet of water and take an agreement that was forged over 20 years ago to solve a problem on the San Joaquin River that is not for year-round salmon flows but only for the spring salmon flows. Why would you want to do that, except you want to take somebody's water?

□ 1440

The water is the water of the fishermen as well as the water of the farmers.

By the way, facts are ugly little things. There are no 3,000 people that lost their jobs, no 60,000 people that lost their jobs. The University of California, Berkeley, the University of California, Davis, and the University of the Pacific all say that the losses were less than 7,000, which almost equaled the loss of the fisheries.

When we get to the end of this story, it is going to be a story of the rest of the Nation. If you happen to be a Western State, if you happen to be a Midwestern State that has a Federal water project from the Bureau of Reclamation, beware, because this is the first-ever attempt to throw aside 100 years of reclamation law in which deference is given to the States over the power of their water rights and their water laws.

Yes, you can say section 4 of this bill deals with that. No, it doesn't. It does not deal with the totality of California law. In fact, the bill destroys that totality.

Western States are opposed to this. The list has been given. Other States, watch out. This is a power grab. This is a water grab. This is an imposition of the Federal authority over the States, and specifically over California.

Yes, Mr. Chairman—excuse me, if I might, through the Chair—you said that there is 100 percent water. No water district except those that preceded the Federal project have 100 percent allocation. Every other water district has shortage provisions in those water contracts.

By the way, whatever power we may have, we don't have the power to overcome a natural drought, which is precisely what is happening in California today and happened during the period that this bill speaks to. It was a natural drought. Yes, there were restrictions placed on the pumps, restrictions that were necessary to protect an endangered species.

By the way, the judge that you cited took a job 45 days after he quit with the water contractor that is supporting this bill. Figure it out yourself. Figure out what is going on here. This is a theft of 800,000 acre feet of environmental water. This is an overturning of California water law, and we ought not do it.

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR. The Chair would remind Members to address their remarks to the Chair.

Mr. HASTINGS of Washington. Mr. Chairman, before I yield to the sponsor of this legislation, I yield myself 30 seconds to simply point out that the statistics I used as it relates to unemployment come from Fresno County. That is a county where all of this was impacted. The statistics that were cited by my friends across the aisle were from outside that area.

The second point I want to make is that I have letters here from 14 senators and 18 members of the California legislature. I insert their letters in support in the RECORD.

SACRAMENTO-SAN JOAQUIN VALLEY WATER RELIABILITY ACT—ORGANIZATIONS IN SUPPORT

WATER AGENCIES/ORGANIZATIONS

California Water Alliance

Families Protecting the Valley
Northern California Water Association*
Family Water Alliance
California Watershed Posse
Westlands Water District
San Luis Delta-Mendota Water Authority: Banta-Carbona Irrigation District, Broadview Water District, Byron Bethany Irrigation District (CVPSA), Central California Irrigation District, Columbia Canal Company, Del Puerto Water District, Eagle Field Water District, Firebaugh Canal Water District, Fresno Slough Water District, Henry Miller Reclamation District #2131, James Irrigation District, Laguna Water District, Mercy Springs Water District, Oro Loma Water District, Pacheco Water District, Pajaro Valley Water Management Agency, Panoche Water District, Patterson Irrigation District, Pleasant Valley Water District, Reclamation District 1606, San Benito County Water District, San Luis Water District, Santa Clara Valley Water District, Tranquillity Irrigation District, Turner Island Water District, West Side Irrigation District, West Stanislaus Irrigation District
Placer County Water Agency*
Nevada Irrigation District*
El Dorado Irrigation District*
Exchange Contractors**
Modesto Irrigation District**
San Joaquin Tributaries Association**
Kern County Water Agency: Belridge Water Storage District, Berrenda Mesa Water District, Buena Vista Water Storage District, Cawelo Water District, Henry Miller Water District, Kern Delta Water District, Lost Hills Water District, Rosedale-Rio Bravo Water Storage District, Semitropic Water Storage District, Tehachapi-Cummings County Water District, Tejon-Castac Water District, West Kern Water District, Wheeler Ridge-Maricopa Water Storage District
Tehama Colusa Canal Authority: Proberta Water District, Kirkwood Water District, Thomes Creek Water District, Corning WD, Orland-Artois Water District, Glide Water District, Kanawha Water District, Holthouse Water District, Cortina Water District, Davis Water District, LaGrande Water District, 4M Water District, Dunnigan Water District, Colusa County Water District, Westside Water District
Bella Vista Water District
Reclamation District No. 108*
Maxwell Irrigation District*
Sutter Mutual Water Company*
Provident Irrigation District*
Natomas Mutual Water Company*
River Garden Farms*
Glenn Colusa Irrigation District*
Glenn-Colusa Irrigation District*
Princeton-Codora-Glenn Irrigation District*
Chowchilla Irrigation District*

NATIONAL ORGANIZATIONS

U.S. Chamber of Commerce
National Federation of Independent Business
Americans for Limited Government
National Taxpayers Union
Americans for Tax Reform
Citizens Against Government Waste
American Land Rights Association
Small Business & Entrepreneurship Council
Western Business Roundtable

NATIONAL FARM ORGANIZATIONS

Western Growers
Family Farm Alliance
Agricultural Retailers Association
National Turkey Federation
National Cattlemen's Beef Association
National Agricultural Aviation Association
National Cotton Council
American Pima Cotton Producers
National Chicken Council
Milk Producers Council
National Onion Association
Supima
Western Plant Health Association
Dairy Farmers of America
Western Agricultural Processors Association
Irrigation Association

CALIFORNIA FARM ORGANIZATIONS

California Wool Growers Association
California Cattlemen's Association
California Grain Feed Association
California Cotton Ginners & Growers Assoc.
California Citrus Mutual
California Olive Growers Council
California Grape and Tree Fruit League
California Dairies Inc.
California Poultry Federation: Foster Farms; Aviagen Turkeys, Inc.; Zacky Farms; Squab Producers of California; Willie Bird Turkeys
Apricot Producers of California
Allied Grape Growers
Almond Hullers & Processors Association

LOCAL FARM ORGANIZATIONS

Fresno County Farm Bureau
Kern County Farm Bureau
Tulare County Farm Bureau
Kings County Farm Bureau
Madera County Farm Bureau
Merced County Farm Bureau
Fresno-Kings Cattlemen

CALIFORNIA BUSINESSES

Paramount Farms
Harris Ranch
Harris Woolf Almonds
Borba Farms
Land 0' Lakes
Sagoupse Enterprises LLC
Sagouspe Family Orchards I, II, III, IV
Lyons Magnus
Wawona Packing
Lyons Transportation
Triple J Partners
Ghost Ranch LLC
Old West Management LLC
Panoche Creek Packing, Inc.
Double D Farms
Penny Newman Grain Company
Chaney Ranch
Wind Fall Farms
Panoche Creek Farms
J.G. Avila Farms
Rock'n JK Farms
Sano Farms
Quad Knopf—Civil Engineering
Alvarado Building Group
Kingsburg Federal Land Bank
AGRI Crop Insurance Agency
Redding Electric Utility
Proteus Inc.
Aquarius Aquarium Institute
Ferguson Farming Company
Lost Wagon Wheel Ranch
Brooks Ransom Associates
Bettencourt Farms
Kings Ranch
Waymire Farms
Nelson Ranch
Triple J Trust
Westside Ranch
Freitas Farms 1
JHP Ranch Inc
Joseph G Freitas Farms
Brooks Farms
GCM Farms
Farmer's Fury Winery
Stone Land Company
Errotabere Ranches
Houlding Farms

TEA PARTY SUPPORTERS

Mark Meckler, Co-Founder Tea Party Patriots
Central Valley Tea Party
North Valley Patriots

OTHER SUPPORTERS

Stewards of the Sequoia
Kelly Lilies, Area Administrator, Catholic Charities

TRIBAL GOVERNMENTS

Santa Ynez Band of Chumash Indians

STATE ELECTED LEADERS

Senator Jean Fuller
Senator Bill Emmerson
Senator Anthony Cannella
Senator Joel Anderson
Senator Bob Huff
Senator Tom Berryhill
Senator Mimi Walters
Senator Tony Strickland
Senator Mark Wyland
Senator Bob Dutton
Senator Tom Harman
Senator Sharon Runner
Senator Ted Gaines
Senator Doug LaMalfa
Minority Leader Connie Conway
Assemblyman David Valadao
Assemblyman Jeff Miller
Assemblywoman Diane Harkey
Assemblywoman Shannon Grove
Assemblyman Jim Silva
Assemblyman Brian Jones
Assemblyman Cameron Smyth
Assemblyman Katcho Achadjian
Assemblyman Donald Wagner
Assemblyman Mike Morrell
Assemblyman Allan Mansoor
Assemblyman Brian Nestande
Assemblyman Steve Knight
Assemblywoman Linda Halderman
Assemblyman Paul Cook
Assemblyman Martin Garrick
Assemblyman Curt Hagman

CITIES/COUNTIES

Kings County Board of Supervisors
Tulare County Board of Supervisors
Merced County Board of Supervisors
Fresno County Supervisor Phil Larson
Fresno County Supervisor Deborah Poochigian
Fresno County Supervisor Judith Case
Madera County Supervisor Frank Bigelow
Madera County Supervisor David Rogers
Madera County Supervisor Ronn Dominici
Stanislaus County Supervisor Terry Withrow
Fresno City Council President Clinton Olivier
Madera City Councilwoman Sally Bomprezzi
Madera City Councilmember Robert Poythress
Madera City Councilmember Gary Svanda
City of Clovis
City of Orange Cove
City of Reedley
City of Huron
City of Dinuba
City of Visalia
City of Lindsay
City of Tulare
City of Woodlake
City of Farmersville
City of Fire baugh
City of Kingsburg
City of Kettleman City
City of Lemoore
City of Coalinga
City of Porterville
City of Chowchilla
City of Waterford

LAW ENFORCEMENT

Fresno County DA Elizabeth Egan
Tulare County DA Phil Cline
Tulare County Sheriff Bill Wittman
Fresno County Sheriff Margret Mims
Madera County Sheriff John Anderson

Kings County Sheriff Dave Robinson

LOCAL BUSINESS ORGANIZATIONS

Fresno Chamber of Commerce
Clovis Chamber of Commerce
Visalia Chamber of Commerce
Tulare Chamber of Commerce
Kingsburg Chamber of Commerce
Greater Bakersfield Chamber of Commerce
Greater Reedley Chamber of Commerce
Riverbank Chamber of Commerce
Home Builders Association of Tulare-Kings

* Support limited to Title IV.

** Supports bill but no opinion on Title II.

*** Friant settling party supports bill—recommends settling parties adopt Title II.

ASSEMBLY,
CALIFORNIA LEGISLATURE,
Sacramento, CA, June 9, 2011.

Congressman DEVIN NUNES,
Longworth House Office Building,
Washington, DC.

CONGRESSMAN DEVIN NUNES: We, the undersigned members of the CA State Legislature, support The San Joaquin Valley Water Reliability Act, H.R. 1837, as introduced by Congressman Devin Nunes (R–21) and co-sponsored by Congressman Jeff Denham (R–19) and Majority Whip Kevin McCarthy (R–22).

H.R. 1837 is sensible water policy that codifies the bipartisan Bay-Delta Accord into law and also reforms the Central Valley Project Improvement Act (CVPIA). By doing so, water supplies will be increased by 1.4 million acre-feet annually, which will create 25,000–30,000 jobs in the San Joaquin Valley, a region suffering from 20–40% unemployment. Additionally, by repealing and replacing the San Joaquin River Settlement with a viable alternative, H.R. 1837 will save taxpayers $1 billion.

We would like to express our support for this important piece of legislation.

Sincerely,

David G. Valadao, 30th District; Diane Harkey, 73rd District; Jeff Miller, 71st District; Shannon Grove, 32nd District; Jim Silva, 67th District; Connie Conway, 34th District; Katcho Achadjian, 33rd District; Mike Morrell, 63rd District; Brian Jones, 77th District; Cameron Smyth, 38th District; Donald P. Wagner, 70th District; Allan R. Mansoor, 68th District; Brian Nestande, 64th District; Linda Halderman, 29th District; Martin Garrick, 74th District; Steve Knight, 36th District; Paul Cook, 65th District; Curt Hagman, 60th District.

CALIFORNIA STATE SENATE,
Sacramento, CA, February 27, 2012.

Congressman DEVIN NUNES,
Longworth House Office Building,
Washington, DC.

CONGRESSMAN DEVIN NUNES, We, the undersigned members of the California State Legislature, support the San Joaquin Valley Water Reliability Act, H.R. 1837, as introduced by Congressman Devin Nunes (R–21) and co-sponsored by Congressman Jeff Denham (R–19) and Majority Whip Kevin McCarthy (R–22).

H.R. 1837 is sensible water policy that codifies the bipartisan Bay Delta Accord into law and also reforms the Central Valley Project Improvement Act (CVPIA). By doing so, water supplies will be increased by 1.4 million acre-feet annually, which will create 25,000–30,000 jobs in the San Joaquin Valley, a region that is suffering from 20–40% unemployment. Additionally, by repealing and replacing the San Joaquin River Settlement with a viable alternative, H.R. 1837 will save taxpayers $1 billion.

We would like to express our support for this important piece of legislation.

Sincerely,

Jean Fuller, 18th Senate District; Anthony Cannella, 12th Senate District; Bob Huff, 29th Senate District; Bill Emmerson, 37th Senate District; Joel Anderson, 36th Senate District; Tom Berryhill, 14th Senate District; Mimi Walters, 33rd Senate District; Mark Wyland, 38th Senate District; Tom Harman, 35th Senate District; Ted Gaines, 1st Senate District; Tony Strickland, 19th Senate District; Bob Dutton, 31st Senate District; Sharon Runner, 17th Senate District; Doug LaMalfa, 4th Senate District.

At this time, I am very pleased to yield 3 minutes to the gentleman from California (Mr. NUNES), the sponsor of this legislation, who has been an absolute leader on bringing this to national attention.

Mr. NUNES. Mr. Chairman, I would like to remind the gentleman from California that facts are a funny thing, and the Deputy Under Secretary approved this bipartisan agreement in 1994.

I remind the gentleman also that I defended his right in the Rules Committee. I defended the right of the Democrats to have all their amendments made in order.

Mr. Chairman, when the Federal Government began to pass State preemption to take their water away, you can see here that up until this time we had full water allotment throughout California. Yes, when there was a drought, there were a few years we didn't have water, but look at the chaos that has erupted since. This is an important point. The Congress, by using State preemptions, has managed to take water away from cities, communities, and families.

The opponents of this bill claim that somehow the salmon population is decreasing. We can see here in this graph at the bottom—I know it may be hard for some folks to see. The water exports are here. The green represents total water that flowed into the delta throughout the last 25 years. The red line indicates salmon populations. Lo and behold, there is no correlation between the water inflow into the delta and salmon population.

But I will agree that the salmon population has declined, and this bill begins to fix that problem. Why? Because the delta smelt and salmon are being eaten by predator fish that are nonnative to the delta. Let me say that again. Striped bass, nonnative to the delta.

This scientific evidence shows, as the bass population has increased, the smelt population has declined. This bill rectifies this. This bill allows fishermen to fish for the nonnative species. What this is about is we're shutting off the water to Californians and to their families because of the delta smelt right here.

They talk a lot about these dangerous pumps that are pumping this water, these engineering projects that allowed this valley to bloom, that have improved the environment over time. Less than 2 percent of the juvenile salmon—it is negligible in the pumps. Instead of looking at ways to stop that negligible impact, we allow the predator fish, the striped bass, to eat 65 to 90 percent of the juvenile salmon that are being eaten by this bass.

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

Mr. HASTINGS of Washington. I yield to the gentleman an additional 1 minute.

Mr. NUNES. Here we have evidence of this. You can see the bass—I know this is a little gruesome for some folks at home. Here you have the smelt inside the bass. Yet this government is allowing this nonnative species to eat the thing that they so love, the delta smelt.

What has been the result, Mr. Chairman? Food lines. In the breadbasket of the world where they used to grow the Nation's carrots, we now import carrots from China to feed the people in the food lines. This is what this is about. These are children in a food line eating carrots imported from China.

Does this Congress have a moral compass to do the right thing with regards to children in food lines eating carrots imported from China?

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

Mr. HASTINGS of Washington. I yield the gentleman an additional minute.

Mr. NUNES. Mr. Chairman, we don't need any fancy speeches here today. A sixth-grader from an elementary school in my district—I won't read the whole thing—sent this letter:

> Not only does this problem affect the farming industry, it also affects the farmers, families, and their livelihood. I am sure you've heard this complaint. But before, as with future generations, it is of great concern to me. Please do what you can to get the water to the farmers once again, then we can use the fertile soil that the people of this valley have been blessed with.

This sixth-grader is correct. This Congress should do the right thing. We need Democrats and Republicans to come together today. As the Speaker of the House stated earlier, this is to right a wrong.

I urge passage of this bill.

Mrs. NAPOLITANO. Mr. Chairman, I can't believe how many of these people that wrote letters and the stakeholders, including 105 fishing agencies, could be so wrong.

I yield 3 minutes to the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. I thank the gentlelady.

While this bill directly affects the State of California, even though the State of California opposes the legislation, it is also opposed by representatives of the other western water interests—the State of Montana, the State of New Mexico, the State of Oregon, the State of Wyoming, the State of Colorado—which have all joined California in saying they don't want this bill.

Why are they all saying that? They are saying it because of the precedent that it will set in upsetting settled water rights in the West.

□ 1450

Now, to address that issue, the Republicans have inserted in the bill language that says this bill does not set a precedent in upsetting all the water rights in the West, as it upsets all the water rights in California. So, what's that like? Well, in 1929, the Belgian surrealist painter, Rene Magritte, painted a painting of a tobacco pipe. Under the pipe, he painted the words, ''This is not a pipe.'' But of course it was a pipe—or at least a painting of a pipe. This bill has a similar surrealistic quality to it.

The bill states that the violence of this bill in upsetting water rights is not a precedent, that nothing that happens in California will be a precedent for any other State—which is why of course all the other States are opposing the bill because of the precedent that it sets. This bill sets the precedent to upset all those other arrangements. Others in the West who may wish to restructure water rights elsewhere around the West will look to it as a precedent. So I would say to the majority: nice job, but no cigar.

Clearly, this bill does set a bad precedent, and we can't get around that fact just by putting in the bill that it does not set a precedent. You are, for all intents and purposes, taking all of those arrangements set up over generations and in one bill—opposed by all those States—upsetting the apple cart and setting a brand new era. And you cannot get around it by saying in the bill: This does not set a precedent.

Mr. HASTINGS of Washington. Mr. Chairman, I am very pleased to yield 2½ minutes to the gentleman from northern California (Mr. HERGER), an individual who unfortunately is leaving Congress after this, but who has been a leader on property rights in that part of his State of California.

Mr. HERGER. Mr. Chairman, I originally voiced strong concerns when this legislation was first introduced last year, arguing that it would negatively impact northern California's water supplies and undermine our senior water rights; but under Chairman HASTINGS' leadership, it has come a very, very long way.

We have amended the bill so it not only protects northern California water and power users I represent, but in many respects puts them in a materially better position. As such, I intend to strongly support it. It contains important reforms to the CVPIA, a law that has, like so many others, gone awry, including greater certainty for agriculture through longer-term contracts, improved financial accountability, and a cap on the amount ratepayers I represent must pay into the restoration fund.

Most importantly, a new title 4 contains an explicit Federal recognition of California water rights priority system and area of origin protections. Going forward, it will also ensure water users in our area are not harmed by efforts to address environmental and water-quality challenges in California. We have created an important baseline for any water legislation to ensure northern California's water needs will be met first.

There is broad support for these provisions, including from the Tehama Colusa Canal Authority, representing 17 water districts; the Northern California Water Association; eight absolute priority settlement contractors; the city of Redding; Redding Electric Utility; and the Family Water Alliance, a group representing Sacramento Valley landowners.

In short, the bill seeks to solve another tragic ESA-caused water shortage facing our family farmers in California. And it does so while fully protecting senior water rights holders in my district, and in many ways enhancing their positions.

I urge strong support for the bill.

Mrs. NAPOLITANO. Mr. Chairman, I yield 3½ minutes to the gentleman from California (Mr. COSTA).

Mr. COSTA. I thank the gentlewoman for yielding.

Mr. Chairman, I rise to discuss a matter of great importance to my constituents in the San Joaquin Valley, and that's the future of our water supply. More importantly, it's our Nation's food supply and, therefore, an important part of the world's food supply.

H.R. 1837 is not perfect and has issues I think the authors should seriously consider, but I am supporting the legislation today because of a number of important provisions it contains.

Titles 1 and 3 of the legislation aim to address the biggest challenges for water policy in California. In 2009 and 2010, valley communities suffered through a hydrological and regulatory drought that was insufferable. This year, we are again faced with below-average snow pack in the mountains and may see as little as a 30 percent allocation for water in our area.

My congressional district is the most impacted in California by this shortfall. Farmers, farmworkers, and farming communities that live in my district is what I'm talking about. Our water system is broken in California; but while we're trying to fix it, we need operational flexibility while we continue to work on the long-term issues of the Bay-Delta Conservation Plan.

We should be discussing more constructive ways in which we can work together.

Title 2 of this measure repeals and replaces the San Joaquin River Restoration Act. After 18 years of litigation, the parties involved decided to reach an out-of-court settlement agreement. We can all dispute that, but it was those 22 districts' local government that we respected who asked them to codify their out-of-court settlement agreement. I note that the Friant Water Authority continues to oppose title 2 of the bill, as do many of the districts who were involved with the writing and the negotiation of the settlement agreement.

Now, we do have problems with the implementation of the program—Congressman CARDOZA and I will tell you—from the schedule, to costs, to third-party impacts, to the fulfillment of the water management goal, which is critical to the water users. These issues need to be addressed. But simply repealing the settlement agreement won't solve any of these problems, in my view. In fact, I'm certain they'll be back in court the next day, and that's not solving a problem.

We have had a long history of working on a bipartisan basis in California and in the San Joaquin Valley among our Representatives on water. It frustrates me to see the division on the House floor that has politicized this situation and arguably does nothing for the people that I represent. I have always been willing to work on both sides of the aisle, with the Senate, and with the administration to get things done for our valley; and I have done that throughout my career. But unless we are willing to work with Senator FEINSTEIN, who I know wants to be helpful, I predict that this measure today, as it is proposed, will never be heard in the United States Senate. Therefore, it will never bring an additional single drop of water to our region that is desperately in need of more water.

I think we can do better for our constituents by working together on a bipartisan basis with both Houses to develop and implement solutions both in the long term and the short term. These are the efforts that really will increase our water supply, which all Californians need and deserve to have.

Mr. HASTINGS of Washington. Mr. Chairman, how much time is remaining on both sides?

The Acting CHAIR. The gentleman from Washington has 12½ minutes remaining, and the gentlewoman from California has 15½ minutes remaining.

Mr. HASTINGS of Washington. Mr. Chairman, I am very pleased to yield 3 minutes to the gentleman from California (Mr. DENHAM), a new Member who represents part of this area that has been devastated and who was an integral player on developing this legislation.

Mr. DENHAM. Mr. Chairman, a lot has been said about our area of the State, where you have 30 to 40 percent unemployment in some areas. It's not a Republican issue; it's not a Democrat issue. It is an American jobs issue—to put people back to work.

Some people say, Well, those aren't the kinds of jobs that we want. You know, it's a dusty, dirty way to earn a living. Yeah, it is dusty; it is dirty. I'm a farmer. And without water, you shut down not only my farm, but you shut down farms throughout the valley, you

shut off our food supply, you shut off all of those jobs that desperately rely on water.

Now, a lot of people like to talk about a deal is a deal. Back in 1994, we had this grand deal that took CVPIA water, took 800,000 acre-feet for environmental purposes. The deal was that water was supposed to be replaced. The Department of the Interior never did that, just stole 800,000 acre-feet of water, which still has to be paid for by the contract; but nevertheless, we need to make sure that our valley farmers are held whole.

Let me talk about a couple of different issues within this bill.

□ 1500

Again, this is about our priorities as the House. The Senate may or may not agree with them, but we'll never know if we don't have the debate. Shouldn't the Senate at least have an opportunity to look at this bill and vote on the bill and debate the bill?

If they don't like the bill, present us your own; but don't just ignore valley farmers. Don't just ignore the amount of jobs that we're losing as a State. You don't like it, come up with your own bill. We'll vote on that; we'll debate on that.

But we're going to express our priority, and our priority is about the jobs of the Central Valley. We're going to send you a bill that not only deals with greater water certainty, but also deals with duplicative regulation.

I'm also on the Transportation Committee; and whether it's the Resources Committee or the Transportation Committee, when you have a higher environmental law, like California does, why go through these same environmental policies twice? Why not streamline NEPA so that you don't have that duplicative regulation that shuts down our water projects?

And while we're at it, we can fight all we want on where the water that we currently have is delivered or who wins and who loses; but we lose as a State, we lose as a country until we get more water storage.

We've put an amendment in this bill in committee that will authorize new water storage, whether it's Sites Reservoir, Los Vaqueros, Shasta or, in my area, Temperance Flat. But we have to have more off-stream storage.

And in Los Vaqueros, in Congressman GARAMENDI's own district, in his own backyard, we can have water storage today without any cost to the Federal taxpayers. Where we've got users that are willing to pay for more water storage, and the water is desperately needed, why wouldn't we approve those projects?

That's authorized in this bill. This bill deals with certainty. This does deal with a number of years of a problem, and it certainly deals with drought years, as well as certainty in wet years. But it also deals with greater water storage.

So if you want to end this debate once and for all, let's make sure we keep up with the population growth of California. Let's have greater water storage, and let's solve this problem so that we don't have the double-digit unemployment in the Central Valley.

Mrs. NAPOLITANO. Mr. Chairman, I must mention that California agriculture had the biggest banner year during that period, in other words, in the billions more than they had in prior years during this drought.

So with that, I yield 3 minutes to the gentleman from California (Mr. MCNERNEY).

Mr. MCNERNEY. Mr. Chairman, someone needs to stand up and defend the delta. I'm standing to express my strong opposition to H.R. 1837. This legislation will do tremendous damage and harm to the San Joaquin Delta, an area that I'm honored to represent.

The San Joaquin Delta is a treasure for California and the entire Nation. The delta flows through five counties and sustains major cities, small towns, and lush farmland. Agriculture is the economic backbone of the delta, generating nearly $800 million per year revenue in 2009.

Unfortunately, the delta ecosystem is now in decline due to excessive water shipments to the south. Poor water quality is a threat to the region's entire agricultural economy and heritage. H.R. 1837 would even ship more water out of the delta, turning this precious estuary into a salty, stagnant marsh, crushing the local economy, and costing the delta region thousands and thousands of jobs.

This bill is a blatant water grab meant to help some communities at the expense of others. Contrary to the conservative principles that this bill's proponents claim to cherish, H.R. 1837 uses the power of the Federal Government to undermine states' rights.

Dozens of local governments, businesses, agricultural advocates, environmental groups and others oppose H.R. 1837. I have letters from these groups, and I will insert them into the RECORD.

FEBRUARY 27, 2012.

Re OPPOSE H.R. 1837 (Nunes).

Hon. JOHN BOEHNER,

Speaker of the House, House of Representatives, The Capitol, Washington, DC.

DEAR SPEAKER BOEHNER: On behalf of the undersigned organizations, we urge you to oppose the ''San Joaquin Valley Water Reliability Act,'' (H.R. 1837), which was introduced by Representative Nunes. Furthermore, we do not believe that this bill merits a vote by the U.S. House of Representatives.

H.R. 1837 overrides the public trust as defined in the California Constitution and state water laws. It reverses the long-standing Congressional principle that the federal government should follow state water law whenever possible.

H.R. 1837 would reduce water quality and water availability for Delta communities and Delta farmers. It seeks to ensure water flows to corporate agribusiness in the western and southern San Joaquin Valley at the expense of Delta family farmers. The recently-released Economic Sustainability Report authored by the Delta Protection Commission shows that Delta agriculture is worth $4.2 billion annually and provides tens of thousands of jobs. Delta agriculture and jobs should not be sacrificed to benefit water users in other parts of the state, some of whom do not even use that water for agriculture.

H.R. 1837 would hinder efforts to restore fish populations in the Delta. Science-based protections for salmon and other endangered species are required under both California state law and the Endangered Species Act. Since 2009, the State of California has consistently opposed legislation that would weaken the Endangered Species Act in the San Francisco Bay-Delta and Estuary. Title I of H.R. 1837 would substitute measures that were part of a short-term agreement in 1994, when the health of the Delta had not deteriorated so seriously and when recent scientific studies had not yet been done.

H.R. 1837 would reverse San Joaquin River restoration, thereby further impacting water quality and quantity for the south Delta. While the San Joaquin River restoration allows for a limited flow of additional water into the south Delta, breaking the promise of San Joaquin River restoration would signal to Delta communities the federal government's sacrifice of the Delta for the preference of another region in California.

This deeply-flawed bill joins a long list of water strategies created behind closed doors without input from the Delta communities that rely on a healthy Delta for their livelihoods. It threatens the economic security of families, farmers, and small business owners in the Delta, as well as those in the Delta and Northern California who depend on recreational and commercial fisheries. It also threatens the urban economy surrounding the Delta—an area that is home to four million Californians and that is dependent on the Delta to meet its water user needs.

H.R. 1837 deserves your opposition.

Sincerely yours,

Barbara Barrigan-Parrilla, Executive Director, Restore the Delta; Carolee Krieger, President & Executive Director, California Water Impact Network; Ann Johnston, Mayor, City of Stockton, Delta Coalition Chair; Ron Addington, Executive Director, Business Council of San Joaquin County; John Herrick, South Delta Water Agency; Roger Mammon, President, CSBA West Delta Chapter; Bill Jennings, Executive Director, California Sportfishing Protection Alliance; Jack Chapman, State Board President, California Striped Bass Association; John Beckman, Chief Executive Officer, BIA of the Delta; Bobby Barrack, Professional Bass Fisherman, Back to Class Guide Service.

Bill Berryhill, Assemblyman, 26th District, California State Assembly; Roger Mammon, President, CSBA West Delta Chapter; Jeff Shields, General Manager, South San Joaquin Irrigation District; Bill Wells, Executive Director, California Delta Chambers & Visitor's Bureau; Jeremy Terhune, Executive Director, Friends of the lower Calaveras River; Steve Dial, Deputy Executive Director/Chief Financial Officer, San Joaquin Council of Governments; Jack Chapman, President, CSBA Sacramento, The River City Chapter; Alyson L. Huber, Assemblymember, 10th District, California State Assembly.

THE BOARD OF SUPERVISORS,
SAN JOAQUIN COUNTY, CA,
February 24, 2012.

Hon. DOC HASTINGS,
Chairman, Committee on Natural Resources, House of Representatives, Washington, DC.
Hon. TOM MCCLINTOCK,
Chairman, Subcommittee on Water and Power, Committee on Natural Resources, House of Representatives, Washington, DC.
Hon. EDWARD J. MARKEY,
Ranking Member, Committee on Natural Resources, House of Representatives, Washington, DC.
Hon. GRACE NAPOLITANO,
Ranking Member, Subcommittee on Water and Power, Committee on Natural Resources, House of Representatives, Washington, DC.

LETTER IN OPPOSITION TO H.R. 1837

DEAR CHAIRMAN HASTINGS, RANKING MEMBER MARKEY, CHAIRMAN MCCLINTOCK, AND RANKING MEMBER NAPOLITANO: The County of San Joaquin is writing to express its opposition to H.R. 1837, the proposed San Joaquin Valley Water Reliability Act. H.R. 1837 contains a number of provisions that appear to arbitrarily block legal protections for the Sacramento-San Joaquin Delta (Delta). If enacted, H.R. 1837 would overturn important environmental protections for the Delta provided by State law, and would reverse the San Joaquin River Settlement.

We recognize and appreciate the inclusion of language in Title IV mandating that the Central Valley Project be operated in a manner consistent with State water law provisions related to ''area of origin, watershed of origin and county of origin. . . .'' This language is consistent with our long-held view that federal law should specifically and fully recognize and respect California's water rights priority system and statutory protections for ''areas of origin''.

However, H.R. 1837, taken as a whole, would move the Sacramento-San Joaquin River region and the State in the wrong direction. The bill is focused on the past; it takes us backwards, and that is not a direction that holds any promise for collaborative, consensus-based solutions to California's complex water challenges or a healthier Delta. If enacted, H.R. 1837 would stall and potentially disrupt current efforts of various State and Federal agencies as they work toward the implementation of California's 2009 Comprehensive Water Package (SB1, SB 6, SB7, and SB8), which mandates a reduced reliance on the Sacramento-San Joaquin Delta, provision of a high quality supply of water, and restoration of the Delta's ecosystem (e.g., the forthcoming Bay Delta Conservation Plan).

In addition, we oppose the closed-door process used in constructing the bill. H.R. 1837 was put together with neither public transparency nor any meaningful input from the diversity of California's water and environmental interests.

We appreciate your consideration of our concerns regarding H.R. 1837, and we look forward to continuing to work with you to ensure that any legislation that moves forward will promote and protect a healthy Delta environment and clean water supply to support a Delta economy. If you have any questions, please contact Tom Gau, Public Works Director at (209) 468–3100 or me at (209) 468–3113.

Sincerely,

KEN VOGEL,
Vice-Chairman, Board of Supervisors, San Joaquin County.

THE BOARD OF SUPERVISORS,
CONTRA COSTA COUNTY, CA,
February 23, 2012.

Re H.R. 1837—OPPOSE.

Hon. JOHN A. BOEHNER,
Speaker of the House, Washington, DC.

DEAR SPEAKER BOEHNER: As Chair of the Board of Supervisors of Contra Costa County, I write to express my opposition to H.R. 1837, and I urge you to do everything you can to prevent this ill-considered bill from becoming law.

As one of the five counties located in California's Sacramento-San Joaquin River Delta, Contra Costa County depends on Delta waters for drinking, recreation, environmental health and a good portion of our economy which is related to boating, fishing and other service businesses in the Delta area.

Reading the amended bill broadly, it will provide more water, at subsidized prices, to Central Valley agribusiness at the expense of Delta water quality and ecological health, which in turn threatens Contra Costa County water users, the Delta economy, and ultimately the economy of California.

Reading the bill at a more detailed level, it will gut some of the best provisions of the Central Valley Project Improvement Act (CVPIA), and it repeals the San Joaquin River Settlement. Both of these prior acts helped provide a foundation for restoring Bay-Delta health and establishing sound water management practices in California. To gut them or eliminate them for the benefit of a specific group of water users flies in the face of long-standing California water policy and would be an unprecedented and ill-advised act for the Congress to take.

The amended bill specifically would implement the following harmful actions.

1) It would repeal the San Joaquin River Settlement, an agreement from 2006 that was decades in the making among public and private interests and provided the foundation for the San Joaquin River Restoration Program,

2) It would eliminate the San Joaquin River Restoration Program, which is critical to restoring Bay-Delta flow, Delta water quality, salmon population and ecosystem health. By cutting this program when it has only just begun, H.R. 1837 will stymie progress in restoring the highly dammed, constrained and polluted San Joaquin River and will further jeopardize Delta water quality and wildlife populations.

3) The bill would significantly reduce the allocation of federally provided (Central Valley Project) water that is currently used for wildlife and habitat restoration each year per the CVPIA. This water will instead be provided to specific agricultural users.

4) H.R. 1837 also would remove the tiered pricing structure that the CVPIA put in place to encourage wise water use and conservation. Under the tiered structure, the CVP provides below-cost, subsidized prices to its water recipients for up to 80 percent of their contract amounts of water, slightly higher prices for the next 10 percent of their contract amounts, and full-cost pricing for the final 10 percent of their contract amount. Since water deliveries have rarely been over 90 percent in recent years, recipients generally have benefited from below-cost pricing provided by the federally subsidized rates.

5) The bill will discard the past two decades worth of scientific research about Delta conditions by rolling back water-supply regulations to those of a 1994 agreement known as the Bay-Delta Accord. The Accord was developed before the crash of numerous Delta species and before the scientific community developed its current base of knowledge about these issues. By rolling back water operations guidelines to 1994, there will be even greater harm to species including fall-run Chinook salmon. This will cause further economic harm to fisheries and fishing-related businesses in the Delta,

6) H.R. 1837 waives the current requirement that new federal dam projects in the Central Valley comply with the National Environmental Policy Act. The lesson learned from construction of the Friant Dam on the San Joaquin River by the Bureau of Reclamation is that ignoring environmental impacts can wipe out entire runs of salmon and adversely impact other species that rely on adequate water flows. All water resources projects must undergo full and detailed environmental review and any environmental impacts must be fully mitigated.

Finally, I will add a comment about the process this bill has undergone. It is our understanding that no public hearings were held on the amended bill, which was considered in Committee less than 48 hours after the bill was made public. Had there been more time allotted for comment on this bill, undoubtedly objections would have been voiced sooner.

Such critical decisions on water policy should have been debated in full public view with adequate time for comment, particularly in this instance where the Congress is attempting to overturn long-standing state water management practice.

Thank you in advance for your consideration of these concerns.

Sincerely,

MARY NEJEDLY PIEPHO,
Chair, Board of Supervisors.

DELTA COUNTIES COALITION, CONTRA COSTA COUNTY, SACRAMENTO COUNTY, SAN JOAQUIN COUNTY, SOLANO COUNTY, YOLO COUNTY, ''WORKING TOGETHER ON WATER AND DELTA ISSUES,''
February 24, 2012.

Re H.R. 1837.

Hon. JOHN BOEHNER,
Speaker, House of Representatives, Washington, DC.
Hon. NANCY PELOSI,
Democratic Leader, House of Representatives, Washington, DC.

DEAR MR. SPEAKER AND MADAM LEADER: The Sacramento-San Joaquin Delta Counties of Contra Costa, Sacramento, San Joaquin, Solano, and Yolo, working together as the Delta Counties Coalition (DCC), write to express our strong opposition to H.R. 1837, as currently constructed.

The DCC is concerned that H.R. 1837 contains a number of provisions that arbitrarily block legal protections for the Sacramento-San Joaquin Delta (Delta) and its fisheries for the benefit of a specific group of agricultural water users. Among our concerns are the consequences of provisions that would change or limit the use of the 800,000 acre-feet of Central Valley Project (CVP) water that was devoted to fish and wildlife purposes in the original Central Valley Project Improvement Act (CVPIA). We also have significant concerns about the impacts to Delta fisheries, water quality, and sensitive ecosystems that would result from the bill's requirement to revert back to the provisions of the 1994 Bay-Delta Accord as the benchmark environmental document to be used in meeting today's biological and hydrological needs in the Delta. Additionally, we are gravely concerned about the consequences of provisions that preempt state land, water and environmental laws which currently require more stringent protections than those outlined in the Accord, which was agreed to

nearly 18 years ago. This would ignore the last two decades' worth of scientific research about Delta issues and would base water operations on out-of-date science that was in place before the crash of Delta wildlife species in recent years. Furthermore, as a bipartisan coalition, we are surprised that this House would consider top-down, big government legislation preempting state law in a manner that is antithetical to core philosophies of the Majority. We must ensure that any legislation that moves forward will avoid cannibalizing one part of California's economy to benefit another's—our litmus test will be to see if the bill supports, rather than jeopardizes, a Delta economy based on agriculture, fishing/hunting, recreation, and tourism.

Another major problem with the bill is that it scraps the San Joaquin River Restoration Program, which is needed to begin restoring the San Joaquin River to reestablish salmon runs, improve river water quality and restore the river's Bay-Delta flow. The restoration is needed to improve the health of the river and the Delta.

While some of the provisions of the bill are consistent with our long held view that federal law should specifically and fully recognize and respect California's water rights priority system and statutory protections for areas of origin, taken as a whole, H.R. 1837 takes our region and the State in the wrong direction. By undercutting decades of agreements and ongoing negotiations, this bill brings us no closer to solving California's complex water challenges. We also are troubled by the way the bill was constructed. It was put together behind closed doors, with neither public transparency nor meaningful input from the diversity of California's water and environmental interests. There were no hearings held on the version of the bill that the Committee considered less than 48 hours after it was made public. A balanced, consensus based solution is only possible if the interests of all stakeholders are considered.

The DCC looks forward to continuing to work with California's congressional delegation to promote and protect a healthy Delta environment. If you have questions, please do not hesitate to contact us.

Sincerely,

Mary Nejedly Piepho, Supervisor, Contra Costa County; Don Nottoli, Supervisor, Sacramento County; Larry Ruhstaller, Supervisor, San Joaquin County; Michael J. Reagan, Supervisor, Solano County; Mike McGowan, Supervisor, Yolo County.

CENTRAL DELTA WATER AGENCY,
Stockton, CA, February 24, 2012.

Re Opposition to H.R. 1837 (Nunes).

Hon. JOHN BOEHNER,
Speaker of the House, House of Representatives, The Capitol, Washington, DC.

DEAR SIR: The Central Delta Water Agency encompasses approximately 120,000 acres in the central portion or California's Sacramento-San Joaquin Delta. We are concerned with the adequacy of the quality and flow of water in the channels of the Delta. Although the use of such water in our agency is primarily agricultural, there are also significant urban, recreational, industrial and habitat uses. We are opposed to the passage of H.R. 1837 for the following reasons among others:

H.R. 1837 would override State constitutional protection for the public trust, State water rights law and even preclude the State's ability to set limits on the take of non-native fish. (Pages 19 and 20 of the bill.)

This intrusion on State's rights is not only a break with tradition and respect but is of questionable constitutionality. This is bad law and bad precedent which does not address the underlying problem of insufficient water to meet needs in dry years.

H.R. 1837 would represent yet another significant breach of the promises by the United States to the people of California that exports would be limited to surplus water.

''On February 17, 1945, a more direct answer was made to the question of diversion of water in a letter by Acting Regional Director R.C. Calland, of the Bureau, to the Joint Committee on Rivers and Flood Control of California State Legislature. The committee had asked the question, 'What is your policy in connection with the amount of water that can be diverted from one watershed to another in proposed diversions?' In stating the Bureau's policy, Mr. Calland quoted section 11460 of the State water code, which is sometimes referred to as the county of origin act, and then he said: 'As viewed by the Bureau, it is the intent of the statute that no water shall be diverted from any watershed which is of will be needed for beneficial uses within that watershed. The Bureau of Reclamation, it its studies for water resources development in the Central Valley, consistently has given full recognition to the policy expressed in this statute by the legislature and the people. The Bureau has attempted to estimate in these studies, and will continue to do so in future studies, what the present and future needs of each watershed will be. The Bureau will not divert from any watershed any water which is needed to satisfy the existing or potential needs within that watershed. For example, no water will be diverted which will be needed for the full development of all of the irrigable lands within the watershed, nor would there be water needed for municipal and industrial purposes or future maintenance of fish and wildlife resources.' '' (See 84th Congress, 2d Session House Document No. 416, Part One Authorizing documents 1956 at Pages 797–799.)

H.R. 1837 attempts to repeal the San Joaquin River Settlement—The actions of the United States in deliberately dewatering portions of the San Joaquin River and collaborating in its degradation is a national disgrace and should be corrected. The San Joaquin River Settlement is a voluntary and contractual resolution to years of litigation which is but a small step towards remediation of longstanding patterns of wrongdoings. It should be honored not circumvented.

H.R. 1837 would remove much of the CVPIA protection for fish which was the quid pro quo for the significant benefits extended to Federal water contractors and in particular the ability to profit from transfer of subsidized water.

This would be but another action confirming the lank of credibility of our Federal government. Although not a party to the negotiations leading to the CVPIA, it would appear that any repeal of the environmental benefits should include a repeal of the benefits to water contractors. We suggest no change.

H.R. 1837 represents the wrong approach to addressing water issues in the State of California and would be a terrible precedent for similar actions affecting other States.

Yours very truly,

DANTE JOHN NOMELLINI,
Manager and Co-Counsel.

H.R. 1837 would devastate my entire region, but folks from other States should also oppose this bill. With little debate, and complete disregard for the consequences, this bill sets a dangerous precedent so that the Federal Government can undermine State water law developed over decades. Your State could be next.

This bill is a shameful attempt to rewrite California water laws to benefit a few selected water users, regardless of how much harm is done to other parts of the State. Democrats and Republicans should stand united in our desire to block this legislation from becoming law. I urge my colleagues in the strongest possible terms to oppose H.R. 1837.

Mr. HASTINGS of Washington. Mr. Chairman, I yield 1 minute to the gentleman from New Mexico (Mr. PEARCE), another Member from the West, and the chairman of the Western Caucus who knows this issue very well.

Mr. PEARCE. Mr. Chairman, I rise in strong support of H.R. 1837. The Nation is faced with trillion-dollar deficits, persistent unemployment above 8 percent, and we continue to use the Federal Government to kill jobs and to export them to China.

You can take a look at what the President recently did regarding the Keystone pipeline. You can look at the export of the rare-Earth mineral mines to China.

But this is the one that is most offensive, this exporting of our agriculture products. San Joaquin Valley used to place vegetables, safe vegetables grown in America on store shelves across the country. Today we import vegetables from countries that use pesticides that are disallowed here.

We have an unsafe food supply. We have more people out of work, and we have deficits because we don't have tax-paying citizens.

This bill simply is a commonsense, bipartisan solution that puts people back to work, provides a safe food supply, and makes America more sound. It's common sense. We should vote for it.

Mrs. NAPOLITANO. I yield 2½ minutes to the gentleman from California (Mr. THOMPSON).

Mr. THOMPSON of California. Mr. Chairman, I rise in strong opposition to this jobs killer act that ignores more than 20 years of established science.

Tens of thousands of people depend on the Bay-Delta for their livelihoods, including many farmers, fishermen, and sportsmen who contribute billions of dollars to our economy every year.

Sadly, the sponsors of this bill are using the legislation to create winners and losers by preempting California State law. This bill would take water from folks in northern California for use in California's Central Valley. This means even less water to sports fishermen and to commercial fishermen, the basis of two thriving industries in our State.

The Pacific Coast Federation of Fishermen's Associations strongly opposes the bill. They estimate that over 25,000 jobs were lost in the salmon fishing industry due to the 2008 and 2009 closures.

The American Sportsfishing Association shows that California's economy suffers $1.4 billion in loss each year that the salmon fishery season is

closed. If this bill becomes law, these jobs would be lost forever, and the economic losses would be permanent.

Appropriate amounts of water are also critical to support the economies for wildlife-associated recreation. In California, 7.4 million sportsmen contribute over $8 billion to the economy every year. Without water, many of these hunting, fishing, and wildlife-watching activities will be lost.

More than 200 sportsmen's organizations have written to express their opposition to this bill. These men and women recognize the extreme consequences of this measure.

Mr. Chairman, I'd like to insert this letter that I have signed by those over 200 organizations into the RECORD.

FEBRUARY 26, 2012.

Hon. JOHN BOEHNER,
Speaker of the House, House of Representatives, Washington, DC.
Hon. NANCY PELOSI,
Minority Leader, House of Representatives, Washington, DC.

DEAR SPEAKER BOEHNER AND MINORITY LEADER PELOSI: The California Environmental Water Caucus, and the numerous environmental, environmental justice, recreational and commercial fishing groups, legal and advocacy groups, and Indian tribes, whose logos and names are attached to this letter, would collectively like to express our strong opposition to the ill-conceived and regressive legislation contained in H.R. 1837, the misleadingly entitled ''Sacramento-San Joaquin Valley Water Reliability Act.'' We do not believe that this bill merits a vote by the U.S. House of Representatives.

In summary, this radical legislation preempts state water law, eliminates environmental protections for salmon and other commercially valuable species, guts the 1992 Central Valley Project Improvement Act, and overturns the broadly supported, court approved settlement to restore the San Joaquin River. As a result, this bill threatens thousands of salmon fishing jobs and communities in California and Oregon, water quality in the Bay-Delta, and the reliability of California's water supplies.

H.R. 1837 would overturn the fundamental Congressional principle which requires the federal government to follow state water law whenever possible. This principle has been a bulwark of rights reserved to the individual states and should not be violated by this kind of legislation. Even more specifically, this radical legislation would preempt the public trust doctrine as defined in the California Constitution and eliminate the implementation of a bipartisan package of water policy reform legislation adopted by the State of California in 2009.

H.R. 1837 would defeat efforts to restore fish populations in the Delta. Science-based protections for salmon and other endangered species are required under both California state law and the Endangered Species Act. In order to support recovery of endangered fish species, the State of California has consistently opposed legislation that would weaken the Endangered Species Act in the San Francisco Bay-Delta and Estuary. H.R. 1837 would strip those protections.

H.R. 1837 would gut the Central Valley Project Improvement Act of 1992, which corrected numerous deficiencies built into the federal Central Valley Project. The Act requires compliance with state law, encourages water conservation, makes modest reforms to reduce water subsidies, and contributes water for the recovery of endangered fish species.

H.R. 1837 would overturn the 2009 court approved San Joaquin River Restoration Settlement Act which ended twenty years of litigation on the San Joaquin River. The Settlement and the Act were supported by all parties to the litigation and numerous water districts in the San Joaquin Valley and across the State, along with Members of Congress from both sides of the aisle. H.R. 1837 attempts to preempt state law that requires river restoration, and eliminates flood protection and water supply projects for farmers that were approved as part of the Settlement and Act.

H.R. 1837 would reduce water quality and water reliability for Delta communities and Delta farmers. It seeks to ensure water flows to agribusiness in the western and southern San Joaquin Valley at the expense of smaller Delta family farmers. The recently released Economic Sustainability Report authored by the Delta Protection Commission shows that Delta agriculture is worth $4.2 billion annually and provides tens of thousands of jobs. Delta agriculture and jobs should not be sacrificed to benefit water users in other parts of the state, some of whom do not even use that water for agriculture. This legislation would further aggravate the water supply divide within the state and would help perpetuate the destructive ''water wars'' which characterize water rules in California.

In summary, H.R. 1837 is an unprecedented assault on a state's ability to enact and support its own water laws, and it is an undisguised water grab in favor of one district to the detriment of other parts of the state, all engineered by the federal government.

For all of the above reasons, we oppose H.R. 1837 and request that you withdraw the legislation.

DAVID NESMITH,
Co-Facilitator.
NICK DI CROCE,
Co-Facilitator.

The following 190 organizations are signatories to this comment letter:

Bill Jennings, Executive Director, California Sportfishing Protection Alliance; Dave Britts, President, Pacific Coast Federation of Fisherman's Associations; Carolee Krieger, Executive Director, California Water Impact Network; Jonas Minton, Senior Water Policy Advisor, Planning and Conservation League; Ron Stork, Senior Policy Advocate Friends of the River; Jennifer Clary, Water Policy Analyst Clean Water Action.

David Lewis, Executive Director Save the Bay; Joan Clayburg, Executive Director, Sierra Nevada Alliance; Deb Self, Executive Director, San Francisco Baykeeper; Jim Metropulos, Senior Advocate, Sierra Club California; Chris Wright, Executive Director Foothills Conservancy; John Merz, President, Sacramento River Preservation Trust.

Conner Everts, Executive Director, Southern California Watershed Alliance; Barbara Barrigan-Parrilla Executive Director, Restore the Delta; Caleb Dardick, Executive Director, South Yuba River Citizens League; Barbara Vlamis, Executive Director AquAlliance; Caleen Sisk-Franco, Spirtual Leader & Traditional Chief Winnemen Wintu Tribe; Victor Gonella, President, Golden Gate Salmon Association.

Geoffey McQuilkin Executive Director Mono Lake Committee; Huey D. Johnson, President, Resource Renewal Institute; Adam Scow, California Campaign Director Food and Water Watch; Linda Sheehan, Executive Director Earth Law Center; Leda Huta, Executive Director, Endangered Species Coalition; Capt. Roger Thomas, President, Golden Gate Fishermen's Association.

Mondy Lariz, Director, Santa Clara County Creeks Coalition; Larry Collins, President, San Francisco Crab Boat Owners Association; Leaf G. Hillman, Director, Karuk Department of Natural Resources, Karuk Tribe; Lloyd Carter, President, California Save Our Streams Council; Eric Wesselman, Executive Director Tuolumne River Trust; Don Rivenes, Conservation Chair, Sierra Foothills Audubon.

Esmeralda Soria, Legislative Advocate, California Rural Legal Assistance Foundation; Mark Rockwell, Co-Conservation Director, Northern California Council Federation of Fly Fishers; Dan Bacher Editor, Fish Sniffer; Alan Levine, Director, Coast Action Group; Zeke Grader, Executive Director, Institute for Fisheries Resources; Siobahn Dolan, Director, Desal Response Group.

Andrew J. Orahoske, Conservation Director, Environmental Protection Information Center; Scott Greacen, Executive Director, Friends of the Eel River; Mati Waiya Executive Director Wishtoyo Foundation, Karen Schamback, California Field Director, California Public Employees for Environmental Responsibility; Rich Cimino, President, Alameda Creek Alliance; Milo Vukovich, President, Sonoma County Abalone Network.

Jeff Miller, Conservation Advocate, Center for Biological Diversity; Bill Wells, Executive Director, California Delta Chambers & Visitors Bureau; Dave Steindorf, California Stewardship Director American Whitewater; Bill Ferrero, Owner, President, Mokelumne River Outfitters; Lorna Elness, President, San Joaquin Audubon; Carol Perkins, Water Resources Advocate Butte Environmental Council.

Michael Warburton, Executive Director, The Public Trust Alliance; Sylvia Kothe, Chairperson, Concerned Citizens Coalition of Stockton; Frank Egger, President, North Coast Rivers Alliance; Luke Breit, Legislative Advocate Forests Forever; Marily Woodhouse, Director, Battle Creek Alliance; Jeremy Terhune, Coordinator, Friends of the Calaveras.

Don McEnhill, Riverkeeper, Russian Riverkeeper; Tim Little, Co-Director, Rose Foundation; Steve Shimek, Chief Executive The Otter Project, Greywolf, Jeff Kelly Chief, Modoc Nation; Alan Harthorn, Executive Director Friends of Butte Creek; Larry Hanson, Manager, Northern California River Watch.

Steve Shimek, Program Manager Monterey Coastkeeper; Steve Pedery, Conservation Director, Oregon Wild; Melanie Winter, Founder & Director, The River Project; Larry Glass, President, Safe Alternatives for our Forest Environment; Lynne Plambeck, Executive Director, Santa Clarita for Planning and the Environment; Marie Logan & Jessie Raeder, Co-Presidents, SalmonAid Foundation.

Karen Schambach, President, Center for Sierra Nevada Conservation; Rain Ananacel, Executive Director, Northcoast Environmental Center; Michael Schweit, President, Southwest Council Federation of Fly Fishers; Chris Poehlmann, President, Friends of the Gualala River; Brenda S. Adelman, Chairperson, Russian River Watershed Protection Committee; Nate Rangel, President, California Outdoors.

Chet Ogan, Conservation Chair, Redwood Regional Audubon Society; Susan Robinson, Board Member, Ebbetts Pass Forest Watch; Bob Dean, President, Upper Mokelumne River Watershed Council; Trevor Kennedy, Executive Director, Fishery Foundation; Dan Silver, Executive Director, Endangered Habitats League; Jane Humes, Chair, Waldo Holt Conservancy.

Michael Garabedian, Friends of the North Fork American River; Mike Hudson, Small Boat Commercial Salmon Fisherman's Association; Allison Boucher, Project Manager, Tuolumne Conservancy; Michael Martin,

Ph.D., Director, Merced River Conservation Committee; Beth Werner, Baykeeper, Humboldt Baykeeper; Kelli Gant, President, Trinity Lake Revitalization Alliance.

Rick Coates, Executive Director, Forest Unlimited; Sue Lynn, Secretary, Cascade Action Now; Larry Glass, President, South Fort Mountain Defense Committee; Seymour Singer, President, Pasadena Casting Club; Dick Harris, President, Santa Clarita Casting Club; Ken Javorsky, President, Tri-Valley Fly Fishers.

Jim Cox, President, West Delta Chapter, California Striped Bass Association; Jackson Chapman, President, Sacramento Chapter, California Striped Bass Association; Roger Mammon, President, Lower Sherman Island Duck Club; Larry Dennis, Conservation Chair, Mission Peak Fly Anglers; Henry Sandigo, Conservation Chair, Granite Bay Flycasters; Jim Tolonen, Conservation Chair, Santa Cruz Fly Fishermen.

Tom Bartos, President, Foothills Angler Coalition; Bill Carnazzo, President, Spring Creek Guide Service; Grant Fraser, President, Auburn Flycasters; Mark Allen, General Manager, Adventure Connections, Inc.; Greg King, Siskiyou Land Conservancy; Jim Yarnall, President, Humboldt Area Saltwater Anglers; Joesph Vaile, Campaign Director, KS Wild.

Ron Forbes, Conservation Chair, Delta Fly Fishers; Denise Boggs, Executive Director, Conservation Congress; Kim Glazzard, Executive Director, Organic Sacramento; Bill O'Kelly, President, Sierra Pacific Flyfishers; Cindy Charles, Conservation Chair, Golden West Women Flyfishers; Ted Shapas, Conservation Chair, Diablo Valley Fly Fishermen.

Darrell Tichurst, Chairman, Coastside Fishing Club; Steve Burke, Spokesperson, Protect Our Water; Lillian Light, President, Palos Verdes Audubon Chapter; John Weisheit, Conservation Chair, Living Rivers/Colorado Riverkeeper; Spreck Rosenkrans, Restore Hetch Hetchy; Don Schmoldt, President, Sacramento Audubon Society; Diane Hichwa, Conservation Chair, Madrone Audubon.

Stephen Fuller-Rowell, Co-Founder, Oregon Waterwatch; Tom Chandler, Editor, Trout Underground; Will Harling, Executive Director, Mid-Klamath Watershed Council; Don Gillespie, President, Friends of Del Norte; Randa Solick, Co-Chair, Santa Cruz WILPF; Ken Franke, Executive Director, Sportfishing Association of California.

Jim Martin, Recreational Fishing Alliance; Sep Hendrickson, Executive Director, California Inland Fisheries Foundation; Aaron Newman, President, Humboldt Fisherman's Marketing Association; Mark Micoch, Co-Chairman, Northern California Guides Association; Dan Blanton, Chairman, StriperFest; Mike Augney, Co-Owner, USA Fishing.

Jim Martin, Director, Berkeley Conservation Institute; Bob Mellinger, Vice-President, Water for Fish; Bart Hall, Producer, Fred Hall Shows; Randy Repass, Chairman & Founder, West Marine; Bruce Tokars, President, Salmon Water Now; Galen Onizuka, Owner, President, Johnson Hicks Marine.

Angelo Pucci, President, P Line; Dick Pool, President, Pro-Troll Fishing Products; Liz Hamilton, Executive Director, Northwest Sportfishing Ind. Assn.; Bob Rees, President, North West Guides and Anglers Assoc.; Peter Grenell, Manager, San Mateo County Harbor District; Ken Elie, Owner, President, Outdoor Pro Shop.

Bill Divens, Salmon King Lodge West; Paul Johnson, Owner, Monterey Fish Market; Bob Kotula, Outwest Marketing; Danny Layne, Hawkeye Marketing; Roy Gray, Owner, Roy Gray & Associates; Dan Pamel, President, Leisure Sales; Paul Johnson, Owner, Monterey Fish Market.

Michael Scaglione, Pacific Catch Fish Grill; Bill Boyce, Boyce Image, World Fishing Network; Rich Kato, Sport Sales; Jack Swanson, Sales Manager, Repala USA; Chuck Cappotto, Bodega Bay Fisherman's Marketing Assoc.; Gary Coe, Kokanee Power.

Angelo Pucci, President, G. Pucci and Sons Mfg.; Capt Brian Smith, Riptide Charters; Capt Bob Ingles, Queen of Hearts Charters; Capt Brian Cutty, Chubasco Charters; Capt Brian Guiles, Flying Fish Charters; Capt Chris Chan, Ankeny St. Sportfishing.

Capt Craig Shimokosu, New Salmon Queen Charters; Capt Dale Walters, Que Sera Sera Charters; Capt Dennis Baxter, New Captain Pete Charters; Capt Don Franklin, Soleman Sportfishing Charters; Capt Ed Gallia, New Easy Rider Charters; Capt Frank Rescino, Lovely Martha Charters; Capt Harry Necees, Checkmate Charters; Capt Jack Chapman, Lovely Linda Sportfishing; Capt Jacky Douglas, Wacky Jacky Charters; Capt Jay Yokomozo, Huck Finn Charters; Jimmy Robertson, Outer Limits Charters; Capt Joe Gallia, El Dorado III Charters; Capt John Atkinson, New Ray Ann Charters; Capt John Kluzmier, Sir Randy Charters; Capt Nick Lemons, Star of Monterey Charters; Capt Ken Stagnaro, Stagnaro's Charters; Capt Randy Thornton, Telstar Charters.

Capt Richard Thornton, Trek II; Capt Rick Powers, Bodega Bay Sportfishing; Capt Peter Bruno, Randy's Fishing Trips; Bob Sparre, Bob Sparre's Guide Service; Capt Sean Hodges, Hog Heaven Charters; George Catagnoia, Owner, Sandy Ann Charters; Capt Steve Talmadge, Flash Sportfishing Charters; Sal Vallone, Bob Sands Fishing; Capt Tim Klassen, Reel Steel Sportfishing; Vance Staplin, Vance's Tackle.

Barbara Emley, F/V Autumn Gale; Capt Chris Acacelo, Chris' Fishing Charters; Jim Cox, Owner, Jim Cox Sport Fishing Charters; Jonah Li, Hi's Tackle Box; Sunny Lampre, Owner, Sunny's Electric Marine; Ron La Force, President, United Outdoorsmen; Danny Layne, Fish'n Dan's Guide Service; Marilyn Hendrickson, Sep's Outdoors Inc.; Mike Chamberlain, Ted's Sports Center; Craig Stone, Emeryville Sportfishing.

That's 200. That's more than the 12 or 14 members of the State legislature that wrote you a letter.

In the end, H.R. 1837 is nothing more than an attempt by well-funded water contractors to steal water from other users with no regard for the fishers, sportsmen, the farmers north of the delta, the families and the businesses who depend on their delta for their livelihood. It guts environmental protections and kills local jobs. It should be rejected, and solutions to California's water challenges should be based on strong and sound science; and it should be done with all of the stakeholders at the table, not in the proverbial back room.

□ 1510

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

Mrs. NAPOLITANO. I yield the gentleman an additional 15 seconds.

Mr. THOMPSON of California. So please join me and over 100 outdoor and fishing organizations and the Western States Water Council to protect northern Californians from political agendas that harm our economy, wildlife, and the people. Vote ''no'' on this bill.

Mr. HASTINGS of Washington. Mr. Chairman, here are a number of organizations that have written in support of this legislation on both sides of these pages; and at the appropriate time I, too, will insert them in the RECORD to show that there is broad, broad support for this legislation.

I am now pleased to yield 1 minute to the gentleman from California (Mr. ROYCE).

Mr. ROYCE. I thank the gentleman for yielding.

Mr. Chairman, I must say, for those of us who have seen this with our own eyes, who saw the devastation in the Central Valley, we know for a fact that when the aqueduct pumps in California were slowed, when that water came to a halt because of the orders and opinions issued partly by the Obama administration, what we saw was devastation. We saw the worst of it in 2010. Over a million acre-feet of water were lost. Tens of thousands of jobs were destroyed in our State. The unemployment rate, my friends, in some of these Central Valley towns reached 40 percent.

Those signs that I saw along the I–5 when I was going up to take a look at this, they told a certain story, and these were written by farmers: ''No water = No jobs.'' You'd go down the highway: ''Food grows where water flows,'' but there was no food growing. The devastation was incredible.

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

Mr. HASTINGS of Washington. I yield the gentleman an additional 30 seconds.

Mr. ROYCE. My personal favorite: ''New Dust Bowl, created by Congress.''

Well, this legislation would bring some sanity back to this process. By restoring water deliveries to the levels agreed upon in the 1994 Bay-Delta Accord between California and the Federal Government, this bill could bring back 30,000 jobs, and it would save millions of acre-feet of water which has been sent to the ocean.

My friends, this is a man-made problem. It's going to take legislation to fix. This bill will fix it.

Mrs. NAPOLITANO. Mr. Chairman, I also toured that area, and the devastation was very severe. I wish some of the areas would find another way to be able to find employment, because this is a chronic unemployment circle, if you will, for years, for decades; it isn't just new.

I yield 1½ minutes to the gentleman from Arizona (Mr. GRIJALVA).

Mr. GRIJALVA. Mr. Chairman, I rise today in strong opposition to H.R. 1837, the San Joaquin Valley Water Reliability Act.

This legislation repeals existing State law and, frankly, leaves no State safe. If enacted, H.R. 1837 would set an unprecedented standard of State preemption. As a member of the Subcommitee on Water and Power, I am concerned that the opposition to this legislation, over 300 stakeholders, over seven States, the nonpartisan Western States Water Council, various

attorney generals from New Mexico to other States, have voiced their concern about the preemption and the concern about the intrusion into what has traditionally been a State's right in terms of water management.

If enacted, this unprecedented act of State preemption would be a precedent that brings many States' water settlements into question. In my State, Arizona, a diverse set of stakeholders, water users, Indian tribes, municipalities, the Federal Government were involved in lengthy years in reaching water agreements to try to balance the use of water in our State. They were crafted, they were difficult, they were delicate, but agreement happened, and now those are now being implemented throughout the State.

It raises question about that difficult process, particularly when you had tribal governments involved in these negotiations and are part of the settlement. By sovereignty, States' rights are preeminent in this question.

I urge Members to vote ''no.''

Mr. HASTINGS of Washington. Mr. Chairman, I am very pleased to yield 3 minutes to the distinguished majority whip, another gentleman from California who has seen the effects of what this man-made drought is, Mr. MCCARTHY.

Mr. MCCARTHY of California. Mr. Chairman, I want to thank Chairman HASTINGS for his work in committee, and I'd also like to thank, Mr. Chairman, the subcommittee chairman, TOM MCCLINTOCK, and the authors of this bill, DEVIN NUNES and JEFF DENHAM, for their work.

Now, in California there's a saying: ''Whiskey's for drinking and water's for fighting,'' and for too long we've been fighting about water. For too long this man-made drought in California has been ignored. Well, you know, today that stops. I'm excited about it stopping today; because you're going to hear a lot of arguments on both sides, but that's where we're supposed to debate, on the floor of the House.

But, you know, the thing we've always yearned for, the thing we've always taught our children? That an agreement is an agreement, that you keep your bond. You come into a debate where you make your points, but when you come to an agreement, you keep it.

Simply put, what does this bill do? This bill simply says an agreement is an agreement.

When both sides sat down from the Bay Area-Delta Accord—why was it named that? Because people from the bay area and people from the delta had discussions, had fights, had policy arguments, and they finally came to agreement.

Now, who was on what side? Was it all just based upon a farmer or just based upon environmentalists? No. There was the Clinton administration. There was Pete Wilson from the State. He was Governor at the time. There were farmers. There were environmentalists. Mr. Chairman, there were people that were in the administration that are even Members of this Chamber today who spoke in support of this. So if you made an agreement then, why do you want to break it?

And because of what the man-made drought has done, have you ever examined the pain that it has caused? I know people, when they think of California, sure, you think of Silicon Valley, you think of Hollywood, you think of San Diego. Well, you know what? There's this whole area in the valley. When you start and talk about this area in the valley, you know where my district is? My district is from the ''Grapes of Wrath.'' It's the shantytown everybody ended up in. Cesar Chavez is buried in my district. But you know what I saw from my valley on up? Thirty, 40 percent unemployment. I saw people standing in line.

I'm very proud of the district I'm fortunate to represent. There's two families in my district that grow 80 percent of all of the carrots in the country. But you know, because of this man-made drought, where hundreds of people were lined up to get food at the food bank, they were getting carrots. But were they getting carrots from America? No. They were getting carrots from China. The breadbasket of America.

Well, you know, that all ends today. It ends with a bipartisan agreement that America craves for us to find. You know what? In the Bay-Delta Accord, I didn't get everything that I would represent philosophically. The other side didn't as well. But, you know, the greatest thing about America is the rule of law, and if we make an agreement, we should stick to the agreement. Simply put, that's what this bill does and ends the man-made drought.

Mrs. NAPOLITANO. I would like to yield 2½ minutes to the gentleman from California (Mr. CARDOZA).

May I ask what time we have left, sir?

The Acting CHAIR. The gentlelady from California has 8 minutes remaining, and the gentleman from Washington has 3¾ minutes remaining.

Mr. CARDOZA. Mr. Chairman, I thank my colleague for yielding.

I rise today to offer my support for the legislation.

This bill, like so many others that we vote on, is far from perfect. However, I'll support this bill because of many provisions, important provisions for my valley within it.

Mr. Chairman, water is absolutely critical to the economy of the San Joaquin Valley, the valley I love. Without an adequate water supply, agricultural fields go fallow and entire communities can be laid to waste. No one understands this more than myself and my colleague, Mr. COSTA, my friend from the valley. We have both fought for water for our entire careers for our people. In fact, just last year, he and I introduced legislation to provide operational flexibility in the implementation of the Endangered Species Act for water deliveries for the Central Valley Project. Unfortunately, our colleagues on the other side of the aisle haven't felt the importance of holding a hearing on that bill.

Titles I and III of this legislation aim to address the flawed regulations that have reduced our vital water deliveries to my friends and neighbors throughout the valley.

□ 1520

I have no reservations in supporting these provisions, and commend my colleagues on the other side for introducing them. I recommend a ''yes'' vote.

When it comes to title II of this bill, which calls for the repeal and replacement of the San Joaquin River Restoration Act, I would like to mention that this was a locally requested and locally championed piece of legislation to end an 18-year lawsuit. Although I had serious reservations when this bill was first introduced, I supported the solution when it came through this House. I will say now that the implementation of this act, as it has been done by the administration, has left a lot to be desired.

I have significant further reservations with the San Joaquin River Restoration program, and it has recently become clear that those views that I expressed during its formation are coming to pass. The restoration is far too costly, and its schedule is advancing in a way that landowners adjacent to the new flows are being damaged.

Despite this, just simply saying we will remove the agreement that has been put in place is not the answer. We don't need to repeal it—we need to repair it—particularly when the only thing a repeal accomplishes is a continuation of a lawsuit that prompted the legislation in the first place.

However, I'd like to make a comment about the process under which this legislation was drafted.

As many of you know, this is my last year as a Member of this body.

This bill, even while I support it, is a perfect example of how dysfunctional this body has become.

This bill will never become law. To be frank, I'm doubtful that it will even be debated in the Senate.

I feel this way because the authors of this bill haven't expressed a serious interest in engaging either me, Congressman COSTA or Senator FEINSTEIN in drafting a bipartisan piece of legislation that can pass both chambers of Congress.

It's unfortunate that some continue to exploit the real life challenges facing the folks we have the honor of representing to score a cheap political point.

Successful functioning of Congress and the resulting successful resolution of the problems afflicting this nation will require the participation of both Republicans and Democrats.

We cannot function individually; we must function in concert to solve the challenges facing us today.

I think we not only can do better, but we must do better, if we're going to accomplish what we were sent here to do.

Only efforts like that will truly solve the complex problems facing us today.

Mr. HASTINGS of Washington. I continue to reserve the balance of my time.

Mrs. NAPOLITANO. Mr. Chairman, I yield 3 minutes to the gentleman from northern California (Mr. MILLER).

Mr. GEORGE MILLER of California. I thank the gentlewoman for yielding.

I rise in strong opposition to this legislation.

Let us understand what is taking place here. In California, for the first time in 40 years, all of the various water parties have gotten together to try to work out these disagreements and come up with a sustainable water policy that serves all of the needs of all Californians—agriculture, manufacturing, municipal uses, environmental uses—all of that together. For the first time, the State legislature passed historic legislation empowering these negotiations to take place in order to take care of disparate interests.

But there are two parties in that negotiation that keep threatening to walk out of the room. They're going to walk out, walk out, walk out. Apparently, they did walk out. They walked out, and they came back to Washington, D.C., to cut a separate deal. These are among the largest water users in the State. These are among the most highly subsidized users in the State. One of our conservative friends on the other side was complaining about the deficit when he started to talk on this bill. These are people who are getting a $400 million interest-free loan from the taxpayers of this country. These are the people who are getting $400 million in subsidies every year from the taxpayers of this country.

And what do they do?

In this bill, they have an earmark. You gave them 40 years and these rights in perpetuity to get at least $400 million a year from the taxpayers of this country. That's not on top of the crop subsidies. That's not on top of the insurance payments, disaster payments. This is just in subsidized water that goes to these people who are crying poor. The largest users have decided they want two negotiations—one in California and one in Washington. To do that, they want to overturn the California laws, the California legislature, the Supreme Court decisions, and the science. We'll go back in time 18 years and say that this science is good enough.

But the heart of this, more than water, is money, and the money sits there, and it flows with the water. Every drop of water that goes to the San Luis Unit and others is subsidized. Right now, they only have a year-to-year contract. They'd have a 20-year contract possibly if they reach agreement. You give them 40 years, and then 40 years in perpetuity: $400 million a year times perpetuity. You figure out what this earmark is worth. You figure out what this special treatment is worth.

Do you want to know who is driving this process?

It's those very, very special interests that are moving this process, and apparently, they can move our friends on the other side to overturn Supreme Court opinions. They can overturn the State legislature. They can overturn these negotiations. There used to be a saying around here that said that it takes some skill and talent to build a barn, but that any damned fool can kick it down. So what these people have decided is that they're just going to kick over those negotiations in California, those negotiations in which people have invested a huge amount of time and talent—from the legislature, to the agencies, to the farmers, to the environmentalists, to our cities, to our counties—all of whom oppose this legislation.

Mr. HASTINGS of Washington. I just want to point out that this bill came out of committee with bipartisan support, and we've had bipartisan debate for this bill.

Mr. Chairman, I yield 30 seconds to the author of this legislation, the gentleman from California (Mr. NUNES).

Mr. NUNES. Mr. Chairman, I would hope that the gentleman from California has read the bill, because he complains about the subsidies. In fact, this bill gets rid of the subsidies as this bill returns almost $300 million to the Treasury. So we agree. We want to get rid of the subsidies. We want to cut the deficit. That's what this bill does.

I don't quite understand what he was talking about in terms of tearing down barns, but I would say that the gentleman's legislation that was passed with a Senator from New Jersey and a Congressman from California to preempt State law has been very successful at tearing apart farms and families.

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

Mr. HASTINGS of Washington. I yield the gentleman an additional 15 seconds.

Mr. NUNES. Once again, as many of my colleagues will say, Secretary of the Interior Bruce Babbitt made a deal with Republican Governor Pete Wilson. A deal is a deal. The only problem was that there were some dishonest brokers at the table who never went to Congress to get this implemented.

Mrs. NAPOLITANO. I inquire of the Chair as to how much time remains.

The Acting CHAIR. The gentlewoman from California has 2½ minutes remaining. The gentleman from Washington has 2¾ minutes remaining.

Mr. HASTINGS of Washington. Will the gentlelady yield?

Mrs. NAPOLITANO. I yield to the gentleman.

Mr. HASTINGS of Washington. I just want to say to my friend that, as I am the last speaker on my side, I am prepared to close when she is done with her speakers.

Mrs. NAPOLITANO. I have one more speaker.

The Acting CHAIR. The gentlewoman has 2 minutes remaining.

Mrs. NAPOLITANO. Mr. Chairman, I ask my colleagues on both sides to consider what this bill will do.

I now yield my remaining time to the gentleman from California (Mr. GARAMENDI).

Mr. GARAMENDI. If you know California water, you know that we can get pretty wound up about it, and the solution for California water is not to be found in this particular piece of legislation. Facts are difficult things to deal with, but they are facts. There has been no manmade drought. There was a very real drought. In addition to that, there were restrictions on the pumping.

Let us understand that the principal advocates of this bill have the shortest straw. They came last in line, and therefore they're not first—they're last. Their contract provided for shortage provisions for a variety of reasons, among them droughts and environmental restrictions. So they should have planned for that. Apparently, they did not.

The losses to the agricultural community were significant to be sure, but at the same time, the agricultural community in the Central Valley prospered, having the best years to any previous year that occurred during this drought period. Certain farmers were shorted—no doubt about that—but they had a contract that called for those shortages.

Now let us understand that this bill has profound implications on every State, some 21 States that have contracts with the Bureau of Reclamation. This bill, should it pass and become law, is a signal to every State that you cannot count on State law allocating the water within your district. Instead, it will be Congress that will allocate the water within your State. That is a profound change: 100 years of reclamation law are pushed aside by this piece of legislation. For the State of California, it is a total preemption of State law—a total preemption of State law—and the State constitution is pushed aside.

□ 1530

There is within the California constitution a thing called the ''public trust.'' The legislature and the government of California hold in trust for the people of California the water of California, and this legislation pushes that aside and gives that water to a very special group.

GROUPS OPPOSED TO H.R. 1837

Statement of Administration Policy
U.S. Department of the Interior
State of Colorado
State of Montana
State of New Mexico
State of Oregon
State of Wyoming
Western States Water Council[1]

ELECTED OFFICIALS

California Secretary for Natural Resources
Congresswoman Anna Eshoo

[1] 18 member body, composed of governor-appointed representatives from the 18 Western states.

Congressman John Garamendi
Congressman Mike Honda
Congresswoman Zoe Lofgren
Congresswoman Doris Matsui
Congressman Jerry McNerney
Congressman George Miller
Congresswoman Grace Napolitano
Congresswoman Jackie Speier
Congressman Mike Thompson
Congresswoman Lynn Woolsey
Senator Barbara Boxer
Senator Dianne Feinstein

NEWSPAPERS

The Sacramento Bee
The San Francisco Chronicle
The San Jose Mercury News

WATER DISTRICTS AND LOCAL GOVERNMENTS

Central Delta Water Agency
City of Sacramento
City of Stockton
Contra Costa County Board of Supervisors
Contra Costa County
Grassland Water District
Reclamation District 999
Sacramento County Board of Supervisors
Sacramento County
San Joaquin Council of Governments
San Joaquin County
San Joaquin County Board of Supervisors
San Mateo County Harbor District
Solano County
South Delta Water Agency
South San Joaquin Irrigation District
Water Replenishment District of Southern California
Yolo County

BUSINESS AND CIVIC GROUPS

BIA of the Delta
Business Council of San Joaquin County
California Delta Chambers & Visitor's Bureau
California Rural Legal Assistance Foundation
Concerned Citizens Coalition of Stockton
The Contra Costa Council
Environmental Entrepreneurs
Hawkeye Marketing
Silicon Valley Leadership Group
Stockton Chamber of Commerce

ENVIRONMENTAL GROUPS

Alameda Creek Alliance
American Rivers
AquAlliance
Audubon
Battle Creek Alliance
The Bay Institute
Berkeley Conservation Institute
Biodiversity Conservation Alliance
Butte Environmental Council
California League of Conservation Voters
California Public Employees for Environmental Responsibility
California Save our Streams Council
California Water Impact Network
Cascade Action Now
Center for Biological Diversity
Center for Sierra Nevada Conservation
Clean Water Action
Conservation Congress
Coast Action Group
Defenders of Wildlife
Desal Response Group
Earth Law Center
Earthjustice
Ebetts Pass Forest Watch
Endangered Habitats League
Endangered Species Coalition
Environmental Defense Fund
Environmental Protection Information Center
Food and Water Watch
Foothills Conservancy
Forests Forever
Forest Unlimited
Friends of Butte Creek
Friends of the Calaveres
Friends of Del Norte
Friends of the Eel River
Friends of the Gualala River
Friends of the Lower Calavera River
Friends of the North Fork American River
Friends of the River
Humboldt Baykeeper
Institute for Fisheries Resources
KS Wild
Living Rivers/Colorado Riverkeeper
Madrone Audubon
Merced River Conservation Committee
Mid-Klamath Watershed Council
Mono Lake Committeee
Monterey Coastkeeper
National Parks Conservation Association
Natural Resources Defense Council
Nature Abounds
The Nature Conservancy
Northcoast Environmental Center
North Coast Rivers Alliance
Northern California River Watch
Oceana
Oregon Waterwatch
Oregon Wild
The Otter Project
Palos Verdes Audubon Chapter
Planning and Conservation League
Protect our Water
The Public Trust Alliance
Redwood Regional Audubon Society
Restore Hetch Hetchy
Resource Renewal Institute
Restore the Delta
The River Project
Rocky Mountain Wild
Rose Foundation
Russian Riverkeeper
Russian River Watershed Protection Committee
Sacramento Audubon Society
Sacramento River Preservation Trust
Safe Alternatives for our Forest Environment
San Francisco Bay Keeper
San Joaquin Audubon
Santa Clara County Creeks Coalition
Santa Clarita for Planning and the Environment
Santa Cruz Women's International League for Peace and Freedom
Save the Bay
Save the Frogs!
Sierra Club California
Sierra Foothills Audubon
Sierra Nevada Alliance
Siskiyou Land Conservancy
South Fort Mountain Defense Committee
South Yuba River Citizens League
Southern California Watershed Alliance
Trinity Lake Revitalization Alliance
Trust for Public Land
Tuolumne Conservancy
Tuolumne River Trust
Unitarian Universalist Ministry for Earth
United Outdoorsmen
Upper Mokelumne River Watershed Council
Waldo Holt Conservancy
Western Nebraska Resources Council
Whidbey Environmental Action Network
The Wilderness Society

COMMERCIAL AND RECREATIONAL FISHING AND HUNTING ORGANIZATIONS AND BUSINESSES

Ankeny Street Sportfishing
American Sportfishing Association
Auburn Flycasters
Back to Class Guide Service
Bob Sands Fishing
Bob Sparre's Guide Service
Bodega Bay Fishermen's Marketing Association
Bodega Bay Sportfishing
Boyce Image
California Inland Fisheries Foundation
California Sportfishing Protection Alliance
California Striped Bass Association
California Striped Bass Association—Sacramento Chapter
California Striped Bass Association—West Delta Chapter
Checkmate Charters
Chris' Fishing Charters
Chubasco Charters
Coastside Fishing Club
Delta Fly Fishers
Diablo Valley Fly Fishermen
El Dorado III Charters
Emeryville Sportfishing
Fishery Foundation
Fish Sniffer
Flash Sportfishing Charters
Flying Fish Charters
Foothills Angler Coalition
Fred Hall Shows
Golden Gate Fishermen's Association
Golden Gate Salmon Association
Golden West Women Flyfishers
G. Pucci and Sons Manufacturing
Granite Bay Flycasters
Hi's Tackle Box
Hog Heaven Charters
Huck Finn Charters
Humboldt Area Saltwater Anglers
Humboldt Fishermen's Marketing Association
Jim Cox Sport Fishing Charters
Johnson Hicks Marine
Kokanee Power
Leisure Sales
Lower Sherman Island Duck Hunters Association
Lovely Linda Sportfishing
Lovely Martha Charters
Lower Sherman Island Duck Club
Mission Peak Fly Anglers
Monterey Fish Market
New Captain Pete Charters
New Easy Rider Charters
New Ray Ann Charters
New Salmon Queen Charters
Northern California Council Federation of Fly Fishers
Northern California Guides Association
Northwest Guides and Anglers Association
Northwest Sportfishing Industry Association
Outdoor Pro Shop
Outer Limits Charters
Outwest Marketing
P Line
Pacific Catch Fish Grill
Pacific Coast Federation of Fishermen's Associations
Pacific Fishery Management Council
Pasadena Casting Club
Pro-Troll Fishing Products
Queen of Hearts Charters
Que Sera Sera Charters
Rapala USA
Randy's Fishing Trips
Recreational Fishing Alliance
Reel Steel Sportfishing
Riptide Charters
Roy Gray & Associates
SalmonAid Foundation
Salmon King Lodge West
Salmon Water Now
Sandy Ann Charters
San Francisco Crab Boat Owners Association
Santa Clarita Casting Club
Santa Cruz Fly Fishermen
Save our Wild Salmon Coalition
Sep's Outdoors Inc.
Sierra Pacific Flyfishers
Sir Randy Charters
Soleman Sportfishing Charters
Small Boat Commercial Salmon Fishermen's Association
Sonoma County Abalone Network
Southwest Council Federation of Fly Fishers
Sportfishing Association of California

Spring Creek Guide Service
Stagnaro's Charters
Star of Monterey Charters
StriperFest
Sunny's Electric Marine
Ted's Sports Center
Telstar Charters
Trek II
Tri-Valley Fly Fishers
Trout Underground
Trout Unlimited
USA Fishing
Vance's Tackle
Wacky Jacky Charters
Water for Fish
West Marine

TRIBAL GROUPS

Karuk Tribe
Mocdoc Nation
Winnemen Wintu Tribe
Wishtoyo Foundation

AGRICULTURAL GROUPS

Friant Water Authority[2]
Organic Sacramento

RECREATION GROUPS

Adventure Connection, Inc
American Whitewater
California Outdoors
Camp Lotus
Mokelumne River Outfitters
The O.A.R.S. Family of Companies
River and Rock Adventures
River Runners, Inc.
Rubicon Whitewater Adventures
Sport Sales
Whitewater Connection
Whitewater Voyages

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

Mr. HASTINGS of Washington. Mr. Chairman, am I correct to assume that all their time has expired?

The Acting CHAIR. All time has expired for the gentlewoman from California.

Mr. HASTINGS of Washington. I yield myself such time as I may consume.

There has been much discussion on the floor about preemption. In fact, the previous speaker emphasized that in his close.

I am from a western State; I'm from Washington. If anybody should be cautious about preemption, it is certainly me. And I say that because I represent an area that has two over-half-a-million-acre, or half-a-million-acre, irrigation districts. So I understand about preemption and Western water law.

But in the context of today's debate, the California water system is unique. Here we have a massive Federal system, the Central Valley Project and a massive State water project called the State Water Project, and it operates as one combined unit.

This is what is very important, Mr. Chairman. The coordinated approach was requested by the State and codified by the Federal Government in 1986. That's when water law was preempted. They asked for it in 1986.

In 1992, it was further preempted by amendments to the law in the Central Valley Project in 1992. So what we did in committee is we offered an amendment that was adopted. Let me read the amendments by Mr. TIPTON and Mr. GOSAR, and it says:

> Congress finds and declares that (1) coordinated operations between the Central Valley Project and the State Water Project, previously requested and consented to by the State of California and the Federal Government, require assertion of Federal supremacy to protect existing water rights throughout the system.

That's in California. It says:

> (2) these circumstances are unique to California. Therefore, nothing in this act shall serve as precedent in any other State.

When we offered that amendment, everybody on our side of the aisle voted for it. Only four on their side of the aisle, when they had an opportunity to make sure preemption wouldn't happen, they voted ''no.'' You can't have it both ways, Mr. Chairman.

So with that I urge my colleagues to support this bill, and I yield back the balance of my time.

Mr. STARK. Mr. Chair, I rise today in opposition to legislation that would trample the state's rights of California and overturn a carefully crafted agreement about how our state's fresh water is allocated.

This Republican legislation is a threat to the ecology of the Sacramento Delta and the San Francisco Bay, the safety of drinking water for many Bay area communities, and the many California jobs that depend on productive fisheries and a healthy Delta and Bay. The bill has many losers and the only winners are the large agri-business interests in the Central Valley, who already receive lavish taxpayer handouts in the form of subsidized water and crop subsidies.

Three years ago, in a bipartisan fashion, Congress and the California General Assembly approved the landmark San Joaquin Restoration Agreement. This agreement was based on the latest science and settled over 20 years of litigation regarding the use of water in the Sacramento River Delta. The San Joaquin Restoration Agreement brought together multiple water users, including fishermen, farmers, cities and communities, and conservationists and provides a fair allocation of the fresh water that flows through the Delta and into the San Francisco Bay. It also created a roadmap for the further restoration of wild salmon populations. Now, some of the very same interests who signed onto the recent agreement have convinced their allies in Congress to bring legislation to the floor to overturn it.

In addition to throwing out the San Joaquin Restoration Agreement and overriding state law, the bill before us also pre-empts the Endangered Species Act and proclaims that the science regarding the Delta and the Bay that was used in 1994 is current and cannot be updated. Rather than turning back the clock nearly 20 years, ignoring scientific advances, and undermining one of our nation's most important environmental protections, we should vote against the legislation and respect the rights of the State of California.

Both the Governor and Attorney General of California oppose this legislation, as do my colleagues in the Bay Area delegation. The President has rightfully said he will veto this bill. I urge all of my colleagues to support clean water, jobs, and the environment and vote against this misguided bill.

The Acting 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.

In lieu of the amendment in the nature of a substitute recommended by the Committee on Natural Resources, printed in the bill, it shall be in order to consider as an original bill for the purpose of amendment under the 5-minute rule an amendment in the nature of a substitute consisting of the text of Rules Committee Print 112–15. That amendment in the nature of a substitute shall be considered as read.

The text of the amendment in the nature of a substitute is as follows:

H.R. 1837

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 ''Sacramento-San Joaquin Valley Water Reliability Act''.

SEC. 2. TABLE OF CONTENTS.

Sec. 1. Short title.
Sec. 2. Table of contents.

TITLE I—CENTRAL VALLEY PROJECT WATER RELIABILITY

Sec. 101. Amendment to purposes.
Sec. 102. Amendment to definition.
Sec. 103. Contracts.
Sec. 104. Water transfers, improved water management, and conservation.
Sec. 105. Fish, wildlife, and habitat restoration.
Sec. 106. Restoration fund.
Sec. 107. Additional authorities.
Sec. 108. Bay-Delta Accord.
Sec. 109. Natural and artificially spawned species.
Sec. 110. Authorized service area.
Sec. 111. Regulatory streamlining.

TITLE II—SAN JOAQUIN RIVER RESTORATION

Sec. 201. Repeal of the San Joaquin River settlement.
Sec. 202. Purpose.
Sec. 203. Definitions.
Sec. 204. Implementation of restoration.
Sec. 205. Disposal of property; title to facilities.
Sec. 206. Compliance with applicable law.
Sec. 207. Compliance with Central Valley Project Improvement Act.
Sec. 208. No private right of action.
Sec. 209. Implementation.
Sec. 210. Repayment contracts and acceleration of repayment of construction costs.
Sec. 211. Repeal.
Sec. 212. Water supply mitigation.
Sec. 213. Additional Authorities.

TITLE III—REPAYMENT CONTRACTS AND ACCELERATION OF REPAYMENT OF CONSTRUCTION COSTS

Sec. 301. Repayment contracts and acceleration of repayment of construction costs.

TITLE IV—BAY-DELTA WATERSHED WATER RIGHTS PRESERVATION AND PROTECTION

Sec. 401. Water rights and area-of-origin protections.

[2] Opposition limited to San Joaquin River Restoration provisions.

Sec. 402. Sacramento River settlement contracts.
Sec. 403. Sacramento River Watershed Water Service Contractors.
Sec. 404. No redirected adverse impacts.
TITLE V—MISCELLANOUS
Sec. 501. Precedent.

TITLE I—CENTRAL VALLEY PROJECT WATER RELIABILITY

SEC. 101. AMENDMENT TO PURPOSES.

Section 3402 of the Central Valley Project Improvement Act (106 Stat. 4706) is amended—

(1) in subsection (f), by striking the period at the end; and

(2) by adding at the end the following:

''(g) to ensure that water dedicated to fish and wildlife purposes by this title is replaced and provided to Central Valley Project water contractors by December 31, 2016, at the lowest cost reasonably achievable; and

''(h) to facilitate and expedite water transfers in accordance with this Act.''.

SEC. 102. AMENDMENT TO DEFINITION.

Section 3403 of the Central Valley Project Improvement Act (106 Stat. 4707) is amended—

(1) by amending subsection (a) to read as follows:

''(a) the term 'anadromous fish' means those native stocks of salmon (including steelhead) and sturgeon that, as of October 30, 1992, were present in the Sacramento and San Joaquin Rivers and their tributaries and ascend those rivers and their tributaries to reproduce after maturing in San Francisco Bay or the Pacific Ocean;'';

(2) in subsection (l), by striking ''and,''

(3) in subsection (m), by striking the period and inserting ''; and'', and

(4) by adding at the end the following:

''(n) the term 'reasonable flows' means water flows capable of being maintained taking into account competing consumptive uses of water and economic, environmental, and social factors.''.

SEC. 103. CONTRACTS.

Section 3404 of the Central Valley Project Improvement Act (106 Stat. 4708) is amended—

(1) in the heading, by striking ''**LIMITATION ON CONTRACTING AND CONTRACTS REFORM**'' and inserting ''**CONTRACTS**''; and

(2) by striking the language of the section and by adding:

''(a) RENEWAL OF EXISTING LONG-TERM CONTRACTS.—Upon request of the contractor, the Secretary shall renew any existing long-term repayment or water service contract that provides for the delivery of water from the Central Valley Project for a period of 40 years, and renew such contracts for successive periods of 40 years each.

''(b) DELIVERY CHARGE.—Beginning on the date of the enactment of this Act, a contract entered into or renewed pursuant to this section shall include a provision that requires the Secretary to charge the other party to such contract only for water actually delivered by the Secretary.''.

SEC. 104. WATER TRANSFERS, IMPROVED WATER MANAGEMENT, AND CONSERVATION.

Section 3405 of the Central Valley Project Improvement Act (106 Stat. 4709) is amended as follows:

(1) In subsection (a)—

(A) by inserting before ''Except as provided herein'' the following: ''The Secretary shall take all necessary actions to facilitate and expedite transfers of Central Valley Project water in accordance with this Act or any other provision of Federal reclamation law and the National Environmental Policy Act of 1969.'';

(B) in paragraph (1)(A), by striking ''to combination'' and inserting ''or combination'';

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

''(E) The contracting district from which the water is coming, the agency, or the Secretary shall determine if a written transfer proposal is complete within 45 days after the date of submission of such proposal. If such district or agency or the Secretary determines that such proposal is incomplete, such district or agency or the Secretary shall state with specificity what must be added to or revised in order for such proposal to be complete.

''(F) Except as provided in this section, the Secretary shall not impose mitigation or other requirements on a proposed transfer, but the contracting district from which the water is coming or the agency shall retain all authority under State law to approve or condition a proposed transfer.''; and

(D) by adding at the end the following:

''(4) Notwithstanding any other provision of Federal reclamation law—

''(A) the authority to make transfers or exchanges of, or banking or recharge arrangements using, Central Valley Project water that could have been conducted before October 30, 1992, is valid, and such transfers, exchanges, or arrangements shall not be subject to, limited, or conditioned by this title; and

''(B) this title shall not supersede or revoke the authority to transfer, exchange, bank, or recharge Central Valley Project water that existed prior to October 30, 1992.''.

(2) In subsection (b)—

(A) in the heading, by striking ''METERING'' and inserting ''MEASUREMENT''; and

(B) by inserting after the first sentence the following: ''The contracting district or agency, not including contracting districts serving multiple agencies with separate governing boards, shall ensure that all contractor-owned water delivery systems within its boundaries measure surface water at the district or agency's facilities up to the point the surface water is commingled with other water supplies.''.

(3) By striking subsection (d).

(4) By redesignating subsections (e) and (f) as subsections (d) and (e), respectively.

(5) By amending subsection (e)(as redesignated by paragraph (4))—

(A) by striking ''as a result of the increased repayment'' and inserting ''that exceed the cost-of-service'';

(B) by inserting ''the delivery of'' after ''rates applicable to''; and

(C) by striking '', and all increased revenues received by the Secretary as a result of the increased water prices established under subsection 3405(d) of this section,''.

SEC. 105. FISH, WILDLIFE, AND HABITAT RESTORATION.

Section 3406 of the Central Valley Project Improvement Act (106 Stat. 4714) is amended as follows:

(1) In subsection (b)—

(A) in paragraph (1)(B)—

(i) by striking ''is authorized and directed to'' and inserting ''may'';

(ii) by inserting ''reasonable water'' after ''to provide'';

(iii) by striking ''anadromous fish, except that such'' and inserting ''anadromous fish. Such'';

(iv) by striking ''Instream flow'' and inserting ''Reasonable instream flow'';

(v) by inserting ''and the National Marine Fisheries Service'' after ''United States Fish and Wildlife Service''; and

(vi) by striking ''California Department of Fish and Game'' and inserting ''United States Geological Survey'';

(B) in paragraph (2)—

(i) by striking ''primary purpose'' and inserting ''purposes'';

(ii) by striking ''but not limited to'' before ''additional obligations''; and

(iii) by adding after the period the following: ''All Central Valley Project water used for the purposes specified in this paragraph shall be credited to the quantity of Central Valley Project yield dedicated and managed under this paragraph by determining how the dedication and management of such water would affect the delivery capability of the Central Valley Project during the 1928 to 1934 drought period after fishery, water quality, and other flow and operational requirements imposed by terms and conditions existing in licenses, permits, and other agreements pertaining to the Central Valley Project under applicable State or Federal law existing on October 30, 1992, have been met. To the fullest extent possible and in accordance with section 3411, Central Valley Project water dedicated and managed pursuant to this paragraph shall be reused to fulfill the Secretary's remaining contractual obligations to provide Central Valley Project water for agricultural or municipal and industrial purposes.'';

(C) by amending paragraph (2)(C) to read:

''(C) If by March 15th of any year the quantity of Central Valley Project water forecasted to be made available to water service or repayment contractors in the Delta Division of the Central Valley Project is below 75 percent of the total quantity of water to be made available under said contracts, the quantity of Central Valley Project yield dedicated and managed for that year under this paragraph shall be reduced by 25 percent.''.

(2) By adding at the end the following:

''(i) SATISFACTION OF PURPOSES.—By pursuing the activities described in this section, the Secretary shall be deemed to have met the mitigation, protection, restoration, and enhancement purposes of this title.''.

SEC. 106. RESTORATION FUND.

(a) IN GENERAL.—Section 3407(a) of the Central Valley Project Improvement Act (106 Stat. 4726) is amended as follows:

(1) By inserting ''(1) IN GENERAL.—'' before ''There is hereby''.

(2) By striking ''Not less than 67 percent'' and all that follows through ''Monies'' and inserting ''Monies''.

(3) By adding at the end the following:

''(2) PROHIBITIONS.—The Secretary may not directly or indirectly require a donation or other payment to the Restoration Fund—

''(A) or environmental restoration or mitigation fees not otherwise provided by law, as a condition to—

''(i) providing for the storage or conveyance of non-Central Valley Project water pursuant to Federal reclamation laws; or

''(ii) the delivery of water pursuant to section 215 of the Reclamation Reform Act of 1982 (Public Law 97–293; 96 Stat. 1270); or

''(B) for any water that is delivered with the sole intent of groundwater recharge.''.

(b) CERTAIN PAYMENTS.—Section 3407(c)(1) of the Central Valley Project Improvement Act is amended—

(1) by striking ''mitigation and restoration'';

(2) by striking ''provided for or''; and

(3) by striking ''of fish, wildlife'' and all that follows through the period and inserting ''of carrying out all activities described in this title.''.

(c) ADJUSTMENT AND ASSESSMENT OF MITIGATION AND RESTORATION PAYMENTS.—Section 3407(d)(2) of the Central Valley Project Improvement Act is amended by inserting '', or after October 1, 2013, $4 per megawatt-hour for Central Valley Project power sold to power contractors (October 2013 price levels)'' after ''$12.00 per acre-foot (October 1992 price levels) for municipal and industrial water sold and delivered by the Central Valley Project''.

(d) COMPLETION OF ACTIONS.—Section 3407(d)(2)(A) of the Central Valley Project Improvement Act is amended by inserting '', no later than December 31, 2020,'' after ''That upon the completion of the fish, wildlife, and habitat mitigation and restoration actions mandated under section 3406 of this title,''.

(e) REPORT; ADVISORY BOARD.—Section 3407 of the Central Valley Project Improvement Act (106 Stat. 4714) is amended by adding at the end the following:

''(g) REPORT ON EXPENDITURE OF FUNDS.—At the end of each fiscal year, the Secretary, in consultation with the Restoration Fund Advisory Board, shall submit to Congress a plan for

the expenditure of all of the funds deposited into the Restoration Fund during the preceding fiscal year. Such plan shall contain a cost-effectiveness analysis of each expenditure.

''(h) ADVISORY BOARD.—

''(1) ESTABLISHMENT.—There is hereby established the Restoration Fund Advisory Board (hereinafter in this section referred to as the 'Advisory Board') composed of 12 members selected by the Secretary, each for four-year terms, one of whom shall be designated by the Secretary as Chairman. The members shall be selected so as to represent the various Central Valley Project stakeholders, four of whom shall be from CVP agricultural users, three from CVP municipal and industrial users, three from CVP power contractors, and two at the discretion of the Secretary. The Secretary and the Secretary of Commerce may each designate a representative to act as an observer of the Advisory Board.

''(2) DUTIES.—The duties of the Advisory Board are as follows:

''(A) To meet at least semiannually to develop and make recommendations to the Secretary regarding priorities and spending levels on projects and programs carried out pursuant to the Central Valley Project Improvement Act.

''(B) To ensure that any advice or recommendation made by the Advisory Board to the Secretary reflect the independent judgment of the Advisory Board.

''(C) Not later than December 31, 2013, and annually thereafter, to transmit to the Secretary and Congress recommendations required under subparagraph (A).

''(D) Not later than December 31, 2013, and biennially thereafter, to transmit to Congress a report that details the progress made in achieving the actions mandated under section 3406 of this title.

''(3) ADMINISTRATION.—With the consent of the appropriate agency head, the Advisory Board may use the facilities and services of any Federal agency.''.

SEC. 107. ADDITIONAL AUTHORITIES.

(a) AUTHORITY FOR CERTAIN ACTIVITIES.—Section 3408(c) of the Central Valley Project Improvement Act (106 Stat. 4728) is amended to read as follows:

''(c) CONTRACTS FOR ADDITIONAL STORAGE AND DELIVERY OF WATER.—

''(1) IN GENERAL.—The Secretary is authorized to enter into contracts pursuant to Federal reclamation law and this title with any Federal agency, California water user or water agency, State agency, or private organization for the exchange, impoundment, storage, carriage, and delivery of nonproject water for domestic, municipal, industrial, fish and wildlife, and any other beneficial purpose.

''(2) LIMITATION.—Nothing in this subsection shall be deemed to supersede the provisions of section 103 of Public Law 99–546 (100 Stat. 3051).

''(3) AUTHORITY FOR CERTAIN ACTIVITIES.—The Secretary shall use the authority granted by this subsection in connection with requests to exchange, impound, store, carry, or deliver nonproject water using Central Valley Project facilities for any beneficial purpose.

''(4) RATES.—The Secretary shall develop rates not to exceed the amount required to recover the reasonable costs incurred by the Secretary in connection with a beneficial purpose under this subsection. Such rates shall be charged to a party using Central Valley Project facilities for such purpose. Such costs shall not include any donation or other payment to the Restoration Fund.

''(5) CONSTRUCTION.—This subsection shall be construed and implemented to facilitate and encourage the use of Central Valley Project facilities to exchange, impound, store, carry, or deliver nonproject water for any beneficial purpose.''.

(b) REPORTING REQUIREMENTS.—Section 3408(f) of the Central Valley Project Improvement Act (106 Stat. 4729) is amended—

(1) by striking ''Interior and Insular Affairs and the Committee on Merchant Marine and Fisheries'' and inserting ''Natural Resources'';

(2) in the second sentence, by inserting before the period at the end the following: '', including progress on the plan required by subsection (j)''; and

(3) by adding at the end the following: ''The filing and adequacy of such report shall be personally certified to the Committees referenced above by the Regional Director of the Mid-Pacific Region of the Bureau of Reclamation.''.

(c) PROJECT YIELD INCREASE.—Section 3408(j) of the Central Valley Project Improvement Act (106 Stat. 4730) is amended as follows:

(1) By redesignating paragraphs (1) through (7) as subparagraphs (A) through (G), respectively.

(2) By striking ''In order to minimize adverse effects, if any, upon'' and inserting ''(1) IN GENERAL.—In order to minimize adverse effects upon''.

(3) By striking ''needs, the Secretary,'' and all that follows through ''submit to Congress, a'' and inserting ''needs, the Secretary, on a priority basis and not later than September 30, 2013, shall submit to Congress a''.

(4) By striking ''increase,'' and all that follows through ''options—'' and inserting ''increase, as soon as possible but not later than September 30, 2016 (except for the construction of new facilities which shall not be limited by that deadline), the water of the Central Valley Project by the amount dedicated and managed for fish and wildlife purposes under this title and otherwise required to meet the purposes of the Central Valley Project including satisfying contractual obligations. The plan required by this subsection shall include recommendations on appropriate cost-sharing arrangements and authorizing legislation or other measures needed to implement the intent, purposes, and provisions of this subsection and a description of how the Secretary intends to use the following options—''.

(5) In subparagraph (A), by inserting ''and construction of new water storage facilities'' before the semicolon.

(6) In subparagraph (F), by striking ''and'' at the end.

(7) In subparagraph (G), by striking the period and all that follows through the end of the subsection and inserting ''; and''.

(8) By inserting after subparagraph (G) the following:

''(H) Water banking and recharge.''.

(9) By adding at the end the following:

''(2) IMPLEMENTATION OF PLAN.—The Secretary shall implement the plan required by paragraph (1) commencing on October 1, 2013. In order to carry out this subsection, the Secretary shall coordinate with the State of California in implementing measures for the long-term resolution of problems in the San Francisco Bay/Sacramento-San Joaquin Delta Estuary.

''(3) FAILURE OF THE PLAN.—Notwithstanding any other provision of Federal reclamation law, if by September 30, 2016, the plan required by paragraph (1) fails to increase the annual delivery capability of the Central Valley Project by 800,000 acre-feet, implementation of any non-mandatory action under section 3406(b)(2) shall be suspended until the plan achieves an increase in the annual delivery capability of the Central Valley Project by 800,000 acre-feet.''.

(d) TECHNICAL CORRECTION.—Section 3408(h) of the Central Valley Project Improvement Act (106 Stat. 4729) is amended—

(1) in paragraph (1), by striking ''paragraph (h)(2)'' and inserting ''paragraph (2)''; and

(2) in paragraph (2), by striking ''paragraph (h)(i)'' and inserting ''paragraph (1)''.

(e) WATER STORAGE PROJECT CONSTRUCTION.—The Secretary, acting through the Commissioner of the Bureau of Reclamation, may partner on the water storage projects identified in section 103(d)(1) of the Water Supply Reliability, and Environmental Improvement Act (Public Law 108–361)(and Acts supplemental and amendatory to the Act) with local joint powers authorities formed pursuant to State law by irrigation districts and other local water districts and local governments within the applicable hydrologic region, to advance these projects. No Federal funds are authorized for this purpose and each water storage project is authorized for construction if non-Federal funds are used for financing and constructing the project.

SEC. 108. BAY-DELTA ACCORD.

(a) CONGRESSIONAL DIRECTION REGARDING CENTRAL VALLEY PROJECT AND CALIFORNIA STATE WATER PROJECT OPERATIONS.—The Central Valley Project and the State Water Project shall be operated pursuant to the water quality standards and operational constraints described in the ''Principles for Agreement on the Bay-Delta Standards Between the State of California and the Federal Government'' dated December 15, 1994, and such operations shall proceed without regard to the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) or any other law pertaining to the operation of the Central Valley Project and the California State Water Project. Implementation of this section shall be in strict conformance with the ''Principles for Agreement on the Bay-Delta Standards Between the State of California and the Federal Government'' dated December 15, 1994.

(b) APPLICATION OF LAWS TO OTHERS.—Neither a Federal department nor the State of California, including any agency or board of the State of California, shall impose on any valid water right obtained pursuant to State law, including a pre-1914 appropriative right, any condition that restricts the exercise of that water right in order to conserve, enhance, recover or otherwise protect any species that is affected by operations of the Central Valley Project or California State Water Project. Nor shall the State of California, including any agency or board of the State of California, restrict the exercise of any valid water right obtained pursuant to State law, including a pre-1914 appropriative right, in order to protect, enhance, or restore under the Public Trust Doctrine any public trust value. Implementation of the ''Principles for Agreement on the Bay-Delta Standards Between the State of California and the Federal Government'' dated December 15, 1994, shall be in strict compliance with the water rights priority system and statutory protections for areas of origin.

(c) COSTS.—No cost associated with the implementation of this section shall be imposed directly or indirectly on any Central Valley Project contractor, or any other person or entity, unless such costs are incurred on a voluntary basis.

(d) NATIVE SPECIES PROTECTION.—California law is preempted with respect to any restriction on the quantity or size of nonnative fish taken or harvested that preys upon one or more native fish species that occupy the Sacramento and San Joaquin Rivers and their tributaries or the Sacramento-San Joaquin Rivers Delta.

SEC. 109. NATURAL AND ARTIFICIALLY SPAWNED SPECIES.

After the date of the enactment of this title, and regardless of the date of listing, the Secretaries of the Interior and Commerce shall not distinguish between natural-spawned and hatchery-spawned or otherwise artificially propagated strains of a species in making any determination under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) that relates to any anadromous fish species present in the Sacramento and San Joaquin Rivers or their tributaries and ascend those rivers and their tributaries to reproduce after maturing in San Francisco Bay or the Pacific Ocean.

SEC. 110. AUTHORIZED SERVICE AREA.

The authorized service area of the Central Valley Project shall include the area within the boundaries of the Kettleman City Community Services District, California, as those boundaries

exist on the date of the enactment of this title. Notwithstanding the provisions of the Act of October 30, 1992 (Public Law 102–575, 106 Stat. 4600 et seq.), upon enactment of this title, the Secretary is authorized and directed to enter into a long-term contract in accordance with the reclamation laws with the Kettleman City Community Services District, California, for the delivery of up to 900 acre-feet of Central Valley Project water for municipal and industrial use. The Secretary may temporarily reduce deliveries of the quantity of water made available pursuant to up to 25 percent of such total whenever reductions due to hydrologic circumstances are imposed upon agricultural deliveries of Central Valley Project water. If any additional infrastructure or related-costs are needed to implement this section, such costs shall be the responsibility of the non-Federal entity.

SEC. 111. REGULATORY STREAMLINING.

(a) APPLICABILITY OF CERTAIN LAWS.—Filing of a Notice of Determination or a Notice of Exemption for any project, including the issuance of a permit under State law, related to any project of the CVP or the delivery of water therefrom in accordance with the California Environmental Quality Act shall be deemed to meet the requirements of section 102(2)(C) of the National Environmental Protection Act of 1969 (42 U.S.C. 4332(2)(C)) for that project or permit.

(b) CONTINUATION OF PROJECT.—The Bureau of Reclamation shall not be required to cease or modify any major Federal action or other activity related to any project of the CVP or the delivery of water there from pending completion of judicial review of any determination made under the National Environmental Protection Act of 1969 (42 U.S.C. 4332(2)(C)).

(c) PROJECT DEFINED.—For the purposes of this section:

(1) CVP.—The term ''CVP'' means the Central Valley Project.

(2) PROJECT.—The term ''project''—

(A) means an activity that—

(i) is undertaken by a public agency, funded by a public agency, or that requires an issuance of a permit by a public agency;

(ii) has a potential to result in physical change to the environment; and

(iii) may be subject to several discretionary approvals by governmental agencies;

(B) may include construction activities, clearing or grading of land, improvements to existing structures, and activities or equipment involving the issuance of a permit; or

(C) as defined under the California Environmental Quality Act in section 21065 of the California Public Resource Code.

TITLE II—SAN JOAQUIN RIVER RESTORATION

SEC. 201. REPEAL OF THE SAN JOAQUIN RIVER SETTLEMENT.

As of the date of enactment of this title, the Secretary shall cease any action to implement the Stipulation of Settlement (Natural Resources Defense Council, et al. v. Kirk Rodgers, et al., Eastern District of California, No. Civ. S–88–1658 LKK/GGH).

SEC. 202. PURPOSE.

Section 10002 of the San Joaquin River Restoration Settlement Act (Public Law 111–11) is amended by striking ''implementation of the Settlement'' and inserting ''restoration of the San Joaquin River''.

SEC. 203. DEFINITIONS.

Section 10003 of the San Joaquin River Restoration Settlement Act (Public Law 111–11) is amended—

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

''(1) The term 'Restoration Flows' means the additional water released or bypassed from Friant Dam to insure that the target flow entering Mendota Pool, located approximately 62 river miles downstream from Friant Dam, does not fall below 50 cubic feet per second.'';

(2) by striking paragraph (3) and inserting the following:

''(3) The term 'Water Year' means March 1 through the last day of February of the following Calendar Year, both dates inclusive''; and

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

''(4) The term 'Critical Water Year' means when the total unimpaired runoff at Friant Dam is less than 400,000 acre-feet, as forecasted as of March 1 of that water year by the California Department of Water Resources.''.

SEC. 204. IMPLEMENTATION OF RESTORATION.

Section 10004 of the San Joaquin River Restoration Settlement Act (Public Law 111–11) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking ''authorized and directed'' and all that follows through ''in the Settlement'' and inserting ''authorized to carry out the following:'';

(B) by striking paragraphs (1), (2), (4), and (5);

(C) in paragraph (3)—

(i) by striking ''(3)'' and inserting ''(1)''; and

(ii) by striking ''paragraph 13 of the Settlement'' and inserting ''this part''

(D) by adding at the end the following new paragraphs:

''(2) In each Water Year, commencing in the Water Year starting on March 1, 2013—

''(A) shall modify Friant Dam operations so as to release the Restoration Flows for that Water Year, except in any Critical Water Year;

''(B) shall ensure that the release of Restoration Flows are maintained at the level prescribed by this part, but that Restoration Flows do not reach downstream of Mendota Pool;

''(C) shall release the Restoration Flows in a manner that improves the fishery in the San Joaquin River below Friant Dam, but upstream of Gravelly Ford in existence as of the date of the enactment of this part, and the associated riparian habitat; and

''(D) may, without limiting the actions required under paragraphs (A) and (C) and subject to subsections 10004(a)(3) and 10004(l), use the Restoration Flows to enhance or restore a warm water fishery downstream of Gravelly Ford to and including Mendota Pool, if the Secretary determines that it is reasonable, prudent, and feasible to do so; and

''(3) Not later than 1 year after the date of the enactment of this section, the Secretary shall develop and implement, in cooperation with the State of California, a reasonable plan, to fully recirculate, recapture, reuse, exchange, or transfer all Restoration Flows and provide such recirculated, recaptured, reused, exchanged, or transferred flows to those contractors within the Friant Division, Hidden Unit, and Buchanan Unit of the Central Valley Project that relinquished the Restoration Flows so recirculated, recaptured, reused, exchanged, or transferred. Such a plan shall address any impact on ground water resources within the service area of the Friant Division, Hidden Unit, and Buchanan Unit of the Central Valley Project and mitigation may include ground water banking and recharge projects. Such a plan shall not impact the water supply or water rights of any entity outside the Friant Division, Hidden unit, and Buchanan Unit of the Central Valley Project. Such a plan shall be subject to applicable provisions of California water law and the Secretary's use of Central Valley Project facilities to make Project water (other than water released from Friant Dam pursuant to this part) and water acquired through transfers available to existing south-of-Delta Central Valley Project contractors.'';

(2) in subsection (b)—

(A) in paragraph (1), by striking ''the Settlement'' and inserting ''this part'';

(B) in paragraph (2), by striking ''the Settlement'' and inserting ''this part'';

(3) in subsection (c), by striking ''the Settlement'' and inserting ''this part'';

(4) by striking subsection (d) and inserting the following:

''(d) MITIGATION OF IMPACTS.—Prior to October 1, 2013, the Secretary shall identify—

''(1) the impacts associated with the release of Restoration Flows prescribed in this part;

''(2) the measures which shall be implemented to mitigate impacts on adjacent and downstream water users, landowners and agencies as a result of Restoration Flows prescribed in this part; and

''(3) prior to the implementation of decisions or agreements to construct, improve, operate, or maintain facilities that the Secretary determines are needed to implement this part, the Secretary shall implement all mitigations measures identified in subsection (d)(2) before Restoration Flows are commenced.'';

(5) in subsection (e), by striking ''the Settlement'' and inserting ''this part'';

(6) in subsection (f), by striking ''the Settlement'' and all that follows through ''section 10011'' and insert ''this part'';

(7) in subsection (g)—

(A) by striking ''the Settlement and'' before this part; and

(B) by striking ''or exchange contract'' and inserting ''exchange contract, or water rights settlement or holding contracts'';

(8) in subsection (h)—

(A) by striking ''INTERIM'' in the header;

(B) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by striking ''Interim Flows under the Settlement'' and inserting ''Restoration Flows under this part'';

(ii) in subparagraph (C)—

(I) in clause (i), by striking ''Interim'' and inserting ''Restoration''; and

(II) in clause (ii), by inserting ''and'' after the semicolon;

(iii) in subparagraph (D), by striking ''and'' at the end; and

(iv) by striking subparagraph (E);

(C) in paragraph (2)—

(i) by striking ''Interim'' and inserting ''Restoration'';

(ii) by striking subparagraph (A); and

(iii) by striking ''(B) exceed'' and inserting ''exceed'';

(D) in paragraph (3), by striking ''Interim'' and inserting ''Restoration''; and

(E) by striking paragraph (4) and inserting the following:

''(4) CLAIMS.—Within 60 days of enactment of this Act the Secretary shall promulgate a rule establishing a claims process to address current and future claims including, but not limited to, ground water seepage, flooding, or levee instability damages caused as a result of, arising out of, or related to implementation of subtitle A of title X of Public Law 111–11.'';

(9) in subsection (i)—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by striking ''the Settlement and parts I and III'' and inserting ''this part'';

(ii) in subparagraph (A), by inserting ''and'' after the semicolon;

(iii) in subparagraph (B)—

(I) by striking ''additional amounts authorized to be appropriated, including the'';

(II) by striking ''; and'' and inserting a period; and

(iv) by striking subparagraph (C); and

(B) by striking paragraph (3); and

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

''(k) NO IMPACTS ON OTHER INTERESTS.—No Central Valley Project or other water other than San Joaquin River water impounded by or bypassed from Friant Dam shall be used to implement subsection (a)(2) unless such use is on a voluntary basis. No cost associated with the implementation of this section shall be imposed directly or indirectly on any Central Valley

Project contractor, or any other person or entity, outside the Friant Division, the Hidden Unit, or the Buchanan Unit, unless such costs are incurred on a voluntary basis. The implementation of this part shall not result directly or indirectly in any reduction in water supplies or water reliability on any Central Valley Project contractor, any State Water Project contractor, or any other person or entity, outside the Friant Division, the Hidden Unit, or the Buchanan Unit, unless such reductions or costs are incurred on a voluntary basis.

''(l) PRIORITY.—All actions taken under this part shall be subordinate to the Secretary's use of Central Valley Project facilities to make Project water available to Project contractors, other than water released from the Friant Dam pursuant to this part.

''(m) IN GENERAL.—Notwithstanding section 8 of the Reclamation Act of 1902, except as provided in this part, including Title IV of the Sacramento and San Joaquin Valleys Water Reliability Act, this part preempts and supersedes any State law, regulation, or requirement that imposes more restrictive requirements or regulations on the activities authorized under this part. Nothing in this part shall alter or modify the obligations, if any, of the Friant Division, Hidden Unit, and Buchanan Unit of the Central Valley Project, or other water users on the San Joaquin River or its tributaries, under orders issued by the State Water Resources Control Board pursuant to the Porter-Cologne Water Quality Control Act (California Water Code sections 13000 et seq.). Any such order shall be consistent with the congressional authorization for any affected Federal facility as it pertains to the Central Valley Project.

''(n) PROJECT IMPLEMENTATION.—Projects to implement this title shall be phased such that each project shall follow the sequencing identified below and include at least the—

''(1) project purpose and need;

''(2) identification of mitigation measures;

''(3) appropriate environmental review; and

''(4) prior to releasing Restoration Flows under this part, the Secretary shall—

''(A) complete the implementation of mitigation measures required; and

''(B) complete implementation of the project.''.

SEC. 205. DISPOSAL OF PROPERTY; TITLE TO FACILITIES.

Section 10005 of the San Joaquin River Restoration Settlement Act (Public Law 111–11) is amended—

(1) in subsection (a), by striking ''the Settlement authorized by this part'' and inserting ''this part'';

(2) in subsection (b)—

(A) in paragraph (1)—

(i) by striking ''(1) IN GENERAL.—The Secretary'' and inserting ''The Secretary''; and

(ii) by striking ''the Settlement authorized by this part'' and inserting ''this part''; and

(B) by striking paragraph (2); and

(3) in subsection (c)—

(A) in paragraph (1), by striking ''the Settlement'' and inserting ''this part'';

(B) in paragraph (2)—

(i) by striking ''through the exercise of its eminent domain authority''; and

(ii) by striking ''the Settlement'' and inserting ''this part''; and

(C) in paragraph (3), by striking ''section 10009(c)'' and inserting ''section 10009''.

SEC. 206. COMPLIANCE WITH APPLICABLE LAW.

Section 10006 of the San Joaquin River Restoration Settlement Act (Public Law 111–11) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by inserting ''unless otherwise provided by this part'' before the period at the end; and

(B) in paragraph (2), by striking ''the Settlement'' and inserting ''this part'';

(2) in subsection (b), by inserting '', unless otherwise provided by this part'' before the period at the end;

(3) in subsection (c)—

(A) in paragraph (2), by striking ''section 10004'' and inserting ''this part''; and

(B) in paragraph (3), by striking ''the Settlement'' and inserting ''this part''; and

(4) in subsection (d)—

(A) by inserting '', including without limitation to sections 10004(d) and 10004(h)(4) of this part,'' after ''implementing this part''; and

(B) by striking ''for implementation of the Settlement''.

SEC. 207. COMPLIANCE WITH CENTRAL VALLEY PROJECT IMPROVEMENT ACT.

Section 10007 of the San Joaquin River Restoration Settlement Act (Public Law 111–11) is amended—

(1) in the matter preceding paragraph (1),

(A) by striking ''the Settlement'' and inserting ''enactment of this part''; and

(B) by inserting: ''and the obligations of the Secretary and all other parties to protect and keep in good condition any fish that may be planted or exist below Friant Dam including any obligations under section 5937 of the California Fish and Game Code and the public trust doctrine, and those of the Secretary and all other parties under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).'' before '', provided''; and

(2) in paragraph (1), by striking '', as provided in the Settlement''.

SEC. 208. NO PRIVATE RIGHT OF ACTION.

Section 10008(a) of the San Joaquin River Restoration Settlement Act (Public Law 111–11) is amended—

(1) by striking ''not a party to the Settlement'' after ''person or entity'' ; and

(2) by striking ''or the Settlement'' before the period and inserting ''unless otherwise provided by this part. Any Central Valley Project long-term water service or repayment contractor within the Friant Division, Hidden unit, or Buchanan Unit adversely affected by the Secretary's failure to comply with section 10004(a)(3) of this part may bring an action against the Secretary for injunctive relief or damages, or both.''.

SEC. 209. IMPLEMENTATION.

Section 10009 of the San Joaquin River Restoration Settlement Act (Public Law 111–11) is amended—

*(1) in the header by striking ''**; SETTLEMENT FUND**'';*

(2) in subsection (a)—

(A) in paragraph (1)—

(i) by striking ''the Settlement'' and inserting ''this part'';

(ii) by striking '', estimated to total'' and all that follows through ''subsection (b)(1),''; and

(iii) by striking '', provided; however,'' and all that follows through ''$110,000,000 of State funds'';

(B) in paragraph (2)—

(i) in subparagraph (A), by striking ''(A) IN GENERAL.—The Secretary'' and inserting ''The Secretary'';

(ii) by striking subparagraph (B); and

(C) in paragraph (3)—

(i) by striking ''Except as provided in the Settlement, to'' and inserting ''To''; and

(ii) by striking ''this Settlement'' and inserting ''this part'';

(3) in subsection (b)(1)—

(A) by striking ''In addition'' through ''however, that the'' and inserting ''The'';

(B) by striking ''such additional appropriations only in amounts equal to''; and

(C) by striking ''or the Settlement'' before the period;

(4) in subsection (c)—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by striking ''the Settlement'' and inserting ''this part'';

(ii) in subparagraph (C), by striking ''from the sale of water pursuant to the Settlement, or''; and

(iii) in subparagraph (D), by striking ''the Settlement'' and inserting ''this part'';

(B) in paragraph (2), by striking ''the Settlement and'' before ''this part''; and

(5) by striking subsections (d) through (f).

SEC. 210. REPAYMENT CONTRACTS AND ACCELERATION OF REPAYMENT OF CONSTRUCTION COSTS.

Section 10010 of the San Joaquin River Restoration Settlement Act (Public Law 111–11) is amended—

(1) in subsection (a)—

(A) in paragraph (3)(D), by striking ''the Settlement and'' after ''this part''; and

(B) in paragraph (4)(C), by striking ''the Settlement and'' after ''this part'';

(2) in subsection (c), by striking paragraph (3);

(3) in subsection (d)(1), by striking ''the Settlement'' in both places it appears and inserting ''this part'';

(4) in subsection (e)—

(A) in paragraph (1)—

(i) by striking ''Interim Flows or Restoration Flows, pursuant to paragraphs 13 or 15 of the Settlement'' and inserting ''Restoration Flows, pursuant to this part'';

(ii) by striking ''Interim Flows or'' before ''Restoration Flows''; and

(iii) by striking ''the Interim Flows or Restoration Flows or is intended to otherwise facilitate the Water Management Goal, as described in the Settlement'' and inserting ''Restoration Flows''; and

(B) in paragraph (2)—

(i) by striking ''except as provided in paragraph 16(b) of the Settlement'' after ''Friant Division long-term contractor''; and

(ii) by striking ''the Interim Flows or Restoration Flows or to facilitate the Water Management Goal'' and inserting ''Restoration Flows''.

SEC. 211. REPEAL.

Section 10011 of the San Joaquin River Restoration Settlement Act (Public Law 111–11) is repealed.

SEC. 212. WATER SUPPLY MITIGATION.

Section 10202(b) of the San Joaquin River Restoration Settlement Act (Public Law 111–11) is amended—

(1) in paragraph (1), by striking ''the Interim or Restoration Flows authorized in part I of this subtitle'' and inserting ''Restoration Flows authorized in this part'';

(2) in paragraph (2), by striking ''the Interim or Restoration Flows authorized in part I of this subtitle'' and inserting ''Restoration Flows authorized in this part''; and

(3) in paragraph (3)—

(A) in subparagraph (A), by striking ''meet the Restoration Goal as described in part I of this subtitle'' and inserting ''recover Restoration Flows as described in this part'';

(B) in subparagraph (C)—

(i) by striking ''the Interim or Restoration Flows authorized in part I of this subtitle'' and inserting ''Restoration Flows authorized in this part''; and

(ii) by striking '', and for ensuring appropriate adjustment in the recovered water account pursuant to section 10004(a)(5)''.

SEC. 213. ADDITIONAL AUTHORITIES.

Section 10203 of the San Joaquin River Restoration Settlement Act (Public Law 111–11) is amended—

(1) in subsection (b)—

(A) by striking ''section 10004(a)(4)'' and inserting ''section 10004(a)(3)''; and

(B) by striking '', provided'' and all that follows through ''section 10009(f)(2)''; and

(2) by striking subsection (c).

TITLE III—REPAYMENT CONTRACTS AND ACCELERATION OF REPAYMENT OF CONSTRUCTION COSTS

SEC. 301. REPAYMENT CONTRACTS AND ACCELERATION OF REPAYMENT OF CONSTRUCTION COSTS.

(a) CONVERSION OF CONTRACTS.—

(1) Not later than 1 year after enactment, the Secretary of the Interior, upon request of the contractor, shall convert all existing long-term Central Valley Project contracts entered under subsection (e) of section 9 of the Act of August 4, 1939 (53 Stat. 1196), to a contract under subsection (d) of section 9 of said Act (53 Stat. 1195), under mutually agreeable terms and conditions.

(2) Upon request of the contractor, the Secretary is further authorized to convert, not later than 1 year after enactment, any Central Valley Project long-term contract entered under subsection (c)(2) of section 9 of the Act of August 4, 1939 (53 Stat. 1194), to a contract under subsection (c)(1) of section 9 of said Act, under mutually agreeable terms and conditions.

(3) All contracts entered into pursuant to paragraph (1) shall—

(A) require the repayment, either in lump sum or by accelerated prepayment, of the remaining amount of construction costs identified in the most current version of the Central Valley Project Schedule of Irrigation Capital Allocations by Contractor, as adjusted to reflect payments not reflected in such schedule, and properly assignable for ultimate return by the contractor, no later than January 31, 2013, or if made in approximately equal annual installments, no later than January 31, 2016; such amount to be discounted by the Treasury Rate. An estimate of the remaining amount of construction costs as of January 31, 2013, as adjusted, shall be provided by the Secretary of the Interior to each contractor no later than 180 days after enactment;

(B) require that, notwithstanding subsection (c)(2), construction costs or other capitalized costs incurred after the effective date of the converted contract or not reflected in the schedule referenced in subparagraph (A), and properly assignable to such contractor, shall be repaid in not more than 5 years after notification of the allocation if such amount is a result of a collective annual allocation of capital costs to the contractors exercising contract conversions under this subsection of less than $5,000,000. If such amount is $5,000,000 or greater, such cost shall be repaid as provided by applicable reclamation law, provided that the reference to the amount of $5,000,000 shall not be a precedent in any other context; and

(C) provide that power revenues will not be available to aid in repayment of construction costs allocated to irrigation under the contract.

(4) All contracts entered into pursuant to paragraph (2) shall—

(A) require the repayment in lump sum of the remaining amount of construction costs identified in the most current version of the Central Valley Project Schedule of Municipal and Industrial Water Rates, as adjusted to reflect payments not reflected in such schedule, and properly assignable for ultimate return by the contractor, no later than January 31, 2016. An estimate of the remaining amount of construction costs as of January 31, 2016, as adjusted, shall be provided by the Secretary of the Interior to each contractor no later than 180 days after enactment; and

(B) require that, notwithstanding subsection (c)(2), construction costs or other capitalized costs incurred after the effective date of the contract or not reflected in the schedule referenced in subparagraph (A), and properly assignable to such contractor, shall be repaid in not more than 5 years after notification of the allocation if such amount is a result of a collective annual allocation of capital costs to the contractors exercising contract conversions under this subsection of less than $5,000,000. If such amount is $5,000,000 or greater, such cost shall be repaid as provided by applicable reclamation law, provided that the reference to the amount of $5,000,000 shall not be a precedent in any other context.

(b) FINAL ADJUSTMENT.—The amounts paid pursuant to subsection (a) shall be subject to adjustment following a final cost allocation by the Secretary of the Interior upon completion of the construction of the Central Valley Project. In the event that the final cost allocation indicates that the costs properly assignable to the contractor are greater than what has been paid by the contractor, the contractor shall be obligated to pay the remaining allocated costs. The term of such additional repayment contract shall be no less than 1 year and no more than 10 years, however, mutually agreeable provisions regarding the rate of repayment of such amount may be developed by the parties. In the event that the final cost allocation indicates that the costs properly assignable to the contractor are less than what the contractor has paid, the Secretary of the Interior is authorized and directed to credit such overpayment as an offset against any outstanding or future obligation of the contractor.

(c) APPLICABILITY OF CERTAIN PROVISIONS.—

(1) Notwithstanding any repayment obligation under subsection (a)(3)(B) or subsection (b), upon a contractor's compliance with and discharge of the obligation of repayment of the construction costs as provided in subsection (a)(3)(A), the ownership and full-cost pricing limitations of any provision of Federal reclamation law shall not apply to lands in such district.

(2) Notwithstanding any repayment obligation under paragraph (3)(B) or paragraph (4)(B) of subsection (a), or subsection (b), upon a contractor's compliance with and discharge of the obligation of repayment of the construction costs as provided in paragraphs (3)(A) and (4)(A) of subsection (a), such contractor shall continue to pay applicable operation and maintenance costs and other charges applicable to such repayment contracts pursuant to the then-current rate-setting policy and applicable law.

(d) CERTAIN REPAYMENT OBLIGATIONS NOT ALTERED.—Implementation of the provisions of this section shall not alter the repayment obligation of any other long-term water service or repayment contractor receiving water from the Central Valley Project, or shift any costs that would otherwise have been properly assignable to any contractors absent this section, including operations and maintenance costs, construction costs, or other capitalized costs incurred after the date of enactment of this Act, to other such contractors.

(e) STATUTORY INTERPRETATION.—Nothing in this part shall be construed to affect the right of any long-term contractor to use a particular type of financing to make the payments required in paragraph (3)(A) or paragraph (4)(A) of subsection (a).

(f) DEFINITION OF TREASURY RATE.—For purposes of this section, ''Treasury Rate'' shall be defined as the 20-year Constant Maturity Treasury rate published by the United States Department of the Treasury as of October 1, 2012.

TITLE IV—BAY-DELTA WATERSHED WATER RIGHTS PRESERVATION AND PROTECTION

SEC. 401. WATER RIGHTS AND AREA-OF-ORIGIN PROTECTIONS.

Notwithstanding the provisions of this Act, Federal reclamation law, or the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.)—

(1) the Secretary of the Interior (''Secretary'') is directed, in the operation of the Central Valley Project, to strictly adhere to State water rights law governing water rights priorities by honoring water rights senior to those belonging to the Central Valley Project, regardless of the source of priority;

(2) the Secretary is directed, in the operation of the Central Valley Project, to strictly adhere to and honor water rights and other priorities that are obtained or exist pursuant to the provisions of California Water Code sections 10505, 10505:5, 11128, 11460, and 11463; and sections 12200 to 12220, inclusive; and

(3) any action that affects the diversion of water or involves the release of water from any water storage facility taken by the Secretary or the Secretary of the Department of Commerce to conserve, enhance, recover, or otherwise protect any species listed under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) shall be applied in a manner that is consistent with water right priorities established by State law.

SEC. 402. SACRAMENTO RIVER SETTLEMENT CONTRACTS.

In the implementation of the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), in the Bay-Delta and on the Sacramento River, the Secretary and the Secretary of Commerce are directed to apply any limitations on the operation of the Central Valley Project or to formulate any ''reasonable prudent alternative'' associated with the operation of the Central Valley Project in a manner that strictly adheres to and applies the water rights priorities for ''Project Water'' and ''Base Supply'' provided for in the Sacramento River Settlement Contracts. Article 3(i) of the Sacramento River Settlement Contracts shall not be utilized by the United States as means to provide shortages to the Sacramento River Settlement Contracts that are different than those provided for in Article 5(a) of those contracts.

SEC. 403. SACRAMENTO RIVER WATERSHED WATER SERVICE CONTRACTORS.

(a) IN GENERAL.—Subject to subsection (b) and the absolute priority of the Sacramento River Settlement Contractors to Sacramento River supplies over Central Valley Project diversions and deliveries to other contractors, the Secretary is directed, in the operation of the Central Valley Project, to allocate water provided for irrigation purposes to existing Central Valley Project agricultural water service contractors within the Sacramento River Watershed in compliance with the following:

(1) Not less than 100% of their contract quantities in a ''Wet'' year.

(2) Not less than 100% of their contract quantities in an ''Above Normal'' year.

(3) Not less than 100% of their contract quantities in a ''Below Normal'' year.

(4) Not less than 75% of their contract quantities in a ''Dry'' year.

(5) Not less than 50% of their contract quantities in a ''Critically Dry'' year.

(b) PROTECTION OF MUNICIPAL AND INDUSTRIAL SUPPLIES.—Nothing in subsection (a) shall be deemed to (i) modify any provision of a water service contract that addresses municipal and industrial water shortage policies of the Secretary, (ii) affect or limit the authority of the Secretary to adopt or modify municipal and industrial water shortage policies, (iii) affect or limit the authority of the Secretary to implement municipal and industrial water shortage policies, or (iv) affect allocations to Central Valley Project municipal and industrial contractors pursuant to such policies. Neither subsection (a) nor the Secretary's implementation of subsection (a) shall constrain, govern or affect, directly or indirectly, the operations of the Central Valley Project's American River Division or any deliveries from that Division, its units or its facilities.

(c) DEFINITIONS.—In this section:

(1) The term ''existing Central Valley Project agricultural water service contractors within the Sacramento River Watershed'' means water service contractors within the Shasta, Trinity, and Sacramento River Divisions of the Central Valley Project, that have a water service contract in effect, on the date of the enactment of this section, that provides water for irrigation.

(2) The year type terms used in subsection (a) have the meaning given those year types in the Sacramento Valley Water Year Type (40–30–30) Index.

SEC. 404. NO REDIRECTED ADVERSE IMPACTS.

The Secretary shall insure that there are no redirected adverse water supply or fiscal impacts to those within the Sacramento River watershed or to the State Water Project arising from the Secretary's operation of the Central Valley

Project to meet legal obligations imposed by or through any State or Federal agency, including, but not limited to those legal obligations emanating from the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) or this Act, or actions or activities implemented to meet the twin goals of improving water supply or addressing environmental needs of the Bay Delta.

TITLE V—MISCELLANOUS

SEC. 501. PRECEDENT.

Congress finds and declares that—

(1) coordinated operations between the Central Valley Project and the State Water Project, previously requested and consented to by the State of California and the Federal Government, require assertion of Federal supremacy to protect existing water rights throughout the system; and

(2) these circumstances are unique to California.

Therefore, nothing in this Act shall serve as precedent in any other State.

The Acting CHAIR. No amendment to that amendment in the nature of a substitute shall be in order except those printed in House Report 112–405. 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. MCCLINTOCK

The Acting CHAIR. It is now in order to consider amendment No. 1 printed in House Report 112–405.

Mr. McCLINTOCK. Mr. Chairman, I have an amendment made in order under the rule.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 3, line 24, strike **"CONTRACTS"** and insert **"CONTRACT"**.

Page 4, starting on line 7, strike '', and renew such contracts for successive periods of 40 years each''.

Page 4, after line 9, insert the following new subsection:

(b) ADMINISTRATION OF CONTRACTS.—Except as expressly provided by this Act, any existing long-term repayment or water service contract for the delivery of water from the Central Valley Project shall be administered pursuant to the Act of July 2, 1956 (70 Stat. 483).

Page 4, line 10, strike ''(b)'' and insert ''(c)''.

Page 11, line 21, strike ''.00''.

Page 12, line 3, strike '', no'' and insert ''no''.

Page 16, line 18, strike ''submit to'' and insert ''submit to the''.

Page 16, line 23, strike ''options—'' and insert ''options:''.

Page 19, line 3, after ''may partner'' insert ''or enter into an agreement''.

Page 19, line 11, after ''No'' and before ''Federal funds'' insert ''additional''.

Page 19, lines 11, strike ''this purpose and'' and insert ''the activities authorized in sections 103(d)(1)(A)(i), 103(d)(1)(A)(ii) and 103(d)(1)(A)(iii) of Public Law 108-361.''.

Page 19, lines 11 and 12, before ''each water storage project'' insert ''However,''.

Page 19, line 12, after ''water storage project'' insert ''under sections 103(d)(1)(A)(i), 103(d)(1)(A)(ii) and 103(d)(1)(A)(iii) of Public Law 108–361''.

Page 20, line 10, strike ''valid''.

Page 20, line 17, strike ''valid''.

Page 25, line 16, insert a period after ''inclusive''.

Page 26, line 4, insert a colon after ''Settlement''.

Page 37, line 22, insert ''the first place it appears'' before ''and''.

Page 38, line 1, strike '', provided;'' and insert ''provided''.

Page 39, line 19, strike ''after'' and insert ''before''.

Page 39, line 21, strike ''after'' and insert ''before''.

Page 49, line 12, insert ''Central Valley Project'' before ''water''.

Page 52, line 12, after ''Sacramento River'' insert ''or San Joaquin River''.

Page 52, line 21, strike ''**MISCELLANOUS**'' and insert ''**MISCELLANEOUS**''.

The Acting CHAIR. Pursuant to House Resolution 566, the gentleman from California (Mr. McCLINTOCK) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. McCLINTOCK. Mr. Chairman, this amendment addresses two concerns that have been raised by opponents of the bill during the committee markup and here on the floor today.

A great deal of time during that markup and more today was spent addressing concerns that the bill provides for 40-year contracts that can be renewed each year. The minority charged that this amounts to de facto privatization of a public resource.

Well, we have tried over and over to explain to them that 40-year successive renewal contracts are the rule in Western water law, and the 25-year provision for the Central Valley Project was actually the exception. Indeed, the CVP used to operate with a 40-year provision until that was changed in 1992.

This amendment makes it absolutely crystal clear, I certainly hope, that the contract provisions for the Central Valley Project must be in conformity with the act of July 2, 1956, that amended the Reclamation Projects Act of 1939. These provisions govern all reclamation projects throughout the western United States and treats the CVP contracts no differently. I hope that this provision settles this issue.

The second substantive provision, also included in deference to opponents of the measures, arises from an amendment that intends to expedite four CALFED surface water projects. It was charged that the wording would have interfered with authorization of the project.

This amendment makes it crystal clear that these four projects are authorized as long as non-Federal financing is used. This clears the way for local, State, and private funds to be applied immediately to the construction of these facilities.

The rest of the amendments are technical. They remove superfluous language, correct misspellings, and correct inadvertent omission.

I reserve the balance of my time.

The Acting CHAIR. Who seeks recognition in opposition to the amendment?

Mrs. NAPOLITANO. Actually, Mr. Chairman, I wish to speak on this issue.

The Acting CHAIR. The gentlewoman from California is recognized for 5 minutes.

Mrs. NAPOLITANO. Mr. Chairman, as my colleague has said, his amendment makes technical changes to the legislation, but it leaves in question and very much in doubt—although it says the 40-year rule in Western water is standard—but is this in perpetuity?

I would like a response on that, if I may involve myself in a colloquy with my colleague, Mr. Chairman.

The Acting CHAIR. The gentlewoman may proceed.

Mrs. NAPOLITANO. Is this a renewal every 40 years, or is it in perpetuity?

Mr. McCLINTOCK. Let me read directly from the act of July 2, 1956, governing all reclamation contracts, including those under this legislation:

The Secretary of the Interior shall include in any long-term contracts—

Mrs. NAPOLITANO. Reclaiming my time, Mr. Chairman, I don't wish to know of '56. I wish to know what your amendment does.

Mr. McCLINTOCK. This amendment applies the act that I was just reading to the Central Valley Project. I was specifically answering the gentlelady's question by quoting directly from the text of the act that this proposes.

Mrs. NAPOLITANO. I would ask again, is it in perpetuity?

Mr. McCLINTOCK. No. It has to be negotiated. In fact, just read the text. I think this will answer the question.

Mrs. NAPOLITANO. Thank you, Mr. McCLINTOCK. Reclaiming my time, the technical memo also makes some standard corrections to the language passed out in committee. While we were not consulted in the drafting of this amendment, we don't oppose the amendment, as it does nothing substantial.

I yield back the balance of my time.

Mr. McCLINTOCK. Mr. Chairman, if I could now answer the question of the gentlewoman that she didn't seem to want to hear, it is this:

This act applies—the act of July 2, 1956—to all contracts in the CVP under this legislation. That legislation states:

> The Secretary of the Interior shall include in any long-term contract hereafter entered into, if the other contracting party so requests, for renewal thereof under stated terms and conditions mutually agreeable to the parties.

And I repeat: under stated terms and conditions mutually agreeable to the parties.

This is not automatic renewal. This is negotiated anew between the government and the contractor. The only exception to that act under this bill is to accommodate the early repayment of Federal loans, which would be a boon to the cash-strapped Federal Treasury.

Mr. Chairman, as we have repeatedly tried to explain to the minority, this measure simply applies the same

standards to the CVP as are applied to all other water contracts throughout the western United States.

It was a punitive act by this Congress in 1992 that reduced the amount of time in these contracts from 40 years to 25 years exclusively for the CVP. This legislation sets that right and returns the CVP to equal treatment with any other water project in the western United States.

I reserve the balance of my time, unless the gentlelady has closed.

The Acting CHAIR. The Chair wishes to clarify, the gentlewoman from California is not in opposition to the amendment but has yielded back the remainder of her time.

Mrs. NAPOLITANO. I wish to reclaim my time, Mr. Chairman.

The Acting CHAIR. Is there objection to the request of the gentlewoman from California?

There was no objection.

The Acting CHAIR. The gentlewoman from California is recognized.

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Mrs. NAPOLITANO. I just want to thank my colleague on the other side for clarifying that, and I would like to yield the balance of my time to the gentleman from California (Mr. GARAMENDI).

Mr. GARAMENDI. There is always the rest of the story. And while this amendment deals with one of the pernicious parts of the legislation that would have been a perpetual contract, it does not deal with the remaining pieces of the Central Valley Improvement Act, which dealt with the issue of how those contracts were to be renegotiated at the end of 40 years. In fact, those parts of the Central Valley Improvement Act said that, in the renegotiation process, the Federal Government needed to take into account the issues of water availability. You know, maybe there's not that much water available and we need to downgrade, or maybe we need to increase the amount of water, take into account the environmental issues. So those very, very important qualifications on how the contracts would be renegotiated disappeared in the underlying bill.

You did deal with one of the problems, and that is the perpetuity issue, and we understand that. But, nonetheless, there is a very, very serious problem that remains in the negotiation or the renegotiation of the contracts; and, therefore, the amendment, while dealing with one problem, allows the remaining problems to exist. And those remaining problems are how and under what circumstances is the Federal Government to carry out the negotiations; that is, do we take into account environmental issues, fish in the river or not, and availability of water or not.

Mr. MCCLINTOCK. Mr. Chairman, to answer the gentleman very specifically, the contract negotiations are conducted in precisely the same manner as every other contract in the Western United States.

I would remind the gentleman and the gentlelady who carried the legislation, this Congress approved a 50-year contract for Hoover power users. And I would remind my friend, the gentleman from California, that during the markup, he specifically said that he could probably live with 40 years. I hope that is still the case. I hope that these amendments assuage his concerns, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from California (Mr. MCCLINTOCK).

The amendment was agreed to.

AMENDMENT NO. 2 OFFERED BY MR. THOMPSON OF CALIFORNIA

The Acting CHAIR. It is now in order to consider amendment No. 2 printed in House Report 112–405.

Mr. THOMPSON of California. 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:

After section 2, insert the following:

SEC. 3. EFFECTIVE DATE CONDITIONS.

Notwithstanding sections 104, 105, 110, and 111 and title III, nothing in this Act or the amendments made by this Act shall take effect until the Secretary of the Interior, in consultation with the Secretary of Agriculture, the Secretary of Commerce, and the Secretary of Labor, certifies that the provisions of this Act and the amendments made by this Act will not result in the loss of agriculture, agriculture-related, fishery, or fishery-related jobs or revenue in California counties north of the Sacramento-San Joaquin River Delta.

The Acting CHAIR. Pursuant to House Resolution 566, the gentleman from California (Mr. THOMPSON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. THOMPSON of California. Mr. Chairman, I yield myself such time as I may consume.

The Thompson-Eshoo amendment states that nothing in this bill can go into effect if the Secretary of the Interior determines that any agricultural, fishery, or related jobs will be lost in northern California counties as a result of this bill. I represent a community with varied economic interests: agriculture, fisheries, and tourism. Our amendment would protect these jobs from this politically driven legislation that would divert water to south-of-delta private agricultural interests.

Proponents of this bill claim that the bill protects jobs. The bill does the exact opposite of what it claims to do. It's a job-killer bill. It creates economic winners and losers based on south-of-delta interests. The livelihoods and concerns of individuals outside of this limited area are ignored in order to support well-heeled agricultural interests south of the delta.

In my home district, over 2 million acres of farmland support a greater than $1 billion market value of products. Over 10 percent of these farms depend on irrigation. I do not believe that these farmers are less important than the south-of-delta farmers. Their jobs, their income, their families should not be sacrificed.

However, this is not simply a northern farmer versus southern farmer issue. Fishermen on the north coast of California saw the result of politically driven water resources decisions in '08 and '09, and they paid the price in almost 5,000 jobs and the economic loss of over $534 million.

The Thompson-Eshoo amendment would prevent any provisions of this bill from going into effect that would result in the loss of jobs in northern California. Join me in protecting jobs from this politically driven bill that prioritizes the agricultural economies south of the delta over all others.

And I now yield 2 minutes to the gentlewoman from California (Ms. ESHOO), my friend and colleague.

Ms. ESHOO. Mr. Chairman, I thank the gentleman, and I rise in support of the amendment. Why? Because it states that if any fishery-related or agricultural job is lost as a result of this act, the bill will not be enacted. And I think that really sets down where we are.

We need jobs in this country and not job-killing legislation. Now this legislation would undo years of negotiations reached by the State of California, local ranchers, farmers, and other users of water from the San Joaquin River. It would set up a new round of water wars, which means more employment for lawyers but not much for anyone else.

My congressional district, which includes Silicon Valley and the fishing community of Half Moon Bay, is not in the delta, but my constituents oppose this legislation because their communities, their livelihoods, their resources will also be negatively affected by this bill.

Now listen to what the Silicon Valley Leadership Group says, over 350 major companies in Silicon Valley:

> We believe that H.R. 1837 would be counterproductive to the development of a comprehensive solution to the Golden State's water programs as it overrides many existing regulations and laws concerning the delta ecosystem and undermines years of collaboration and goodwill developed by a broad coalition of actors and experts.

And this mention of broad coalition, it's why this bill stinks, in plain English, because there's not a coalition. You have to build from the ground up with the stakeholders. That's why there's such a problem with it.

Listen to what the Pacific Coast Federation of Fishermen's Associations says, and they're the largest commercial fishermen association along the Pacific coast:

> Make no mistake, this bill will only preempt State law; it will destroy jobs. One of the west coast's oldest industries, our salmon fishery, along with the fishing communities and the economy and heritage it represents, is threatened with extinction by this audacious bill.

We need to protect our citizens from further economic hardships by defending American jobs and enacting legislation that will help, not harm.

For these reasons, I urge my colleagues to vote for Representative THOMPSON's amendment.

Mr. HASTINGS of Washington. Mr. Chairman, I rise to claim the time in opposition.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. HASTINGS of Washington. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. DENHAM).

Mr. DENHAM. Mr. Chairman, it is amazing the inconsistencies in the amendment itself. Here the gentlelady is talking about San Jose, yet San Jose is south of the area we're talking about, and yet Silicon Valley receives water exports from the delta.

But let's take a different inconsistency. I represent Stanislaus County, which is north of Stockton. Maybe we need to look at a map. We actually have Stanislaus County that reaches up past Stockton, San Joaquin County, the Sacramento area, and yet we're going to be excluded.

So it's one thing to pick winners and losers in this, but what we try to do is not pit north versus south. We're trying to use natural resources in the best option available.

I find interesting another inconsistency: This amendment, does it include forestry, which resides under the jurisdiction of USDA? Are the authors not concerned about the devastating effects of the timber industry and how it's suffered due to the ESA issues associated with the spotted owl?

There are many inconsistencies here. Pick your battle.

Mr. THOMPSON of California. Mr. Chairman, I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from California (Mr. NUNES), the author of the legislation.

Mr. NUNES. Mr. Chairman, the gentleman from California (Mr. DENHAM) just made a very important point. Silicon Valley gets their water from Hetch Hetchy. San Francisco gets their water from Hetch Hetchy. What's Hetch Hetchy? Hetch Hetchy was dammed up. It's in Yosemite, and they pipe their water. So if they care about the fish and the fishermen, tear down the dam, send their water out to the delta. But they don't want to do that.

Now I have a lot of my respect for my friend from northern California (Mr. THOMPSON). We've worked together on many issues. But I have to remind the gentleman that the salmon fishermen were bailed out. They were given $230 million in payments.

□ 1550

I think there needs to be a GAO study on where this money went to because we don't know where this money went. There's never been any report to show where this money went—$230 million. But it was the Federal Government that told the fishermen not to fish. And I would hope that the gentleman would actually support this legislation because what we have here is the fish that are killing the salmon are the bass—the bass fish do that. So let's let the fishermen go fish. And here's the gruesome picture again. I know you don't like to see it. Let's go get the bass that are eating the smelt so that then the salmon don't have anything to eat. The bass is a nonnative species. So this bill allows fishermen to go back to work.

I would hope that the gentleman would support this bill because we need to get the fishermen back to work. I agree. We don't want to spend $230 million after the Federal Government tells the fishermen, no, you can't fish, and then pays them not to fish. That is insanity.

Mr. THOMPSON of California. Mr. Speaker, just a couple of comments on some of the previous speaker's remarks. I'm glad to add forestry in one of the areas if there's any jobs lost that the bill won't go into effect if that would garner my friend's support of this amendment. And as he mentioned, he said it himself: it creates winners and losers. That's not what we're about. We're about creating jobs, not moving jobs from one area to another.

My friend from California mentioned that there was no salmon fishing and it caused these problems. Well, there's no salmon fishing because the last politically motivated water policy killed 80,000 spawning salmon. It shut down the season—it shut it down. It cost people their boats, and it cost people their jobs. Motels, gas stations, bait shops, grocery stores—everybody was hurt tremendously by that matter, and now we're back at it again trying, once again, to politically move water from one portion of the State to another.

It's a job killer and it preempts State law. It's a bad bill, it ought to be killed, and this amendment ought to be added to it.

I yield back the balance of my time.

Mr. HASTINGS of Washington. Mr. Chairman, I am pleased to yield the balance of the time to a member of the committee and somebody who has worked on this legislation, Mr. MCCLINTOCK.

The Acting CHAIR. The gentleman from California is recognized for 2 minutes.

Mr. MCCLINTOCK. I thank the gentleman.

Mr. Chairman, this amendment would allow the Interior Secretary to suspend this bill if he finds that one job is lost north of the delta. Well, this is the same Interior Secretary who appeared before the Natural Resources Committee in 2009. At the time, thousands of farmworkers were thrown into unemployment by the water diversions. Hundreds of thousands of acres of productive farmland were turned into a dust bowl.

And in the midst of the crisis, he admitted that as Interior Secretary, he had the authority to stop the diversions and end the agony of the Central Valley, but he chose not to do so because, in his words, ''It would be like admitting defeat.'' And this is the man that the gentleman from California would give the power—upon finding a single lost job in northern California—to plunge our State into another government-created dust bowl? I don't think so.

The Northern California Water Association represents the farms and communities of northern California and they write of this bill:

> The bill, if enacted, would provide an unprecedented Federal statutory express recognition of and commitment to California's State water rights priority system and area of origin protections. This is important for the region to provide sustainable water supply for productive farmlands, wildlife refuges and managed wetlands, cities and rural communities, recreation and meandering rivers that support important fisheries.

So speaks northern California.

Mr. Chairman, fewer Americans are working today than on the day that this administration took office. We will not put in the hands of that administration the power to destroy still more jobs, which this amendment cynically seeks to do.

The Acting CHAIR. The question is on the amendment offered by the gentleman from California (Mr. THOMPSON).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. THOMPSON of California. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from California will be postponed.

AMENDMENT NO. 3 OFFERED BY MCNERNEY

The Acting CHAIR. It is now in order to consider amendment No. 3 printed in House Report 112–405.

Mr. MCNERNEY. 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:

> After section 2, insert the following:
>
> **SEC. 3. EFFECTIVE DATE CONDITIONS.**
>
> Notwithstanding sections 104, 105, 110, and 111, and title III, this Act and the amendments made by this Act shall not take effect until the Secretary of the Interior, in consultation with other Federal agencies with relevant expertise, determines that this Act and the amendments made by this Act shall not have a harmful effect on the quality or safety of drinking water supplies for residents of the five Delta Counties (Contra Costa County, Sacramento County, San Joaquin County, Solano County, and Yolo County, California).

The Acting CHAIR. Pursuant to House Resolution 566, the gentleman from California (Mr. MCNERNEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. MCNERNEY. Mr. Chairman, I yield myself as much time as I may consume.

Mr. Chairman, I'm honored to represent much of the San Joaquin Delta, and the delta is a precious, precious resource that provides water for urban, industrial, and agricultural uses throughout the State of California. The delta flows through five northern California counties that are home to 4 million people. The delta region is home to big cities, small towns, and lush farmlands. Just like other Californians, the people of the delta deserve access to clean, safe drinking water. I'm deeply concerned that, as currently written, H.R. 1837 will severely erode the quality of our local water resources.

This issue is important to public health and to local governments throughout northern California. This bill takes more of our freshwater, and what's left will be saltier and lower quality. Deterioration of delta water increases treatment costs by tens of millions of dollars and requires hundreds of millions of dollars in new capital investments. This bill will hurt the people.

Unfortunately, many communities in the delta region are struggling with budget and public health challenges as it is. The last thing we need is for the Congress to pass a bill that threatens our well-being and forces us to spend millions more to just treat our water. It's bad enough to steal somebody's water; it's even worse to steal their water and then charge them millions of dollars for the privilege.

This legislation we are considering today should not pass. It will harm the safety of drinking water supplies for delta communities. My amendment makes sure that, before this bill comes into effect, it won't burden the delta with heavy costs and new public health threats. I ask all of my colleagues to support my amendment, which will secure the safety and security of our drinking water.

Mr. HASTINGS of Washington. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR (Mr. WESTMORELAND). The gentleman is recognized for 5 minutes.

Mr. HASTINGS of Washington. I yield 4 minutes to the gentleman from California (Mr. NUNES).

Mr. NUNES. Mr. Speaker, once again, I don't believe the other side has read the bill. This bill provides for the ultimate protections for delta communities—ultimate protections that guarantee their God-given right to their property and to their water. That's what this bill does. So if you vote against this bill, you're voting to continue the attack on farmers all over the State and communities all over the State. So, if delta farmers want to continue to take water out of the delta like they've been doing for 100 years—they have always had their allocation—this bill guarantees that.

Now, I've been to the delta numerous times, and I've spoken to the communities there. Their number one concern is that they do not want the peripheral canal to be built. Well, if you vote against this bill, you are voting to ensure that Jerry Brown, the Governor of California who opposes this bill, gets his wish to build the peripheral canal that the delta farmers don't want. So if the gentleman wants the peripheral canal built, vote against the bill. If the gentleman wants to make sure that his farmers are not guaranteed their right for water, vote against the bill.

But I find it ironic that the minority is arguing for the delta farmers and the delta communities, but at the very basic level the people who are behind this, the Governor of California, was just here the other day advocating to build the peripheral canal that the gentleman says his constituents don't want. Well, my constituents don't want it either. Neither do the people in the north. None of us wants to build a multibillion dollar project like this. And we don't have to because passage of this bill allows valuable water to be moved across the delta in a more equitable fashion to guarantee waterfowl and fish populations would increase, and guarantees rights to farmers and farmworkers and communities.

□ 1600

That's what this bill does. I would hope that folks in this body and the gentleman himself would maybe withdraw his amendment so that we don't have to take a vote on this because I would hate for the gentleman to vote on an amendment that would basically ensure that he would be supporting Jerry Brown and the Democratic administration that want to take his water away from him that he so cherishes.

Mr. Chairman, I would just say that we need to slow down. I would hope that the other side would take a look at this bill and read the bill. Once they do, they will figure out that all the stakeholders were together in 1994 when everyone sat down to make this agreement. That's what this goes back to.

Mr. MCNERNEY. Mr. Chairman, I certainly appreciate the passion of my colleague from California; but if this bill is beneficial to the delta, then why does every delta county oppose the bill? They made it very clear to me their concern: to protect the drinking water. The quality of the drinking water is something that everyone can understand.

It seems to me what is happening is that the other side is saying we have the money, we have the votes, let's go get the water. Might makes right. We know in this country that might doesn't make right. We have laws that have been observed. We're working through processes now. To shortcut that process right now and start shipping all this water will devastate our community, and we're going to do everything we can to prevent it.

I yield 2 minutes to my colleague from California (Mr. GARAMENDI).

Mr. GARAMENDI. Sometimes on this floor you just shake your head and wonder if you may have fallen down the rabbit hole and ''Alice in Wonderland'' is really real, where up is down and down is up, and left is right and right is left, and this confusion abounding.

I just heard the most amazing argument I could possibly have imagined, that somehow this bill will stop the peripheral canal. I think not. Perhaps it will because it will totally destroy any opportunity that there may be for California to come together around a comprehensive solution to its water situation.

It just makes me wonder what in the world is going on here, particularly my colleague from California who wants to represent this county of Tuolumne who may want to read his own bill where he wipes out all of the contracting provisions in the Central Valley Improvement Act in which the Tuolumne County Regional Water Agency is given the right to water out of the New Melones Reservoir. That is gone.

By the way, if you happen to care about veterans who might somehow be placed in the San Joaquin Valley National Cemetery, their 850 acre-feet of water is also wiped out.

This bill has far-reaching effects. It has far, far-reaching effects in wiping out the Central Valley Improvement Act. It also wipes out the environmental laws, wipes out the water for the Central Valley National Cemetery, it wipes out the water for Tuolumne County. What effect it has on the peripheral canal, I just can't understand other than it will destroy whatever comity and working together there is in California to solve the overarching problems.

By the way, you are stealing 800,000 acre-feet from the delta in this bill. That's water that the delta community needs. That's water that the delta community needs for its citizens, for water quality, and for agriculture.

Mr. HASTINGS of Washington. Mr. Chairman, how much time remains on both sides?

The Acting CHAIR. The gentleman from Washington has 2 minutes remaining. The gentleman from California's time has expired.

Mr. HASTINGS of Washington. With that, Mr. Chairman, I yield the balance of my time to the gentleman from California (Mr. NUNES).

Mr. NUNES. Mr. Chairman, this debate is really incredible.

There is nothing about veteran cemeteries in this bill. I can understand why the minority would want to talk about veterans, because we love our veterans in this country and we do everything to support them. But it is a stretch to say that a bill dealing with property rights somehow involves veteran cemeteries. Since we're talking about veterans, I will say when we send our veterans overseas, our men and women in the

military to protect this country, we have a right to protect people's private property. That's what this bill does.

I know my other friends on the other side of the aisle who have continued to make this argument, they suddenly care about State preemption. They didn't care about State preemption in 1986, 1992, when they sat down in 1994, when they did their boondoggle in 2009. They didn't care about State preemption then. Boy, today, when we talk about guaranteeing people their right to their private property, they suddenly are the defenders of the Constitution. This is really stretching it.

I know that the gentleman who was the under secretary at the time who made the deal in 1994, that was bragged about by not only the former chairman of the Natural Resources Committee at the time, bragged about the Bay-Delta Accord of 1994, not only the Under Secretary of the Interior and the Secretary of the Interior himself and President Bill Clinton. They all supported the '94 agreement. All this talk about comprehensive reform and getting people to the table, we've done that before. What that results in is the illegal taking of people's personal property.

The Acting CHAIR. The question is on the amendment offered by the gentleman from California (Mr. MCNERNEY).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. MCNERNEY. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from California will be postponed.

AMENDMENT NO. 4 OFFERED BY MR. MCNERNEY

The Acting CHAIR. It is now in order to consider amendment No. 4 printed in House Report 112–405.

Mr. MCNERNEY. 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:

After section 2, insert the following:

SEC. 3. EFFECTIVE DATE CONDITIONS.

Notwithstanding sections 104, 105, 110, and 111, and title III, this Act and the amendments made by this Act shall not take effect until the Secretary of the Interior, in consultation with the Secretary of Agriculture, determines that carrying out this Act and the amendments made by this Act shall not have a harmful effect on water quality or water availability for agricultural producers in the five Delta Counties (Contra Costa County, Sacramento County, San Joaquin County, Solano County, and Yolo County, California).

The Acting CHAIR. Pursuant to House Resolution 566, the gentleman from California (Mr. MCNERNEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. MCNERNEY. Mr. Chairman, I yield myself as much time as I may consume.

Someone needs to speak up for the delta communities.

I rise to offer a second amendment to H.R. 1837, and I urge my colleagues to consider this amendment.

As my colleagues now know, I'm very honored to represent the people of the San Joaquin Delta. The delta is a precious resource that provides tremendous economic benefits to my entire State. Preserving the delta should be a priority to all Californians.

Agriculture is the backbone of the delta region, generating nearly $800 million in 2009 and sustaining thousands of jobs. Supporting delta farming is essential to the economic sustainability of the delta region. I'm deeply upset that as currently written, H.R. 1837 will ship vastly more water out of the delta, even though the current shipments are already threatening the water quality for local farmers.

Simply put, this bill will steal water from northern California and devastate water quality for our delta farmers. Farmers need fresh water. They don't need salt water for their harvest. That is why I'm offering a simple amendment to make sure that the most harmful provisions of this bill do not come into effect until the Secretary of the Interior certifies that they will not harm the water quality or water availability for delta farmers.

Proponents of H.R. 1837 claim their bill is pro-farmer, but the truth is far different. The bill steals water from one part of California to give it to another. If the authors of H.R. 1837 support farmers throughout the entire State of California, then they should support my amendment.

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

Mr. HASTINGS of Washington. Mr. Chairman, I rise to claim time in opposition.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. HASTINGS of Washington. I am pleased to yield 1 minute to the gentleman from California (Mr. DENHAM).

□ 1610

Mr. DENHAM. Mr. Chairman, you know, the last couple of amendments we've talked about the inconsistencies on how they affect other counties in the community. Certainly my county and Stanislaus County has been excluded, even though it certainly has impact in this area.

But even San Joaquin County, this amendment contradicts itself, because West Side ag districts in San Joaquin County, West Side Irrigation District, Byron Bethany Irrigation District, Del Puerto Irrigation District, their water is going to be shut off in prior years. Their water will be shut off this year with a 30 percent water allocation.

The City of Tracy is important. They should have their water. Thirty percent water allocation is unacceptable. So the inconsistencies around the valley are certainly interesting as these different amendments come up.

But why even divide a community that relies on the water that comes out of this allocation?

Mr. MCNERNEY. Mr. Chairman, I thank my colleague for his remarks. Drought affects everyone.

My big concern here is protecting the water quality of the delta. Right now we see saltwater coming into the delta. We see farmers pumping water and having salt in it, not able to use it, needing additional treatments.

All I'm asking is that the Secretary look at the bill and prevent parts of the bill that will deteriorate water quality from going into effect until we're sure that it's safe. We're not asking for anything other than that.

With that, I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from California (Mr. NUNES), the author of this legislation.

Mr. NUNES. Mr. Chairman, once again, I will say that delta communities are protected in this bill.

They're concerned about water quality. This bill allows water to move through the delta.

They're concerned about maintaining their ability to divert water. This bill allows them to do that. It ensures their private property rights and their rights to their water.

The delta farmers want to make sure that they get conveyance through the delta so they can get their water. This bill does that.

And, as Mr. DENHAM pointed out, the communities on the west side of San Joaquin County, I guess, perhaps they don't matter to the minority because, evidently, by supporting this and opposing this bill, you're basically guaranteeing that the City of Tracy and those districts, those water districts where those jobs are created, are going to be cut off of their water this year. This bill fixes that.

And, once again, I will say that if the delta communities are worried about this peripheral canal, this is why the delta communities should be supporting this bill. But we don't hear anything about that. We hear about Jerry Brown, the Governor of California, opposing the bill and the attorney general of California opposing the bill.

Why are they opposing the bill? Well, because they were just back in Washington 2 days ago lobbying for the construction of the peripheral canal.

Now, perhaps the delta communities want the peripheral canal. Maybe that's a change. I don't know. I haven't been up there in the last few months. But last I heard, the delta communities do not want the peripheral canal to be built.

So, Mr. Chairman, I would urge the gentleman to drop his amendment and to vote in favor of this bill.

Mr. MCNERNEY. Mr. Chairman, right now the delta is in a serious decline. We're shipping more water south

than is good for the health of the delta. What this bill does is increases water shipments. So I don't see how we can put protection for the delta in a bill, in a provision, that increases shipments when we're already seeing decline in the delta.

Again, as I said before, the other side sees they have the votes and they want to go take this water, and that's what this is about. It's about taking water. And our communities, the delta communities have rights to the water. We've been there for a long time. We've been farming this lush farmland. Our farms are very productive.

What this will do is turn it into a salt, stagnant pool, and that will destroy a lot of agriculture, more agriculture than would be created in other areas. It'll destroy a lot of jobs. I don't see how people could support this sort of a provision.

Mr. Chairman, how much time do I have left?

The Acting CHAIR. The gentleman has 1½ minutes remaining.

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

Mr. HASTINGS of Washington. Mr. Chairman, we only have one other speaker, and we have the right to close, so I'll reserve my time.

Mr. MCNERNEY. Well, as we've heard both sides, this is a complicated issue. We don't want farmers in any part of the valley to be hurt, but the delta has a long history of providing excellent farm products, $800 million a year of agricultural output. This is at risk. This is what's at risk.

My community is crying out to me. San Joaquin County is solidly behind my amendment. They're opposed to this bill. And I ask my colleagues to stand up and consider what this bill means for the rest of the country. If we adopt this, it sets a nasty precedent.

I yield back the balance of my time.

Mr. HASTINGS of Washington. Mr. Chairman, I am pleased to yield the balance of the time again to the author of this legislation, the gentleman from California (Mr. NUNES).

Mr. NUNES. Mr. Chairman, once again I want to talk about the water exports.

You saw this earlier. Here are the water exports, Mr. Chairman, right here at the bottom. The green line represents the inflows to the delta. You can see that most of the water, in fact, 76 percent of the water that enters the delta ends up out in the ocean. Seventy-six percent of the water ends up out in the ocean.

What this bill does, this allows the folks in the delta their rights to their water. So if you vote against this bill, you're voting to take those people's water away and their right to their water away.

So if the gentleman's concerned about water quality, then he should support the bill, because this bill allows the water to move more freely throughout the delta because it gets rid of the problems that we have throughout the delta and the rigidness that was created when this Congress, in 1992, basically attempted to put farmers out of business and farmworkers in food lines. That's what this debate's about.

And I would suggest, if the gentleman—we could have a unanimous consent agreement right now for an amendment, if the chairman of the committee would allow me.

The City of San Francisco and Santa Clara and all over the bay area, many of the folks from the other side of the aisle who oppose this bill, why do they oppose it other than they want to construct the peripheral canal? They want to ensure construction of the peripheral canal like their Governor, Jerry Brown, wants to do.

But also they don't like the dirty little secret—Yosemite. This was dammed up. Hetch Hetchy was dammed up. Here's the water that sits in Hetch Hetchy today. It was one of John Muir's favorite places on Earth, and this Congress dammed it up.

But you don't see—in all this water that's here, this water would go out to the delta. So perhaps we could have a unanimous consent agreement to tear this down today. Let's dump all this water that goes to San Francisco and Silicon Valley, let's take all this water that would go to the delta, let's dump it down there. Let's save the fish.

Let's go. Unanimous consent agreement. Will anybody agree to it?

The Acting CHAIR. The question is on the amendment offered by the gentleman from California (Mr. MCNERNEY).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. MCNERNEY. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from California will be postponed.

□ 1620

AMENDMENT NO. 5 OFFERED BY MR. GARAMENDI

The Acting CHAIR. It is now in order to consider amendment No. 5 printed in House Report 112–405.

Mr. GARAMENDI. 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:

Strike section 103.

The Acting CHAIR. Pursuant to House Resolution 566, the gentleman from California (Mr. GARAMENDI) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. GARAMENDI. Mr. Chairman, I've heard some of the most amazing things in the last 20 minutes that I'm absolutely sometimes unable to even respond to them.

First of all, let's get a couple of things straight before I go to the amendment.

The water that is delivered by the Central Valley Project either under the CVPIA or under the original law is water that is under contract. It is not a property right. It is water that is granted by reason of a contract between the Federal Government and the individual water districts that take that water. It is not a property right.

Now, certainly the farmers own their property, and that is a property right. But the water is not. And by the way, that water—on every one of those contracts, there is a shortage on most of those contracts, particularly the ones that are not replacing riparian water rights. Those contracts all have shortage provisions, so that when we have a drought—and we certainly have been in that situation in California today, and we were back in 2008 and 2007—there are specific requirements in the contracts to reduce the amount of water.

So all of this poppycock that we've been hearing around here today about 100 percent, it's just not the way it has ever been and never will be unless the contract provisions remain, or if this bill become law, and that's where my amendment comes in. It simply removes from this bill the contract provisions in the bill and goes back to the original law.

Now, the original law, which is the CVPIA, which amended the earlier law, has many, many provisions, and in fact it does provide up to 850 acre-feet of water for the national cemetery in the San Joaquin Valley. That, by the way, is wiped out, and also wiped out by the proposed bill before us is the water for the Tuolumne County regional water agencies. So if I represented those counties, I might be concerned about what was happening here.

Understand that many other provisions of this law are important. We did not know back in 1990–1992 what was going to happen with water. The State was in the process of adjudicating the water rights, the Water Resources Control Board, and so the law took into account their decision.

Now, what's happening here in this bill is the removal of the power of the State to allocate its water, to look at the water resources and to make some sense out of what is happening with water. Apparently, we're not going to care about that anymore, and we're simply going to bring to the Federal Government the power to appropriate water in California. That's precisely what happens here.

Now, there was an improvement. I'll grant the chairman of the subcommittee credit for eliminating the perpetual nature of the contracts that were in the original bill that was brought to the floor. Good as far as it goes. But all of the other requirements that are in the CVPI that are wise requirements about how the water is to be allocated from north to south, from the environment to the farmers, and among the farmers, are all removed. And the power of the State to allocate that water using the Water Resources

Control Board, which has been the traditional method, is also removed. Giving rise to this point that this bill overrides State law. And if you are any other State that has a reclamation project in it, beware. Beware what is happening here in the House of Representatives this day. You, too, could be at risk of some interest group in or out of your State seizing your water.

I reserve the balance of my time.

Mr. McCLINTOCK. Mr. Chairman, I rise to claim time in opposition to the amendment.

The Acting CHAIR. The gentleman from California is recognized for 5 minutes.

Mr. McCLINTOCK. Perhaps my friend from California was not listening when I presented the manager's amendment which addresses this very subject.

As I pointed out to him—apparently he has a short memory—he had objected to the successive renewal provision that he claimed was in the bill but very specifically said he felt he could probably live with 40 years on the amount of time for these contracts. As I've tried to point out to him repeatedly, the measure, and explicitly as amended, does restore the contracting provisions used throughout the Western United States for contracts involving CVP water.

The gentleman says that his amendment puts the contract provisions back to the original law. No, his amendment does not do that. This bill puts the contract provisions back to the original law. That's the reclamation law of 1939 as amended July 2, 1956, the very provisions that are restored in this bill.

What his measure does is to continue to single out the Central Valley Project uniquely among all the reclamation projects across America as the one project that can only get 25-year financing. The problem, of course, with that is that these contracts require a degree of certainty over the long-term costs. That's why the 40-year contracts are in place with every other project of the Bureau of Reclamation in the United States, just as was the fact for the Central Valley Project until it was amended by Congress in 1992.

The gentleman says this overrides State law. The CVPIA overrode State law, and the gentleman was very supportive of that at the time. He obviously has concerns over long-term memory loss as well.

I would simply point out that this measure simply says that the CVP contracts will be treated on the same basis as every other contract in America.

I reserve the balance of my time.

Mr. GARAMENDI. Mr. Chairman, may I inquire as to the time remaining?

The Acting CHAIR. You have 1½ minutes remaining.

Mr. GARAMENDI. Well, first of all, if the gentleman would listen carefully, I was always referring not to the 1956 law but rather to the CVPIA, the 1992 law. Indeed, the 1992 law did change for the better, recognizing the unique situation in California where we had both a State and a Federal water project operating and many other appropriators operating on the rivers in California.

Taking that into account, and taking into account the rapidly growing population and need in California and allowing the State to determine what might be done for the need of that water—I would refer the gentleman, if he cares to take a look, at section 3404, limitation on contracts and contracting reforms. This is what you've wiped out in your bill. It specifically provides that the California State Water Resources Control Board, in concluding their review of the California Court of Appeals—in other words, you have wiped out in your bill the ability of the State of California through the Water Resources Control Board to allocate the water, to take into account court decisions. The bill overturns 150 years of California water law and wipes it out.

In fact, the CVPI took very specific account of California law and wrote it into the Federal law.

What's wrong with that? Nothing that I could think about, because California is unique in so many, many ways, and the CVPIA allowed that to happen.

Now, if I might just take a few seconds and clarify a few things.

Yes, indeed, you were talking about the Deputy Secretary of the Department of Interior. That's me. I did conduct those negotiations.

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

Mr. McCLINTOCK. Mr. Chairman, I yield 1 minute to my colleague, the author of the legislation, Mr. NUNES of California.

Mr. NUNES. Mr. Chairman, I appreciate the gentleman admitting that he was the Under Secretary at the time, and he failed to implement the agreement that everyone came together and agreed upon.

Now, earlier, we had the gentleman from California, who was the author of the 1992 act, who came down to the floor, berated farmers, berated production agriculture, and admitted that it was his goal to get rid of production agriculture.

So why did they, at the time, change from 40-year contracts to 25-year contracts? Folks, I think this is something that the American people will understand. The American people right now from other States may not understand a whole lot about what we're talking about, but they will understand this, and farmers across America will understand this: that when farmers borrow money on their land, many times they have to do it under 30-year agreements with the bank.

So I have to ask myself, why in 1992 did they move this from 20 to 25 years?

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

Mr. McCLINTOCK. I yield the gentleman an additional minute.

Mr. NUNES. Why did they move in 1992 to 25 years? Conveniently that made it very hard for farmers to get loans on their land, especially when they were not sure if they were going to have a water supply. That's what this bill tries to fix. That's why we should vote ''no'' on this amendment because I believe our Founding Fathers and previous Members of Congress who came before us knew at the time that a 40-year agreement would be enough for farmers and people trying to borrow money to go and borrow that money so they could put their families to work and provide for their families.

So that's why we should vote ''no'' against this agreement, when we had the author down here berating production agriculture.

□ 1630

We know what the intent was of 1992, and we've seen the chaos that has been created since 1992, and that's what we fix in this bill.

The Acting CHAIR. The gentleman from California (Mr. McCLINTOCK) has 30 seconds remaining.

Mr. McCLINTOCK. First, I want to correct one thing. I said that 40 years is common throughout the western United States. I do need to point out again that the Hoover Dam was actually given a 50-year contract.

The amendment fully addresses the concerns that were expressed by the gentleman over the successive renewal provisions in the contracts. I think we've made it very clear that the conditions of the contracts have to be agreed to by both parties. The gentleman, himself, in markup said he could live with 40 years. He has obviously reconsidered. This measure simply sets right a wrong that was done in 1992, and it treats the CVP as every other reclamation project.

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

The Acting CHAIR. The question is on the amendment offered by the gentleman from California (Mr. GARAMENDI).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. GARAMENDI. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from California will be postponed.

AMENDMENT NO. 6 OFFERED BY MRS. NAPOLITANO

The Acting CHAIR. It is now in order to consider amendment No. 6 printed in House Report 112–405.

Mrs. NAPOLITANO. 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 15, after the period insert the following: ''Charges for all delivered water shall include interest, as determined by the

Secretary of the Treasury, on the basis of average market yields on outstanding marketable obligations of the United States with the remaining periods of maturity comparable to the applicable reimbursement period of the project, adjusted to the nearest ⅛ of 1 percent on the underpaid balance of the allocable project cost.''.

The Acting CHAIR. Pursuant to House Resolution 566, the gentlewoman from California (Mrs. NAPOLITANO) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from California.

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

This is a simple amendment. It creates a revenue stream through the elimination of debt without interest, in other words, ending free subsidy on $400 million. It requires that any new water contracts or renewed contracts must reflect the price of water with interest and repay the debt of the project, with interest, to the Treasury. It is a small, but very important, assist to continue to try to balance our Federal budget. We are always looking for ways to find these little—I call them ''pockets of money'' to be able to help out.

Reclamation established in 1902 was meant to deliver water to farms with a maximum of 160 acres, and it was provided interest free on the cost of that project. That was in 1902. Times have changed. Subsequent reclamation reform acts have changed the acreage limitation along with the repayment contracts for these projects. Congressional action has also made the repayment of project debt interest free—I repeat, debt interest free—on $400 million for irrigators while municipalities, like my constituency and power users, pay all of the required appropriate interest. I wish our water users in southern California were as lucky.

H.R. 1837 removes the role of the Federal Government in protecting the environment and public good. If we are removing the role of the Federal Government in protecting the environment and public good, as we plan to do, we should also remove the Federal subsidy associated with renewed or new water contracts. My constituency and anybody else's must be treated fairly and must be required to pay equally any additional interest on any future water contract and project.

Southern California foresaw the need for infrastructure, so local entities stepped up to the plate. They paid for and constructed new storage facilities, like a dam, the Diamond Valley Reservoir. It was entirely paid for by our local folks without one cent of Federal moneys—no tax cuts, no free interest at taxpayer expense.

Eliminating this unfair subsidy will help to cut our deficit. So I urge all of my colleagues to vote ''yes'' on this amendment.

I reserve the balance of my time.

Mr. MCCLINTOCK. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from California is recognized for 5 minutes.

Mr. MCCLINTOCK. I yield 2 minutes to the gentleman from California (Mr. NUNES).

Mr. NUNES. Mr. Chairman, once again, I want to bring up this issue that the minority continues to ignore. They don't want to talk about this, and I don't understand why. They care about this freshwater. They also care about the environment, but they dammed up Yosemite. They have the water here, and they pipe it to their communities. They completely go around the delta so that none of this water ever makes it to the precious fish that they care about.

We have this beautiful environment here, Mr. Chairman, that was destroyed by the Congress; but we don't see any amendments to fix this travesty, do we? It's interesting that the gentlelady from California wants to raise water rates. Do you know who pays the cheapest water rates in California or electricity rates and fees on that? Hetch Hetchy, the power generation at Hetch Hetchy.

So perhaps we should have an amendment that would be offered that would make Hetch Hetchy pay today's fees, fees that all of the other folks in California are having to pay. If we want to do that, then everyone would be on a level playing field. But no. Instead, this is an attack, once again, as usual, on farm workers and farmers.

I want to remind my colleagues that this bill saves $300 million, $300 million, this bill saves. So if the ratepayers in San Francisco, in Santa Clara, in Silicon Valley, and all over the Bay Area want to have their precious water, well, they ought to pay the same fees, too.

I would suggest, and I would hope, that we come back at some other time and deal with the issue and with the unfairness of people who don't have any water in San Francisco who are so hell-bent on taking people's water away.

Mrs. NAPOLITANO. Mr. Chairman, may I inquire as to how much time remains.

The Acting CHAIR. The gentlewoman has 2½ minutes remaining.

Mrs. NAPOLITANO. It is my understanding, then, that my colleagues on the other side are arguing to keep a subsidy. That's news to us.

Just as an aside, according to the California Department of Food and Agriculture, California agriculture experienced a 9 percent drop in the sales value of its products in 2009, which was at the height of the drought. The State's 81,500 farms and ranches received $34.8 billion for their output, down from an all-time high of $38.4 billion, which was reached in 2008.

Despite the water supply shortages and regulatory restrictions, the State's agricultural sales for 2009 were the third highest recorded; 2007, 2008 and 2009 were the years of the drought, and the three highest years of agricultural sales coincided with the three consecutive years of drought.

With that, I yield 1½ minutes to the gentleman from California (Mr. GARAMENDI).

Mr. GARAMENDI. We are going around and around here. At the end of the day, I think we need to step back from the heat of the debate and realize exactly what's happening here.

In this particular amendment is an effort to try to make sure that the taxpayers of the United States are adequately compensated for the money that they have loaned for the development of the Central Valley Project and for the money that they have loaned for the specific elements within the Central Valley Project. These are the specific authorized sub-portions of the Central Valley Project. For example, with the San Luis Unit, the taxpayers loaned a vast amount of money.

When you look at the details in this bill, you will find that there is a very artful way of avoiding the full cost of repayment through early repayments. The way in which the bill is written, the water districts are able to pay off their loans without having to pay off the interest, and then going forward, they're not having to share in the ongoing cost of maintenance of the major reservoirs and water facilities.

□ 1640

In other words, they are simply charged with the cost of the water, not for the ongoing operational repair and other costs. It's very interesting, very artfully done and, once again, provides an enormous subsidy to those who have had a very good subsidy for many years. It's not right. It ought not occur.

The amendment before us simply says that, if you're going to get a loan, you are going to have to pay interest.

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

Mrs. NAPOLITANO. Mr. Chairman, may I inquire as to how much time remains?

The Acting CHAIR. The gentlewoman from California has 30 seconds remaining.

Mrs. NAPOLITANO. I yield that time to the gentleman from California.

Mr. GARAMENDI. You will hear this from the other side as they close, Oh, but you are going to be able to get some $300 million. Yes, that money will flow more quickly into the treasury to be sure because it allows the water districts, as a result of the way in which this bill is written, to achieve an enormous advantage. They will be able to get water into the future without having to pay the full cost of that water.

So when you look at it from the total accounting procedures, you wind up with an additional subsidy going to these water districts. It's not right, and it's not fair to the taxpayers.

Mr. MCCLINTOCK. Mr. Chairman, I yield 30 seconds to my good friend from California (Mr. NUNES).

Mr. NUNES. Mr. Chairman, I will be very quick.

The gentlelady from California is the biggest offender of the ultimate subsidy of all. Those are those mystery little Title XVI grants from the Bureau of Reclamation. They don't even charge interest. They just give those away. That's an outrageous subsidy that goes to communities in southern California and in the bay area of $1,500 an acre-foot.

So, I guess we could offer an amendment to strip out all Title XVI money. I'd be willing to do that, too. Let's strip out all the Title XVI money, all the subsidies that go to Los Angeles, Hollywood, and San Francisco. Let's strip out the Title XVI money.

Is the gentlelady willing to strip out Title XVI money?

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

Mr. MCCLINTOCK. Mr. Chairman, may I ask how much time remains?

The Acting CHAIR. The gentleman from California has 2½ minutes remaining, and the time of the gentlewoman from California has expired.

Mr. MCCLINTOCK. Mr. Chairman, this amendment was rejected on a bipartisan vote when the gentlelady introduced it in markup, and it deserves a similar fate on the House floor. I mean, let's be clear about what this does. It singles out Central Valley Project participants to pay a punitive surtax that is imposed on no other Bureau of Reclamation project in the United States. This surtax would be passed on to consumers through higher prices.

The Central Valley Project was already singled out for one punitive tax, about $50 million annually, by Congress in 1992 to fund an array of environmental slush funds. Now, I believe that beneficiaries should pay the cost of the water projects, but they should pay only the cost of those projects and no more. These are not cash cows for the Federal Government to milk until they're dry.

When the left speaks of corporate farms, you know, they often leave out the fact that virtually every family farm is incorporated, and that's who we would be singling out for what amounts to a special tax. That tax can be paid in one of two ways: by employees through lower wages or by consumers through higher prices.

I have a modest suggestion for the gentlelady. Perhaps we should start putting people back to work rather than running them out of business.

I have often criticized her colleagues for policies that have created the conditions that indirectly send water prices through the roof, but this proposal is quite bold. This proposal does so directly and dramatically. That's why several of her colleagues on the Democratic side abandoned her in committee and why they would be well advised to do so again on the floor.

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

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from California (Mrs. NAPOLITANO).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mrs. NAPOLITANO. 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. 7 OFFERED BY MR. GARAMENDI

The Acting CHAIR. It is now in order to consider amendment No. 7 printed in House Report 112–405.

Mr. GARAMENDI. 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:

Strike section 105.

The Acting CHAIR. Pursuant to House Resolution 566, the gentleman from California (Mr. GARAMENDI) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. GARAMENDI. Mr. Chairman, once again we need to step back and really understand the full impact of this particular piece of legislation that is before us. It has profound impact on California. We heard earlier discussion about the delta, two amendments put forth by my colleague, Mr. MCNERNEY, and as he spoke to the issues of the delta and the sensitivity of it.

The delta is the largest estuary on the west coast of the Western Hemisphere, and it includes the San Francisco Bay. It's a very sensitive estuary. It's dependent upon a flow of freshwater at certain times of the year, and this legislation very artfully, in a very complex series of languages and changes in law and word, takes 800,000 acre-feet away from the environment of the delta, that would be the aquatic environment, and delivers it to the water contractors, the south-of-delta water contractors. It's done in a way that it is hard to recognize; but when I asked the chairman of the committee what the purpose was, he stated unequivocably that it was to take the 800,000 acre-feet of water.

The impact of that will be profound. So whatever you may say about the species in the delta, the salmon, the striped bass, the smelt or any other species, this theft of 800,000 acre-feet of water will have a profound and negative effect.

It's water that is there to be used certain times of the year to carry out the necessary protection of species, water that would flow down the river when the salmon want to migrate up the river, water that would be there for the smelt when they are breeding or when they are moving into their breeding habitat.

It is one of the biggest water grabs, at least in the last half century, and it will have profound negative effects. When taken with the other provisions of the bill that wipe out entirely, entirely wipe out the Environmental Protection Act, the Endangered Species Act, the EPA Clean Water Act, all of those are gone in this bill, and now you are taking the water.

California protections for the environment, the California laws that replicate the Federal laws, they too are pushed aside by this bill. Then you wind up taking the water on top of it.

What is left for the delta? What is left for the species in the delta, the fish, the aquatic? What is left for San Francisco Bay? Not much. Not much. That's why this bill is the worst environmental bill in many, many decades. Call it any other way you like, but that's exactly what it is.

I reserve the balance of my time.

Mr. MCCLINTOCK. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from California is recognized for 5 minutes.

Mr. MCCLINTOCK. Mr. Chairman, this amendment, more than any other, focuses on the central issues surrounding the bill. What comes first, people or fish?

In 1992, the Central Valley Project Improvement Act carved out 800,000 acre-feet to be dedicated to fish and wildlife purposes temporarily. In fact, during a Senate debate, the floor manager of the conference report, Senator Malcolm Wallop, pointed out that that 800,000 acre-feet of CVP yield is upfront water designed to deal with the requirements of the Endangered Species Act and delta requirements while the various mitigation actions are undertaken. The various mitigation actions were to build more supply so that that 800,000 acres taken from the farmers would then be returned to them.

That 800,000 acre-feet came out of allocations of the Central Valley Project, were agreed to by all sides that were incorporated in the Bay-Delta Accord, which this bill restores. But somewhere along the line, the Federal Government began treating this allotment as a floor rather than as a ceiling.

Back in the mid-1990s, a zealous official in the Interior Department, under Bill Clinton, ordered that more than 1 million acre-feet of water appropriated by the Central Valley Project be used for purposes not authorized under water rights permits issued by the State of California.

□ 1650

That preempted State water rights laws, I might add, and I believe the gentleman from California knows him. In fact, I believe the gentleman from California is him.

This bill reestablishes the 800,000 acre foot allotment agreed to by all sides when Interior Secretary Bruce Babbitt promised ''a deal is a deal.'' This provision redeems the promise that was broken by Mr. Babbitt's deputy, and this

is the provision that the gentleman would have us delete.

I might also add that under this bill, the 800,000 acre feet of water can be recycled by communities once it has met its environmental purpose rather than being lost to the ocean. That's 800,000 acre feet of additional water for communities like his. Of that, a little more than one-tenth of 1 percent would have gone to the little town of Cattlemen City. That's irrelevant because this provision, too, the gentleman was proposing to strike.

The contract holders that paid for this project gave up 800,000 acre feet of water with the promise it would be a temporary ceiling. One broken promise after another changed this to a permanent floor, claiming more and more water be expropriated from the people who paid for it and dumped into the Pacific Ocean. This measure sets that injustice right.

With that, I yield 30 seconds to the gentleman from Washington (Mr. HASTINGS), the chairman of the Natural Resources Committee.

Mr. HASTINGS of Washington. I thank the gentleman for yielding, Mr. Chairman, and I heard the author of the amendment state something, and I will paraphrase, that he spoke to the chairman of the committee on the allocation of the water, and supposedly the chairman of the committee responded back ''take the water away.''

Number one, I do not recall ever having that dialogue with the maker of the amendment. But had he asked me, my answer would have been an equitable distribution of the water. So I just wanted to set the record straight, Mr. Chairman, because that's what I heard in the debate just previously.

Mr. GARAMENDI. Mr. Chairman, may I inquire as to the time remaining?

The Acting CHAIR. The gentleman from California has 2 minutes remaining.

Mr. GARAMENDI. The chairman of the committee, if I did say the chairman of the committee, I believe I said the chairman of the subcommittee. In which case if I did, Mr. HASTINGS, you are quite correct; you were not there. The chairman of the subcommittee was to whom I was referring.

With regard to the effect, you can try to spin this any way you like, but the reality is that in the Central Valley Improvement Act, 800,000 acre feet of water was dedicated to the environment, and it was not temporary; it was part of what was to be done into the future. And the negotiations that ensued following the accord in 1994, those negotiations were specifically designed to reach an accommodation on how to meet all of the requirements of the Central Valley Improvement Act, including what to do with the 800,000 acre feet.

I would point out to the opponents of this amendment that the accord, the 1994 Bay-Delta Accord, was never intended to be permanent. It had in fact a 3-year limitation, which led to my involvement when I became deputy secretary to try to work out a solution. And in fact we did. Unfortunately, the Westlands Water District, one of the proposed signatories to the bill, walked away from the table when everybody else was ready to sign. And we have been involved in this imbroglio ever since.

Now, the 800,000 acre feet is indeed taken away from the environment. No matter how you spin this, it's gone. It is the biggest theft of water perhaps in modern California water history—800,000 acre feet. It may be recycled, but the control of it for the environment is lost. The environmental protections that go along with that water are gone. Both the State and the Federal protections, the Clean Water Act, the National Environmental Protection Act, California CEQA, all of those are gone as a result of this bill. This is the most amazing override of environmental law that I have ever seen in the 37 years that I've been involved in water policy throughout this Nation. It is remarkable what is being attempted here, and we've got to stop this bill.

I yield back the balance of my time.

Mr. MCCLINTOCK. Mr. Chairman, the gentleman's memory problems seem to have struck again. I do not recall making such a statement either, or intending to make such a statement. What I have said is that that 800,000 acre feet, which now will become a ceiling rather than a floor, can provide the opportunity for recycling under this bill so that that 800,000 acre feet, once it has served its environmental purposes, may then be used by communities throughout the bay area.

With that, Mr. Chairman, I would ask for a ''no'' vote on the amendment, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from California (Mr. GARAMENDI).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. GARAMENDI. I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from California will be postponed.

AMENDMENT NO. 8 OFFERED BY MR. MARKEY

The Acting CHAIR. It is now in order to consider amendment No. 8 printed in House Report 112–405.

Mr. MARKEY. Mr. Chairman, I rise to offer an amendment along with Ms. MATSUI and Mr. THOMPSON.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amend subsection (a) of section 108 to read as follows:

(a) OPERATION.—Notwithstanding any other provision of this Act, the Central Valley Project and the State Water Project shall be operated in a manner that meets all obligations under State and Federal law, with operational constraints that are based on the best available science.

The Acting CHAIR. Pursuant to House Resolution 566, the gentleman from Massachusetts (Mr. MARKEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Massachusetts.

Mr. MARKEY. Mr. Chairman, I yield myself 1 minute.

Our amendment is simple. It would ensure that State law is upheld and that the best available science is used when making decisions about the complex California water system.

Instead of using cutting-edge science, the Republican bill would take us back to 1994.

So let me ask you: Are you willing to give up your 2012 iPhone for a 1994 brick of a cellular phone? How about giving up your Prius for a Yugo? Or using a phonebook instead of Facebook? Would you rather fold a map or use Google maps? The answer to those questions is easy.

And so is this one: Would you trade the science of California water in 2012 for 1994 science? If your answer is no, if your answer is you want to use the best science, today's science, in order to ensure that we protect the water users and the environment, then vote ''yes'' on our amendment.

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

Mr. MCCLINTOCK. Mr. Chairman, I rise to claim the time in opposition to the amendment.

The Acting CHAIR. The gentleman from California is recognized for 5 minutes.

Mr. MCCLINTOCK. I yield 2 minutes to the gentleman from California (Mr. ROHRABACHER).

Mr. ROHRABACHER. I rise in opposition to this amendment. Long ago my parents told me a truism that has been reconfirmed over and over again in my life. My parents both were raised on dirt-poor farms in North Dakota in abject poverty. And my father, who made a decent life for himself and for his family with hard work and struggle, told me as a child when we visited those farms, he said: Son, ordinary people are not going to live well in this country or any country unless there is an abundance of water and energy. And that's what all through my life I've seen; that those people who have had their water or energy restricted, it has hurt the ordinary people, the standard of living of the people of that country.

What we have faced in this country is a good example of that. What we have got is a coalition of radical environmentalists who have over the years prevented America from having the energy we need to have a high and a good standard of living for our people. Ordinary people have suffered. The same is true when we are talking about water.

Now, this radical coalition has never thought anything about constitutional rights and about whether it is States'

rights to this or that. That has made no difference to them at all. The central issue is there is a vision that the radical environmentalists have in which people are less important than fish or little insects or reptiles.

The bottom line is ordinary people, ordinary Americans, should be our highest priority. What is it doing to their standard of living? And we have seen an attack on the standard of living of the people of California by depleting water resources that should go to them that instead are being committed to a tiny little fish that isn't even good enough for bait.

Today, we are going to reaffirm in a very bipartisan fashion that no, the people of this body are elected to represent the well-being of ordinary Americans, to make sure that we have the energy and the water we need to fulfill the American Dream where everyone has a chance at a decent life.

□ 1700

Mr. MARKEY. I yield 2 minutes to the gentleman from California (Mr. THOMPSON) so he can explain why the radical coalition that we have also includes the Governors of seven States that don't like this bill.

Mr. THOMPSON of California. I thank the gentleman for yielding.

The Governors of seven States, fishermen, hunters and farmers, a whole list of people, oppose this bill. Our amendment states that the Central Valley Project and State Water Project shall be operated in a manner that meets all obligation under State and Federal law with operational constraints that are based on the best available science. More than 750 plant and animal species depend upon the delta for their survival. Many of these then support important industries, such as the fishermen, hunters, recreational industries, and farmers that promote local and State economies.

We've seen what happens when science is ignored and environmental protections are gutted for the sake of politics. In 2008 and 2009, salmon fisheries were forced to close because of low-water flows in the rivers. This resulted in the loss of over a half a billion dollars and nearly 5,000 jobs—the same number that the proponents of the bill claim that their bill would create.

This bill would prevent the use of the best available science and adaptive management in the bay and delta by permanently limiting agencies from acting on new scientific information developed since 1994. This alone ignores the last 15 years of the best available science.

I urge a ''yes'' vote on this amendment and a ''no'' vote on this terrible piece of legislation.

Mr. MCCLINTOCK. Mr. Chairman, I yield 30 seconds to my friend from California (Mr. NUNES).

Mr. NUNES. Thank you, Mr. Chairman.

I just want to remind my colleagues of Dr. Peter Gleick—we haven't heard from him today—Dr. Peter Gleick, the man who comes to testify in Congress before the committee to tell us why it's so important that we take water away from farmers and families. Why have we not heard about Dr. Peter Gleick today? Because 2 weeks ago, Dr. Peter Gleick admitted to impersonating someone else on the Internet, stole information and then falsified the information and sent it out all over the planet. But Dr. Peter Gleick got caught. Dr. Peter Gleick got caught. The main man that they support got caught.

Mr. MARKEY. May I ask, Mr. Chairman, how much time is remaining on either side.

The Acting CHAIR. The gentleman from Massachusetts has 2½ minutes remaining. The gentleman from California has 2½ minutes remaining.

Mr. MARKEY. I yield 2 minutes to the gentlelady from California (Ms. MATSUI).

Ms. MATSUI. Mr. Chairman, I rise in support of this amendment. I have always said that solutions to our country's resource problems must be based on sound science. To do otherwise is simply foolish and severely shortsighted.

Mr. Chairman, H.R. 1837 ignores years of scientific research on the health of California's watersheds. This bill pretends that science does not exist. We don't believe the Earth is flat, and we don't believe that thunder is made by bowling balls. We know better. Science has given us the answers to so many questions about the world in which we live.

We have used science and discovered the truth. H.R. 1837 will prevent the use of the best available science and adaptive management in the bay delta by permanently limiting agencies from acting on new scientific information developed since 1994.

The amendment before us would require us to use the scientific research that we have on California's natural resources. It would allow us to acknowledge what the research has shown us to be true. This amendment is critically important, not only to California, but to every State in this Union.

Mr. Chairman, lastly, I keep hearing that the Sacramento area supports this bill. I represent the Sacramento area, and I can tell you that both the city and county of Sacramento strongly oppose this bill.

I urge my colleagues to support this amendment and to reject the bill.

Mr. MARKEY. Would you be able to tell us, Mr. Chairman, who has the right to conclude debate?

The Acting CHAIR. The gentleman from California has the right to close.

Mr. MARKEY. And could you again tell me how much time I have remaining?

The Acting CHAIR. The gentleman from Massachusetts has 1 minute remaining.

Mr. MARKEY. I yield myself that 1 minute in order to just say this.

If we don't do anything else here, at least we should say that we're going to use science, we're going to use the best available knowledge about science to ensure that this legislation does not invoke the law of unintended consequences, that we understand what we're doing. And I don't know why the Republicans have this aversion to using modern science; but I will tell you this, that this is going to be a defining vote here on the House floor. Do the Republicans actually believe in science? Do they want modern science to be used, or do they want some science from two decades ago to be used?

The importance of using science is that it doesn't depend on one man. It relies on hundreds and thousands of scientists testing each other's works. The Republican bill would ignore 18 years of work by hundreds and thousands of scientists to reach today's consensus because they want that old science in order to take care of the special interests that cannot live within the advances made and the knowledge about the implications of what would happen under their bill.

Mr. MCCLINTOCK. Mr. Chairman, the devastation of the Central Valley of California occurred because of the breaking of a Federal promise—a Federal agreement. The gentleman from California says, oh, it wasn't an agreement at all; it was just a suggestion. Well, that's not what the Interior Secretary said at the time. He said, a deal is a deal, and if it turns out there's a need for additional water, it will come at the expense of the Federal Government. The Senator who carried the conference report on the Senate floor said it was a deal, a temporary measure until additional water was brought online. This bill redeems that promise. The amendment offered by the gentleman from Massachusetts would have us break that promise forever.

As I stated earlier, we keep hearing, well, that was then and this is now. Science has changed and so should our policy. If that's the case, then the Federal Government's promises are worthless, and they mean nothing. That was a promise agreed to by all parties. It was broken by the Federal Government.

What they're referring to is not science. It is ideology masquerading as science, so has said the Federal court. Now we have news from the Klamath that one of the scientists involved in the reports is now charging that the Department subverted science for political ends.

It is time that the ideological zealotry that threw thousands of families into unemployment be replaced with practical and fact-based solutions that keep our promises. It's time that we placed a higher value on human lives than on the bureaucratic dictates of the environmental left. That's what this bill does, and that's what the gentleman's amendment would prevent.

Finally, the gentleman would insert a requirement that the act require the

best available science to move forward. Well, the gentleman knows that what is termed ''best available science'' was literally thrown out of court with the court saying not only was it not the best available science; it wasn't science at all. The only practical effect of the provision is to provide employment for the only growth sector left in California's economy—environmental lawsuits intended not to win, because ultimately they do lose, but rather to delay projects indefinitely and make them cost prohibitive to pursue. But I compliment the gentleman on his creativity.

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

The Acting CHAIR. The question is on the amendment offered by the gentleman from Massachusetts (Mr. MARKEY).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. MARKEY. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Massachusetts will be postponed.

The Chair understands that amendment No. 9 will not be offered.

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments printed in House Report 112–405 on which further proceedings were postponed, in the following order:

Amendment No. 2 by Mr. THOMPSON of California.

Amendment No. 3 by Mr. MCNERNEY of California.

Amendment No. 4 by Mr. MCNERNEY of California.

Amendment No. 5 by Mr. GARAMENDI of California.

Amendment No. 6 by Mrs. NAPOLITANO of California.

Amendment No. 7 by Mr. GARAMENDI of California.

Amendment No. 8 by Mr. MARKEY of Massachusetts.

The Chair will reduce to 2 minutes the minimum time for any electronic vote after the first vote in this series.

AMENDMENT NO. 2 OFFERED BY MR. THOMPSON OF CALIFORNIA

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from California (Mr. THOMPSON) 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 178, noes 239, not voting 16, as follows:

[Roll No. 83]

AYES—178

Ackerman
Altmire
Andrews
Baca
Baldwin
Barrow
Becerra
Berkley
Berman
Bishop (NY)
Blumenauer
Bonamici
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
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
Hahn
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
Kissell
Kucinich
Langevin
Larsen (WA)
Larson (CT)
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)
Napolitano
Neal
Olver
Owens
Pallone
Pascrell
Pastor (AZ)
Perlmutter
Peters
Pingree (ME)
Polis
Price (NC)
Quigley
Rahall
Reyes
Richardson
Richmond
Rothman (NJ)
Roybal-Allard
Ruppersberger
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
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
Walberg
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Welch
Wilson (FL)
Woolsey
Yarmuth

NOES—239

Adams
Aderholt
Akin
Alexander
Amash
Amodei
Austria
Bachmann
Bachus
Barletta
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Capito
Cardoza
Carter
Cassidy
Chabot
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Costa
Cravaack
Crawford
Crenshaw
Culberson
Denham
Dent
DesJarlais
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)
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
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
Lewis (CA)
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
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
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
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NOT VOTING—16

Bass (CA)
Boustany
Cantor
Davis (KY)
Diaz-Balart
Gohmert
Lee (CA)
Nadler
Palazzo
Paul
Payne
Pelosi
Rangel
Rush
Schakowsky
Schmidt

□ 1737

Mr. GRIMM, Mrs. BLACKBURN, Messrs. FARENTHOLD, ROONEY, and HALL changed their vote from ''aye'' to ''no.''

Ms. WATERS, Messrs. LIPINSKI and POLIS changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 3 OFFERED BY MR. MCNERNEY

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from California (Mr. MCNERNEY) 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 2-minute vote.

The vote was taken by electronic device, and there were—ayes 178, noes 242, not voting 13, as follows:

[Roll No. 84]

AYES—178

Ackerman
Altmire
Andrews
Baca
Baldwin
Barrow
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Bonamici
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
Critz
Crowley
Cuellar
Cummings
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Frank (MA)
Fudge
Garamendi
Gibson
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hahn
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)
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)
Napolitano
Neal
Olver
Owens
Pallone
Pascrell
Pastor (AZ)
Pelosi
Perlmutter
Peters
Pingree (ME)
Polis
Price (NC)
Quigley
Rahall
Reyes
Richardson
Richmond
Rothman (NJ)
Roybal-Allard
Ruppersberger
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schiff
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Shuler
Sires
Slaughter
Smith (WA)
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Welch
Wilson (FL)
Woolsey
Yarmuth

NOES—242

Adams
Aderholt
Akin
Alexander
Amash
Amodei
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
Capito
Cardoza
Carter
Cassidy
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
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
Lucas
Luetkemeyer
Lummis
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
Peterson
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Reed
Rehberg
Reichert
Renacci
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
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
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NOT VOTING—13

Bass (CA)
Cantor
Davis (CA)
Gohmert
Lee (CA)
Nadler
Paul
Payne
Rangel
Rogers (KY)
Rush
Schakowsky
Tierney

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining.

□ 1741

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mrs. DAVIS of California. Mr. Chair, on roll-call No. 84, had I been present, I would have voted "aye."

AMENDMENT NO. 4 OFFERED BY MR. MCNERNEY

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from California (Mr. MCNERNEY) 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 2-minute vote.

The vote was taken by electronic device, and there were—ayes 177, noes 243, not voting 13, as follows:

[Roll No. 85]

AYES—177

Ackerman
Altmire
Andrews
Baca
Baldwin
Barrow
Becerra
Berkley
Berman
Bishop (NY)
Blumenauer
Bonamici
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
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
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hahn
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)
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)
Napolitano
Neal
Olver
Owens
Pallone
Pascrell
Pastor (AZ)
Pelosi
Peters
Pingree (ME)
Polis
Price (NC)
Quigley
Rahall
Reyes
Richardson
Richmond
Rothman (NJ)
Roybal-Allard
Ruppersberger
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
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
Yarmuth

NOES—243

Adams
Aderholt
Akin
Alexander
Amash
Amodei
Austria
Bachmann
Bachus
Barletta
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Capito
Cardoza
Carter
Cassidy
Chabot
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Cooper
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
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gerlach
Gibbs
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
Lucas
Luetkemeyer
Lummis
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
Perlmutter
Peterson
Petri
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 (TX)
Southerland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NOT VOTING—13

Bass (CA)
Cantor
Fortenberry
Gohmert
Lee (CA)
Nadler
Paul
Payne
Pitts
Rangel
Rush
Schakowsky
Smith (NJ)

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining.

□ 1744

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Ms. SCHAKOWSKY. Mr. Chair, on rollcall Nos. 83—Thompson/Eshoo Amendment, 84—McNerney Amendment No. 3, and 85—McNerney Amendment No. 4, had I been present, I would have voted "aye."

AMENDMENT NO. 5 OFFERED BY MR. GARAMENDI

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from California (Mr. GARAMENDI) 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 2-minute vote.

The vote was taken by electronic device, and there were—ayes 181, noes 243, not voting 9, as follows:

[Roll No. 86]

AYES—181

Ackerman
Altmire
Andrews
Baca
Baldwin
Barrow
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Bonamici
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
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
Hahn
Hanabusa
Hanna
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hinojosa
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)
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)
Napolitano
Neal
Olver
Owens
Pallone
Pascrell
Pastor (AZ)
Pelosi
Perlmutter
Peters
Pingree (ME)
Polis
Price (NC)
Quigley
Rahall
Reyes
Richardson
Richmond
Rothman (NJ)
Roybal-Allard
Ruppersberger
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
Yarmuth

NOES—243

Adams
Aderholt
Akin
Alexander
Amash
Amodei
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
Capito
Cardoza
Carter
Cassidy
Chabot
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Cooper
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
Gingrey (GA)
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
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
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
Lummis
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
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
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NOT VOTING—9

Bass (CA)
Cantor
Gohmert
Lee (CA)
Nadler
Paul
Payne
Rangel
Rush

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining.

□ 1748

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 6 OFFERED BY MRS. NAPOLITANO

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from California (Mrs. NAPOLITANO) 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 2-minute vote.

The vote was taken by electronic device, and there were—ayes 174, noes 250, not voting 9, as follows:

[Roll No. 87]

AYES—174

Ackerman
Altmire
Andrews
Baca
Baldwin
Barton (TX)
Becerra
Berkley
Berman
Bishop (NY)
Blumenauer
Bonamici
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
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
Hahn
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hochul
Holden
Holt
Honda
Hoyer
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kildee
Kind
Kissell
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Napolitano
Neal
Olver
Owens
Pallone
Pascrell
Pastor (AZ)
Pelosi
Peters
Pingree (ME)
Polis
Price (NC)
Quigley
Rahall
Reyes
Richardson
Richmond
Rothman (NJ)
Roybal-Allard
Ruppersberger
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
Wasserman Schultz
Waters
Watt
Waxman
Welch
Wilson (FL)
Woolsey
Yarmuth

NOES—250

Adams
Aderholt
Akin
Alexander
Amash
Amodei
Austria
Bachmann
Bachus
Barletta
Barrow
Bartlett
Bass (NH)
Benishek
Berg
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Capito
Cardoza
Carter
Cassidy
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
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
Inslee
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
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marino
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McKinley
McMorris Rodgers
McNerney
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
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
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Walsh (IL)
Walz (MN)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NOT VOTING—9

Bass (CA)
Cantor
Gohmert
Lee (CA)
Nadler
Paul
Payne
Rangel
Rush

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining.

□ 1752

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 7 OFFERED BY MR. GARAMENDI

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from California (Mr. GARAMENDI) 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 2-minute vote.

The vote was taken by electronic device, and there were—ayes 178, noes 247, not voting 8, as follows:

[Roll No. 88]

AYES—178

Ackerman
Altmire
Andrews
Baca
Baldwin
Barrow
Becerra
Berkley
Berman
Bishop (NY)
Blumenauer
Bonamici
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
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
Hahn
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)
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)
Napolitano
Neal
Olver
Owens
Pallone
Pascrell
Pastor (AZ)
Pelosi
Perlmutter
Peters
Pingree (ME)
Polis
Price (NC)
Quigley
Rahall
Reyes
Richardson
Richmond
Rothman (NJ)
Roybal-Allard
Ruppersberger
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
Yarmuth

NOES—247

Adams
Aderholt
Akin
Alexander
Amash
Amodei
Austria
Bachmann
Bachus
Barletta
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Capito
Cardoza
Carter
Cassidy
Chabot
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Cooper
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
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
Lummis
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
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
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NOT VOTING—8

Bass (CA)
Cantor
Lee (CA)
Nadler
Paul
Payne
Rangel
Rush

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining.

□ 1755

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 8 OFFERED BY MR. MARKEY

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Massachusetts (Mr. MARKEY) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 180, noes 244, not voting 9, as follows:

[Roll No. 89]

AYES—180

Ackerman
Andrews
Baca
Baldwin
Barrow
Becerra
Berkley
Berman
Bishop (NY)
Blumenauer
Bonamici
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
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
Hahn
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hinojosa
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)
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)
Napolitano
Neal
Olver
Owens
Pallone
Pascrell
Pastor (AZ)
Pelosi
Perlmutter
Peters
Pingree (ME)
Polis
Price (NC)
Quigley
Rahall
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
Yarmuth

NOES—244

Adams
Aderholt
Akin
Alexander
Altmire
Amash
Amodei
Austria
Bachmann
Bachus
Barletta
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Capito
Cardoza
Carter
Cassidy
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
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 (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
Lummis
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
Peterson
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Reed
Rehberg
Reichert
Renacci
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
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NOT VOTING—9

Bass (CA)
Cantor
Lee (CA)
Nadler
Paul
Payne
Rangel
Ribble
Rigell

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining.

□ 1800

So the amendment was rejected.

The result of the vote was announced as above recorded.

The Acting CHAIR. The question is on the amendment in the nature of a substitute, as amended.

The amendment was agreed to.

The Acting CHAIR. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. GARDNER) having assumed the chair, Mr. WESTMORELAND, 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. 1837) to address certain water-related concerns on the San Joaquin River, and for other purposes, and, pursuant to House Resolution 566, reported the bill back to the House with an amendment adopted in the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on the amendment to the amendment reported from the Committee of the Whole?

If not, the question is on the amendment in the nature of a substitute, as amended.

The amendment was agreed to.

The SPEAKER pro tempore. 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. GARAMENDI. Mr. Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. GARAMENDI. I am.

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

The Clerk read as follows:

Mr. Garamendi moves to recommit the bill H.R. 1837 to the Committee on Natural Resources with instructions to report the same back to the House forthwith with the following amendment:

After section 2, insert the following:

SEC. 3. PROTECTING THE CONSTITUTION AND STATES' RIGHTS.

Consistent with the tenth amendment to the United States Constitution, nothing in this Act shall preempt or supersede State law, including State water law.

The SPEAKER pro tempore. The gentleman from California is recognized for 5 minutes.

Mr. GARAMENDI. Mr. Speaker, I thank you for the opportunity to present this amendment. This amendment will not kill the bill nor send it back to committee, but it is an amendment that is important to every Representative in this House if you care about the 10th Amendment and you care about the ability of your State to set its own policies.

Mr. Speaker, every Member in this House should be paying attention to this bill. We read the Constitution the first day of this Congress. The 10th Amendment guarantees that the States have the ability to take care of their own water systems and many other issues that pertain to the States. This bill, this bill overrides State law in California. This bill sets aside numerous State laws in California. This bill overrides 150 years of California water law set in place by the legislature, the governors, by the courts of California, and the Federal courts. This bill destroys the ability of California to conduct and to manage its own water.

I put this map up of California so that you might contemplate for a few moments the impact and exactly what we're talking about. California is a big State, 38 million people, diverse, extraordinary water fights. There's a fellow who lived in California years ago, Mark Twain, and he said, ''In California, whiskey's for drinking and water's for fighting.'' And it's been true ever since.

This is the Central Valley of California, the largest estuary on the West Coast of the Western Hemisphere. It's where the Sacramento River and the San Joaquin River join together in an inland estuary, one of the few in the world. And also, San Francisco Bay. This bill will lead to the destruction of the largest estuary on the West Coast of the Western Hemisphere, and it does so by overriding California law and the California Constitution.

The California Constitution holds the water of the State of California in trust. In trust. The State of California, the government, is responsible for the care of that water so that it can be appropriately distributed, not only for the beneficial use of consumptive users, cities and farmers, but also, also for the environment.

This bill takes away the laws of the State of California that would provide for the protection of the environment. The California CEQA, Environmental Quality Act, the Air Quality Act, the Endangered Species Act of the State of California, are overridden by this bill. And by the way, the Federal laws also. It takes us back to 1994, to a period of time when we didn't know the science. We didn't understand what the full impact of water diversions and other contaminants and other species would be in the delta.

Since 1994, we have seen the collapse of the delta fisheries. We have seen thousands upon thousands of fishermen, both commercial and recreational, unable to fish. The loss of much. There is a much talk in this House about a manmade drought. That's baloney. It was a real drought. And yes, there were environmental considerations that further reduced water. That water was reduced under contracts that called for shortages in the case of drought.

So what are we talking about here with this bill? We're talking about the usurpation of power by the Federal Government, taking the basic ability of the State of California to regulate its water, to deal with its environmental issues, and causing this House, this Federal Government, to have that power.

Think closely all of you who have a reclamation project in your district, and there are some 18 States, ranging from the Pacific to the Mississippi. You have reclamation projects. Think deeply. Think about what happens when the Federal Government goes to California, the biggest State, and says: We don't care what your laws are; we're going to tell you what to do. Think what that might mean to you in the future when somebody in your State has the power to put before this House a law that runs over the top of your State laws.

If you care about the 10th Amendment, if you care about States' rights, you'd better be voting ''no'' because this is a precedent you don't want to ever see in your State, and we don't want to see it in California. Think deeply, Members of this House, think deeply about what's at stake here. I ask for this motion to pass.

I yield back the balance of my time.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Mr. McCLINTOCK. Mr. Speaker, I rise in opposition to the motion to recommit.

The SPEAKER pro tempore. The gentleman from California is recognized for 5 minutes.

Mr. McCLINTOCK. Mr. Speaker, it is odd, very odd to hear the argument again in this Hall that a State's right to deny basic freedoms to its citizens trumps the 14th Amendment to our Constitution. The last time we heard this argument in this Hall, it involved citizens' civil rights. Now it is the citizens' water rights. But make no mistake: it is the same old saw.

The reason we have a 14th Amendment to our Constitution is because its Framers recognized that States could become abusive of the rights of their citizens, including their property rights, including their water rights, and the Federal Government had a responsibility and a duty to protect them. A responsibility and a duty specifically vested in this Congress, a responsibility and a duty that we exercise in the bill that the gentleman from California would have us gut.

Well, what does the Constitution actually say on the subject? It says:

No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States.

And it grants Congress the power to enforce by appropriate legislation the provisions of this article.

Let us turn to the provisions of the bill that the gentleman objects to. It is Title IV. It directs the Interior Secretary, in the operation of the Central Valley Project, a Federal project, I might add, to strictly adhere to State water rights laws and priorities. It doesn't trample State water rights; it invokes and enforces them.

Title IV goes on further to direct the Secretary to strictly adhere to and honor water rights and priorities that were obtained or existed pursuant to various sections of California water code.

□ 1810

I repeat, it doesn't trample States' rights. It invokes them and enforces them. This sets no precedent for other States. California is the only State in the country with a coordinated operations agreement that combines a Federal project, the Central Valley Project, with a State project, the State Water Project, and does so, by the way, at California's request and with California's consent.

In fact, Congress has a long history of citing that Coordinated Operations Agreement to invoke preemptive authority over this coordinated Federal and State project. The Central Valley Project Improvement Act in 1992 is replete with such preemptions.

Mr. Speaker, fewer Americans are working today than were working the day that this administration was sworn into office. This administration's actions caused thousands and thousands of hardworking farm working families to lose their jobs. This measure solves that travesty. The same administration that is blocking the thousands of jobs that the Keystone pipeline would produce has also vowed to veto this measure. I think the American people are going to have a great deal to say about that in coming days.

Ironically, the provision that the gentleman would have us remove was specifically placed in the bill because he and his colleagues objected that its original provision might cause the State government to actively undermine the rights of its senior water rights holders. Now that was a legitimate concern. Senior water rights holders in northern California were scared to death that they might have the State undercut their water rights, and this bill specifically addresses that concern. To address that concern, this provision was placed in the bill, and now the gentleman objects to it.

The gentleman first attacked the bill because the bill lacked this protection, and now he attacks the bill because it has that protection. The gentleman knows what I'm talking about. The gentleman knows that I have great affection for him, but I must say he is becoming exceedingly hard to please.

I yield back the balance of my time.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are reminded not to traffic the well while another Member is under recognition.

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. GARAMENDI. 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 178, noes 248, not voting 7, as follows:

[Roll No. 90]

AYES—178

Ackerman
Andrews
Baca
Baldwin
Barrow
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Bonamici
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
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
Hahn
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)
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)
Napolitano
Neal
Olver
Owens
Pallone
Pascrell
Pastor (AZ)
Pelosi
Perlmutter
Peters
Pingree (ME)
Polis
Price (NC)
Quigley
Rahall
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
Yarmuth

NOES—248

Adams
Aderholt
Akin
Alexander
Altmire
Amash
Amodei
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
Capito
Cardoza
Carter
Cassidy
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
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)
Kissell
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
Lewis (CA)
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
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
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
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NOT VOTING—7

Bass (CA)
Cantor
Lee (CA)
Nadler
Paul
Payne
Rangel

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining.

□ 1830

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

Mrs. NAPOLITANO. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 246, noes 175, answered ''present'' 1, not voting 11, as follows:

[Roll No. 91]

AYES—246

Adams
Aderholt
Akin
Alexander
Altmire
Amodei
Austria
Baca
Bachmann
Bachus
Barletta
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Capito
Cardoza
Carter
Cassidy
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
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)
Kissell
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
Lewis (CA)
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
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
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
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NOES—175

Ackerman
Amash
Andrews
Baldwin
Barrow
Becerra
Berkley
Berman
Bishop (NY)
Blumenauer
Bonamici
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
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
Hahn
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)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McNerney
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Napolitano
Neal
Olver
Owens
Pallone
Pascrell
Pastor (AZ)
Pelosi
Perlmutter
Peters
Pingree (ME)
Polis
Price (NC)
Quigley
Rahall
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
Yarmuth

ANSWERED ''PRESENT''—1

Shuler

NOT VOTING—11

Bass (CA)
Cantor
Lee (CA)
McIntyre
Meeks
Murphy (PA)
Nadler
Paul
Payne
Rangel
Whitfield

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There is 1 minute remaining.

□ 1836

Ms. BROWN of Florida changed her vote from ''aye'' to ''no.''

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 for:

Mr. MURPHY of Pennsylvania. Mr. Speaker, on rollcall No. 91, I was unavoidably detained.

Had I been present, I would have voted "aye."

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1912

Mr. CICILLINE. Mr. Speaker, I ask unanimous consent that Congressman ED ROYCE be removed as a cosponsor of H.R. 1912.

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

There was no objection.

CRASH OF USCG MH–65C HELICOPTER

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

Mr. BONNER. Mr. Speaker, it is with a heavy heart that I bring to the attention of the House the news that a United States Coast Guard helicopter crashed last night in Mobile Bay during a training mission.

Early this morning I spoke by phone to Coast Guard Sector Commander Captain Don Rose in Mobile, where he informed me that one crew member had lost his life, and three others are missing. Search efforts for the missing crew have been under way through last night and today, and they are ongoing at this time near the crash site off Point Clear, Alabama.

Naturally, I offered to Captain Rose the praise and heartfelt sympathies of the Congress, as well as our entire Nation, not only to those immediate families of those brave Coasties, but to the entire Coast Guard family.

Whether during a hurricane, an oil spill, or one of their daily encounters with danger when conducting a search and rescue mission, the United States Coast Guard plays a vital role that we too often take for granted.

It is at times like this when we are reminded of the dangers they face in their service to our Nation. They are truly on the first line of protecting our country, and we can never thank them enough.

Mr. Speaker, I ask, at this time, that all Americans lift a prayer to the Good Lord for the loss of life that has occurred. May God's blessings and healing hand be on those left behind.

TORNADO IN HARRISBURG, ILLINOIS

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

Mr. SHIMKUS. Mr. Speaker, I too come to the well to address a tragedy that happened this morning. Early this morning, an F–4 tornado hit the city of Harrisburg, Illinois, in my district. There was extensive damage, and six residents lost their lives.

Our thoughts and prayers are with those who lost family and friends, those who were injured, and those who lost their homes.

I plan to visit Harrisburg personally tomorrow and thank all those first responders who have been working tirelessly to care for the injured and to begin the long road back to clean up. The mutual aid provided by the surrounding communities is also very heartwarming.

I pledge to work with Mayor Eric Gregg and other local officials to rebuild the Harrisburg we all know and love.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Record votes on postponed questions will be taken later.

□ 1840

ST. CROIX RIVER CROSSING PROJECT AUTHORIZATION ACT

Mr. PETRI. Mr. Speaker, I move to suspend the rules and pass the bill (S. 1134) to authorize the St. Croix River Crossing Project with appropriate mitigation measures to promote river values.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 1134

SECTION 1. SHORT TITLE.

This Act may be cited as the ''St. Croix River Crossing Project Authorization Act''.

SEC. 2. AUTHORIZATION OF PROJECT WITH MITIGATION MEASURES.

Notwithstanding section 7(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1278(a)), the head of any Federal agency or department may authorize and assist in the construction of a new extradosed bridge crossing the St.

Croix River approximately 6 miles north of the I–94 crossing if the mitigation items described in paragraph 9 of the 2006 St. Croix River Crossing Project Memorandum of Understanding for Implementation of Riverway Mitigation Items, signed by the Federal Highway Administration on March 28, 2006, and by the National Park Service on March 27, 2006 (including any subsequent amendments to the Memorandum of Understanding), are included as enforceable conditions.

SEC. 3. OFFSET.

(a) IN GENERAL.—Notwithstanding any other provision of law, amounts made available for items 676, 813, 3186, 4358, and 5132 in the table contained in section 1702 of the SAFETEA–LU (119 Stat. 1288, 1380, 1423) shall be subject to the limitation on obligations for Federal-aid highways and highway safety construction programs distributed under section 120(a)(6) of title I of division C of Public Law 112–55 (23 U.S.C. 104 note; 125 Stat. 652).

(b) RESCISSION.—Any obligation authority made available until used to a State as a result of receipt of contract authority for the items described in subsection (a) that remains available to the State as of the date of enactment of this Act is permanently rescinded.

SEC. 4. 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 Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. PETRI) and the gentlewoman from Minnesota (Ms. MCCOLLUM) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin.

GENERAL LEAVE

Mr. PETRI. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous materials on the bill before us.

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

There was no objection.

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

The passage of this bill, which was adopted by the Senate earlier this year by unanimous consent, will remove the last remaining roadblock to construction of a new bridge over the St. Croix River, a bridge that has been identified for replacement by the States of Wisconsin and Minnesota for nearly 60 years and a project that has actively been worked on for more than 30 years.

Support for this new bridge is bipartisan and bicameral. The Governors of Wisconsin and Minnesota support it. The entire Senate delegations from the two States support it. With few exceptions, the members of the House delegations from Minnesota and Wisconsin support it. We just need this final action in order to finally proceed with the bridge.

The longer we delay, the more unsafe the current lift bridge becomes, congestion continues to worsen, and costs just continue to rise. It's time to end the gridlock.

I urge passage of the bill, and I reserve the balance of my time.

Ms. MCCOLLUM. Mr. Speaker, I yield myself as much time as I may consume.

The bill before the House today, S. 1134, is a controversial bill that represents wasteful government spending, bad transportation policy, and bad environmental policy.

A new bridge across the protected St. Croix River between my State of Minnesota and Wisconsin needs to be built. The aging Stillwater Lift Bridge needs to be replaced and everyone agrees on that, but I support a more affordable and more appropriately scaled replacement bridge.

This bill is controversial because it does much more than authorize a replacement bridge. This bill mandates construction of an exotic and massive extradosed style bridge some 219 feet above the St. Croix River at a cost of $700 million for only 18,000 cars per day.

This $700 million extradosed megabridge will connect Oak Park Heights, Minnesota—population 4,700—and Houlton, Wisconsin—population 386.

I quote from the St. Paul Pioneer Press, January 25, 2012, about Houlton, Wisconsin, it ''is not big enough for a stop sign on its main street.''

Houlton, Wisconsin, may not have a stop sign, but Congress could give it a $700 million bridge.

This bill is controversial because, if you look at page 2, line 10 of the bill, you will see that the bill dictates the location of this $700 million megabridge, and I quote from the bill, ''approximately 6 miles north of the Interstate-94 crossing.'' In other words, this bill mandates a 65-mile-per-hour interstate freeway bridge connecting a town of 368 people and builds it only 6 miles from an existing interstate crossing on the same river.

What would the Tea Party call an effective and efficient use of taxpayer dollars? Would they call this that? The fiscal watchdog group Taxpayers for Common Sense calls the bill, and I quote from them, ''A massive misuse of taxpayer money.''

In a letter to Congress opposing this bill, the Taxpayers for Common Sense said:

> In an era of trillion-dollar deficits and a $15 trillion national debt, it is simply unacceptable to spend $700 million on a bridge to carry so few vehicles when an interstate bridge exists nearby.

This bill is controversial because it is opposed by the Interior Department, which testified before the Senate Energy and Natural Resources Committee on July 28, 2011, opposing S. 1134. I quote from the Director of the National Park Service, when he stated:

> The Department cannot support this legislation as the National Park Service is determined that the St. Croix River Project would have a direct and adverse impact to the river and these impacts cannot be mitigated.

To be very clear, I asked Interior Secretary Salazar 2 weeks ago during an Interior appropriations subcommittee hearing a direct question. That was on February 16, just this month. I asked:

> Does the Interior Department still oppose S. 1134?

Interior Secretary Salazar responded, saying:

> Our position remains unchanged. A wild and scenic river is a wild and scenic river. The position of the Parks Service as articulated a year ago is the position of the Department. We have, as you know, Congresswoman McCollum, met with the delegations from the two States and Secretary LaHood and I have offered to work with a work group to see whether or not an alternative can be found.

Unfortunately, despite opposition from the Interior Department, an offer to work on a compromised solution, Congress will now be voting on a $700 million megabridge.

This bill is controversial because it will directly result in a property tax increase for the residents of Oak Park Heights, Minnesota, a community in which Minnesota's new redistricting map places it in my new congressional district. According to a unanimously passed resolution by the Oak Park Heights City Council, the passage of S. 1134 by Congress will do this to the city of Oak Park Heights. I quote from the city council's resolution:

> It will require an estimated $443 in annual property tax increase for the next 10 years to most city homeowners and businesses.

A vote for S. 1134 will be a tax increase on Minnesotans.

This bill is controversial because it puts Congress in the position of prioritizing spending of $700 million of taxpayers' money to replace one bridge while Minnesota has more than 1,100 additionally structurally deficient bridges—far less costly—that all are in desperate need of repair or replacement. In fact, dozens of Minnesota State legislators wrote our delegation saying:

> We are united in our concern that the current design of the bridge is far too expensive, particularly in light of much more cost effective alternatives.

Those State legislators, many from my congressional district, urge defeat of this legislation. Former Vice President and U.S. Senator Walter Mondale, an original sponsor of the Wild and Scenic Rivers Act, opposes this bill, saying that the passage, and I quote from Vice President Mondale, ''would be a profound mistake.'' He urges a vote against the bill.

This bill was even controversial in the Senate. Senator JEFF BINGAMAN, the chairman of the Senate Committee on Energy and Natural Resources, Senator MARK UDALL of Colorado, and Senator MARIA CANTWELL of Washington oppose S. 1134, saying:

> In our opinion, waiving the protections of the Wild and Scenic Rivers Act for the lower St. Croix is bad policy and sets a dangerous precedent.

Here in the House, this bill is also controversial. It is controversial because this bill is an earmark, pure and simple. This bill designates a specific project in a specific location and it mandates the construction of a $700 million extradosed bridge design, and it does that all through an exemption to Federal law. Of course, earmarks are banned in the House except when a bill comes to the floor on suspension of rules and all the rules and points of order are waived, just like this one.

This megabridge was highlighted in a New York Times editorial. The editorial highlights my Minnesota colleague and megabridge champion, Representative BACHMANN, who has called for a redefinition of what an earmark is to accommodate ''a bridge over a vital waterway.'' Today Congresswoman BACHMANN has been successful in bringing this earmark to the floor.

It's not just me. My dear friend from Minneapolis, Mr. ELLISON, and other House colleagues and the U.S. Department of the Interior are opposing this $700 million bridge. The bill is also opposed by Taxpayers for Common Sense, the Sierra Club, the National Parks Conservation Association, American Rivers, League of Conservation Voters, former Vice President Mondale, and a whole lot of Minnesotans who care deeply about fiscal responsibility, wise transportation investments, and responsible environmental conservation.

Tomorrow we will vote on this bill. The question is: Will the House give a rubber stamp to a $700 million megabridge or will this Congress reject this bad bill and direct Minnesota and Wisconsin to come up with a smarter plan that would save taxpayers hundreds of millions of dollars?

Every Minnesotan and every Wisconsin Member of this House supports a replacement bridge, none more than me. But I ask my colleagues to reject this fiscally irresponsible bill. Not one dollar of Minnesota transportation funds will be lost.

I have a Minnesota Department of Transportation document in my hand that outlines how hundreds of millions of dollars could be reprogrammed across our State creating thousands of jobs and rebuilding roads and bridges in great need of repair.

S. 1134 is a bad bill, and it should be defeated by Democrats and Republicans alike.

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

□ 1850

Mr. PETRI. Mr. Speaker, I yield 2 minutes to my colleague from the State of Washington, the chairman of the Natural Resources Committee, Representative DOC HASTINGS.

Mr. HASTINGS of Washington. I thank the gentleman for yielding.

As chairman of the House Natural Resources Committee, which has partial jurisdiction on this bill, I support S. 1134.

For over two decades, Wisconsin and Minnesota have been working on a plan to replace this bridge, which is over 80 years old. This two-State project has been delayed by lawsuit after lawsuit and by the interference of Federal bureaucrats. These nuisance lawsuits and bureaucrat attacks are all based on the fact that the bridge spans the St. Croix River, which was listed in 1972 under the Federal Wild and Scenic River Act. This bipartisan bill simply says that this ''wild and scenic'' label on the river, under Federal law, cannot stop these States from building a safe, new bridge.

It's as simple as that.

In regards to earmarks, which was brought up by the gentlelady from Minnesota, this bill has been reviewed and is in compliance with the earmark definition in clause 9 of rule XXI. The bill does not contain congressional earmarks, limited tax benefits, or limited tariff benefits. The bill is aimed at ensuring the Federal Wild and Scenic River Act doesn't prevent a safer bridge from being built. It affects multiple States.

So, Mr. Speaker, the people of Minnesota and Wisconsin have been waiting decades to build this project. Let's pass this bill and allow them to do so.

Ms. MCCOLLUM. Mr. Speaker, I inquire as to how much time I have remaining.

The SPEAKER pro tempore. The gentlewoman has 11½ minutes remaining.

Ms. MCCOLLUM. With that, I yield 3½ minutes to the gentleman from West Virginia (Mr. RAHALL).

Mr. RAHALL. I thank the gentlelady for yielding.

Mr. Speaker, I didn't quite know from which side to request time on this issue. You see, I am for legitimate, well-scrutinized, scrubbed, and screened earmarks. Now, unless the GOP leadership can convince me that this is not an earmark, then I will vote ''no'' on the bill.

We should be here today debating a long-term, robust surface transportation bill that would create jobs and keep our economy moving forward by rebuilding America and by putting Americans to work. Rather, we are considering a bill that authorizes the construction of a specific bridge between Minnesota and Wisconsin with an estimated total project cost of $574 million to $690 million—an earmark. Instead of openly acknowledging that this bill is a blatant earmark, the Republican leadership pretends that it is not one. It was quietly added to the schedule less than 48 hours ago, scheduled for this post-sundown debate.

Do not get me wrong. I am not against earmarks, but let's be open, transparent, and honest with the American people. That's why ''earmark'' got the bad name it did, because we were not open and transparent and honest with the American people. So if there is any doubt whether the bill that the House is now considering today is an earmark, all you have to do is read the bill:

> . . . may authorize and assist in the construction of a new extradosed bridge crossing the St. Croix River approximately 6 miles north of the I–94 crossing.

Then the bill goes on on lines 21 through 23, page 2, section 3. It provides an offset. Guess where that offset comes from? Earmarks under the SAFETEA–LU, under the previous transportation bill. It's how the majority is funding this bill. That was our last transportation bill, which took so much grief.

It all sounds pretty specific to me. In fact, the bill even tells the States what kind of bridge to build. If it looks like a duck, swims like a duck and quacks like a duck, by golly, it's probably a duck. This is an earmark, and I sincerely hope that the some-90 new Members on the majority side are learning just what an earmark is.

Now, I recognize the need for this new bridge crossing the St. Croix to replace the deficient 80-year-old Stillwater Lift Bridge, but I also recognize the need to move similar transportation projects forward across this great country, including in my own home State of West Virginia. What we ought to be doing is passing a long-term, robust surface transportation bill so that we can address the backlog of deficient bridges, roads, and transit systems in every State across the Nation.

Instead, we're voting on one earmark, and we are doing nothing today to strengthen our Nation's economic competitiveness and quality of life. We are doing nothing to alleviate the congestion that continues to cripple the economy in California. We are doing nothing to fix the bridges that are in disrepair in my home State. We are doing nothing to solve the fact that trains are traveling on outdated tracks across this country. We are doing nothing to address the commerce that is being trapped on turnpikes because these arteries of commerce are being choked by a transportation system ill fit for the country that is leading the global economy.

Last November, the Speaker announced that the House would take up the surface transportation bill by the end of the year. We all know what subsequently transpired, which is that the Transportation and Infrastructure Committee produced a bill which slashes $15.8 billion in highway funding to the States, destroying 550,000 American family-wage jobs.

The bill then proceeded to the Rules Committee, which is where it was divided up into I don't know how many different pieces because there weren't the votes to pass the whole package. Who knows what kind of mishmash we got that time. I'm still trying to figure it out. Then who knows what type of mishmash we'll get the next time before we finally pass, if we are going to, a transportation bill that puts Americans to work, that gets our economy moving, and that helps long-term deficit reduction.

Mr. HASTINGS of Washington. Will the gentleman yield?

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

Ms. MCCOLLUM. In reclaiming my time, I will not yield to the gentleman on my time.

Mr. PETRI. I yield 30 seconds to the gentleman from Washington (Mr. HASTINGS).

Mr. HASTINGS of Washington. I thank the gentleman for yielding.

With all due respect to my good friend and colleague from West Virginia, each person may have his own definition of an earmark, but we are governed by the definition in House rules, not by a cavalier ''quacking duck'' standard. The bill has been reviewed and is in compliance with the earmark definition in clause 9 of House rule XXI. The bill does not contain congressional earmarks. I know the gentleman has been very open about his support for earmarks, but we are governed by the rules of the House, and the ''quacking duck'' comparison does not stand here.

Ms. MCCOLLUM. I reserve the balance of my time.

Mr. PETRI. Mr. Speaker, in delight of the bipartisan support for the measure before us, I yield 1 minute to my colleague from Wisconsin, Representative BALDWIN.

Ms. BALDWIN. I rise today in strong support of the St. Croix River Crossing Project Authorization Act.

This past November, I had the chance to visit the existing 81-year-old Stillwater Bridge, and I met with local community leaders on the issue. After seeing this bridge for myself and after listening carefully to the arguments on all sides, I am convinced that this legislation is necessary, reasonable, and time-sensitive.

The bridge project will support thousands of construction jobs in both Wisconsin and Minnesota. In addition, the new bridge will help shorten travel times, reduce traffic congestion and, most importantly, improve safety. Perhaps it will even save some lives.

The stories I've heard from the Wisconsinites who use this bridge every day are truly startling. I've heard from some folks who literally fear for their safety and who are afraid something similar to the I–35 bridge collapse could happen to them. I've heard from others about the long delays and frequent spring closures of the bridge.

This is the reality on the ground, and it is woefully unacceptable. We have the power to change this. I urge my colleagues to vote ''yes'' and to support this bipartisan legislation.

Ms. MCCOLLUM. I yield 1 minute to the gentleman from New Jersey (Mr. HOLT).

Mr. HOLT. I thank the gentlelady for yielding.

Mr. Speaker, you heard from Representative MCCOLLUM as to the dimensions of this, as to how close it is to an existing large bridge, as to why this is really a boondoggle. I wanted to talk about how this fits in the national picture of wild and scenic rivers.

This bill would for the first time waive the requirements of the Wild and Scenic Rivers Act, which is a law that has protected the lower St. Croix for nearly 30 years and that protects 12,000 miles of rivers in 38 States and Puerto Rico, including the Delaware River in my home State of New Jersey. These are special rivers designated under the Wild and Scenic Rivers law.

□ 1900

When the Resources Committee marked up the legislation before us now, I offered a simple amendment. My amendment would have ensured that any bridge authorized under this bill be designed and located in a way to minimize the direct and inverse environmental effect. It was defeated.

This is really a bridge too far. It's far too large, it is just, you know, far too expensive. Should Congress pass this bill and waive the Wild and Scenic Rivers protection, it's hard to imagine any future bridge project that won't receive a waiver like this issued by Congress.

Mr. PETRI. Mr. Speaker, I yield 2 minutes to the gentleman from Utah (Mr. BISHOP).

Mr. BISHOP of Utah. Mr. Speaker, in 1972, the Wild and Scenic Rivers Act was used on this part of the river, even though there was already an existing bridge on that river. Now the safety of that bridge is creating problems for people, and the traffic buildup is creating problems for people.

Actually, the National Park Service already had met with everybody, found a way to build a new bridge and mitigate the adverse circumstances. An agreement was reached until outside groups, who came in here with this dogmatic reverence for the Wild and Scenic Rivers Act, basically took it to court, threw everything away, and we have now exacerbated the problem.

Wild and scenic river? On a clear day, if indeed the traffic does not produce enough smog that has backed up because we are trying to get across this river, you can actually see a marina, the smokestacks of a power plant that is in the neighborhood of a sewage plant, and maybe even the orange jumpsuits of the county jail that is in this area. We are abusing the law to stop this progress, stop this bridge that is needed desperately for safety reasons and for traffic reasons in this particular area.

There is a reason this bill passed by unanimous consent in the Senate. It solves a problem, it's common sense, and it's the right thing to do.

Ms. MCCOLLUM. In response, I don't think my constituents consider me an outside group.

With that, I would yield 1 minute to the gentleman from Arizona (Mr. GRIJALVA).

Mr. GRIJALVA. Mr. Speaker, I rise in opposition to the legislation. This bill is too controversial and should not be on the suspension calendar.

Last year the majority held a hearing on the issue in the Subcommittee on National Parks, Forests and Public Lands. The Park Service testified against the bill. It was also opposed by a range of national organizations—from fiscal conservatives and tax watchdogs to environmental conservationists.

This bill, it has already been stated, would create the first ever exemption to the Wild and Scenic Rivers Act for construction of a bridge in a protected river. This has never been done, and the question is, why now? This precedent for a $700 million mega-bridge that threatens all 203 protected rivers in 38 States should not be allowed to proceed, and it very much violates the no earmark pledge of the Republican majority.

Congresswoman MCCOLLUM and Congressman ELLISON introduced a better bill, H.R. 3434, that removes congressional mandate from this bill that is under consideration and sets a spending cap to protect taxpayers.

I understand the need to create jobs. I understand the need to fix our falling infrastructure. There are over 2,000 bridges in Minnesota and Wisconsin that need immediate dire attention that would create jobs, and it would move the infrastructure needs of this country in a very, very direct way and in a very needed way.

This is a waste of taxpayers' money and a violation of the Wild and Scenic Rivers Act.

Mr. PETRI. Mr. Speaker, this bill has bipartisan support. Other things being equal, I think we tend to listen to the Representative in whose district the project would exist. This project is in the district of my colleague, RON KIND, from the State of Wisconsin, and at this time I would be happy to yield him 4 minutes.

Mr. KIND. I thank the gentleman for yielding me this time.

Mr. Speaker, this bridge is in my congressional district. I have been living and breathing this issue for the last 16 years.

Mr. Speaker, it's time to build a bridge. This is a bipartisan bill. It passed the Senate under unanimous consent. This legislation before us today merely exempts this river under the Wild and Scenic Rivers Act. It exempts this bridge so that the States of Wisconsin and Minnesota can move forward on this vital infrastructure project.

This is what we have today, Mr. Speaker. It's an 82-year-old lift bridge that's on its last life. Last summer the drawbridge was up for 10 days, prohibiting traffic from crossing because of high water. Every summer, every time a boat travels underneath this bridge, the lift bridge is lifted and we have a traffic jam miles long waiting for the bridge to open up again.

Those cars and trucks are spewing fumes, dropping oil. It is a major environmental problem, not to mention the safety concern that we have with this old lift bridge. It's on its final legs, and there's consensus that we have to build a new bridge.

This is what's recommended by the States of Wisconsin and Minnesota.

This is what the new bridge would look like. Yes, you will see right next to it is a coal-burning power plant on this so-called part of the Wild and Scenic Rivers. There is very little wild or scenic at this location, and that's exactly why it's being sited along this location, along with two major manufacturing plants.

This is another view of the bridge in relationship to the power plant just south of the Stillwater area, and this is actually the view from downtown Stillwater looking south along the river at this bridge. You can barely see it because of how it's designed to blend into the atmosphere.

Mr. Speaker, about 6 years ago I formed a process called ''resolve'' to get all the stakeholders at the table so that they could discuss and scrub every option and every alternative that was available. At the end of that 5-year negotiating process, 26 of the 27 stakeholders reached an agreement on what needed to be done.

The only holdout was the Sierra Club, and that's why we're having this big debate this evening. Even their proposal that came in at the eleventh hour would cost just as much, it would take another 10 years to build, and it would actually cut into the bluff on the Minnesota side, causing more environmental damage.

Even the local and regional offices of the National Park Service and the Fish and Wildlife Service had signed off on this bridge project.

I believe, as do most of the members of the Wisconsin and Minnesota delegation, as well as all four of the U.S. senators, that it's time to build this bridge. Both governors in Wisconsin and Minnesota want to build this bridge. The Departments of Transportation in both Wisconsin and Minnesota want to build this bridge. Ninety-two percent of the residents in Wisconsin want to see this bridge go forward. Eighty-eight percent of the residents in Minnesota in Representative BACHMANN's district, where the bridge is also built, wants this bridge to go forward. It is time to build this bridge.

Every option, every alternative has been considered. This is where we keep coming back to time and time again. They looked at the cost. They looked at the design. They looked at the location. They looked at the environmental impact. They looked at the mitigation that can be done, and 26 of the 27 stakeholders reached this conclusion. It's unfortunate that the Wild and Scenic Rivers Act is being used to bludgeon a major infrastructure project that will create jobs in this region when we need them the most, not only the short-term jobs in building this bridge but the long-term economic development and the explosion of economic growth and job creation that will result from the creation of this bridge.

Heading south, as my colleague from Minnesota had suggested, to hook up to the interstate highway, was not a viable option. Yet the town of Hudson that lies in between——

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

Mr. KIND. Mr. Speaker, I ask unanimous consent for 2 additional minutes.

The SPEAKER pro tempore. Without objection, each side is granted 2 additional minutes.

There was no objection.

Mr. KIND. Going south to hook up to the interstate bridge down there is not a viable option. That too is under study for expansion, given the increased traffic load that's going through it today. What this bridge that's being proposed considers is not only current traffic flow projections, but future traffic flow projections over the next 20 or 30 years.

I know infrastructure projects can be difficult. I know they can be contentious. But when so many people at the Federal, State, and local level of the agencies, as well as private entities, have been at the table for 5 years negotiating and trying to reach agreement on what bridge is necessary, when they do finally reach an agreement, that tells me it's time to build a bridge.

□ 1910

I want to thank the ranking member and the chair of the Transportation Committee for your support, as well as the chair of the subcommittee and the ranking member on the subcommittee for your support.

Transportation Secretary LaHood has been strongly in favor of moving this project forward. And I also want to thank the administrations, the Governors of both Wisconsin and Minnesota, for their interest and support for this project. One of the reasons it is being brought up at this time is because Governor Dayton from Minnesota says life is short and they need predictability and certainty on what projects are moving forward. He has been a strong advocate of this bridge, but we can't be delaying this and dragging this out for another 16 years, which is the likely outcome if the opposition figures out a way to bring this bill down. Enough is enough.

We have explored this. We have exhausted it, and we keep coming back to the same place as before—this bridge, which makes this legislation necessary, and I encourage my colleagues to support it so we all can move on with our lives.

The SPEAKER pro tempore. The Chair wishes to clarify that each side now has an additional 2 minutes.

Ms. MCCOLLUM. Could you please tell me how many minutes I have besides the 2.

The SPEAKER pro tempore. The gentlewoman from Minnesota has 6 minutes remaining. The gentleman from Wisconsin has 10½ minutes remaining.

Ms. MCCOLLUM. I yield myself 2 minutes.

As I said at the beginning of this debate, this bill, S. 1134, is a bad bill. It reflects our irresponsible fiscal policy, bad transportation policy, and bad environmental policy.

The way the law has been structured into making this moment happen specifies only one type of bridge could be built, and it had to be a bridge that went 65 miles an hour. And then the legislation before us today takes it even farther and for the first time puts in that a bridge that is going to be a replacement bridge in a wild and scenic river must be an extradosed bridge. It mandates the size and the scope of the bridge. Ladies and gentlemen, we just could have had a piece of legislation that would have allowed an exemption without the specification that was added in this legislation. I could have stood here and supported it, but I cannot support a $700 million interstate bridge when there is one 6 miles away.

The Stillwater bridge needs to be replaced, but it won't be replaced, actually, because the historic lift bridge is going to be used as a bike and pedestrian bridge which in perpetuity the States of Wisconsin and Minnesota will have to maintain and repair and will continue during the summer to be raised and lifted as boats go through.

I reserve the balance of my time.

Mr. PETRI. Mr. Speaker, I yield 5 minutes to my colleague from the State of Wisconsin, Representative SEAN DUFFY.

Mr. DUFFY. I appreciate the gentleman from Wisconsin yielding.

I think it is important that we are clear about what this bill truly does. This bill exclusively deems the St. Croix River consistent with the Wild and Scenic Rivers Act. That's all it does is deem it consistent. There is no appropriations aspect; there's no budgetary authority. All we're doing is deeming this bridge consistent with the Wild and Scenic Rivers Act.

You know, today is a pretty special day. It's a special day because it's leap day. It's February 29. It comes around only once every 4 years. And I have only been in this House for a year and a couple of months; but I have to tell you what, bipartisanship doesn't come around that often. But it is here tonight on the House floor. Bipartisanship, this is what I mean by that: you have two Governors, a Republican and a Democrat, who support this bill. You have Senators from Wisconsin and Minnesota, all four of them, Republicans and Democrats, supporting this bill. You have progressives and conservatives in this Chamber who have all come out in support of this bill. You have Vikings and Packers supporting this bill. This is a remarkable day.

Listen, we go so far, you have the AFL–CIO and local chambers together supporting this bill. This is remarkable. We haven't seen this kind of bipartisanship in the 15 months that I've been here. This is a great bill. This gets the job done because people are doing what their constituents asked them to do, which is work together. It makes sense.

This is working across party lines for a very important reason. It's because we all in this region understand the

importance of bridges and what happens when something goes wrong. We all remember I–35 between Minneapolis and St. Paul that had a sufficiency rating of 50, 50 out of 100. And a few years ago, we remember that bridge collapsed. We remember seeing the devastation of that bridge when it collapsed. But a rating of 50 out of 100.

The bridge we are talking about today, the one that is used across the St. Croix River, has a rating of 32 out of 100. It is less safe than I–35 was when it collapsed. And again, it was built in 1931. It is 81, 82 years old.

Listen, the people in this region they need the bridge. They want the bridge. Everybody is working together. I want to make sure we're clear about the people who use this. I know the gentlelady from Minnesota says it's only serving a small community in Holton, Wisconsin, a community of 386 people. You've got to explain to me, then, how 18,000 people go across that bridge every day.

You are dealing with the largest-growing county in Wisconsin, and the 13th largest metropolitan area in this country. That's what this bridge connects. People use it. This is a bedroom county. They work in St. Croix County over in Minneapolis-St. Paul. They use that bridge to get back and forth to work; 18,000 people a day use this bridge. This is no small feat.

We're talking about the funding component saying that it's $700 million. I think we have to be clear on what that $700 million is. It's really only $292 million when you look at the actual cost of construction of the bridge, $292 million. If you want to look at the extra cost that gets you upwards of $600 million, that cost comes from all of the mitigation, the environmental mitigation work that's been requested over the decades of negotiation trying to get this bridge done. It's not the bridge cost. It's the bipartisan effort trying to get people to agree to make this project go forward that increases the cost so dramatically to $600-plus million.

So I think it's important. You look at this, this is a shovel-ready project. Shovel ready. We hear it is going to create 6,000 new jobs over the course of 3 years. And it is far from rushed. We have talked about this, again, for decades. And I think when people would say it is a bad bill or a controversial bill, it's important to note Republican and Democrat Senators, Governors, Congressmen, communities have rallied around this project.

Let's get it done. Let's finally build the St. Croix River bridge.

Ms. MCCOLLUM. Mr. Speaker, I would like to state for the record that I have seven bridges in my congressional district with hundreds of thousands of car trips a day in worse condition than the lift bridge in Stillwater. This mega-bridge also will feed directly into Minnesota State Highway 36. Tens of thousands of my constituents along Highway 36, Oakdale, Maplewood, Roseville, North St. Paul, and Little Canada will be suffering with crippling traffic congestion and higher property taxes to pay to relieve that congestion. This is a bad piece of legislation. I urge my colleagues to oppose it.

I would ask how much time I have remaining and of Mr. PETRI how many more speakers he has left.

□ 1920

The SPEAKER pro tempore. The gentlewoman has 4 minutes remaining.

Mr. PETRI. Mr. Speaker, at this time, I would like to yield 4 minutes to Representative BACHMANN from the neighboring State of Minnesota, a strong proponent of the legislation before us.

Ms. MCCOLLUM. Mr. Speaker, as Representative BACHMANN approaches the well, the gentleman from Wisconsin has the right to close, and I would like to know how many other speakers he has.

The SPEAKER pro tempore. How many speakers does the gentleman have?

Mr. PETRI. One, who is before us.

The SPEAKER pro tempore. The gentleman has one.

Ms. MCCOLLUM. And are you closing or is Representative BACHMANN closing?

Mr. PETRI. I have reserved, I think, 30 seconds.

Ms. MCCOLLUM. I have one other speaker, then, after Mrs. BACHMANN.

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Minnesota.

Mrs. BACHMANN. Thank you, Mr. Speaker.

I'd like to have the RECORD reflect very clearly that if Representative MCCOLLUM gets her way, she will kill building the bridge over the St. Croix River. As we all know, and as our office has been told, this is one of the longest, if not the longest, unfinished bridge projects in the history of the United States. That's why it's come to this point, Mr. Speaker, where we actually have to go to Congress to get permission from the Federal Government so that the State of Minnesota and the State of Wisconsin can build this commonsense bridge at their own expense, and that's the point that we're at.

Not only will Representative MCCOLLUM be acting against the wishes of 86 percent of the people that live and reside in the St. Croix River Valley, the responsibility for the increased costs of building this bridge rests squarely on the shoulders of Representative MCCOLLUM and on her compatriots who have fought for decades to kill the building of this bridge.

The cost? The bridge would have cost $80 million to complete back in 1992 if her compatriots wouldn't have tied this bridge project up for decades in the Federal courts in nuisance lawsuits. And why? Because they said there was pollution that was involved. And what was this pollution that they asserted? They said it would be visual pollution. Visual pollution? Because a Federal bureaucrat came out to this river and pointed to the river and said that they didn't think that a bridge would look good built on this river, and that's in spite of the fact that there's already a bridge that's here on this river. This is a wide part of the river. This is the river that is literally the birthplace of Minnesota. As long as people have been in the State of Minnesota, Stillwater is the birthplace.

I've been working on this issue as a young mother living in this community, as an activist citizen who saw what a commonsense project this is. Representative MCCOLLUM has talked about this being a mega-bridge. This is a four-lane bridge. And after all, why wouldn't you build a four-lane bridge when you have a four-lane highway on Minnesota connected to a four-lane highway in Wisconsin? Representative MCCOLLUM is suggesting that we should be building a two or a three-lane bridge. Why would you build a bridge that would be obsolete the day that it's opened? You would build a commonsense, four-lane bridge to connect two four-lane highways.

This is also a center for industry in this region. We have not only the prison, the State prison; we have also one of the largest window manufacturers in the world, we have the sewer treatment plant, the water treatment plant, and we have a marina. This is the place that has been the site that's been selected as the perfect place to build this bridge to connect these two communities.

As we've heard before, this is an area that has a bridge that currently has a safety rating that's far below the safety rating of the bridge that collapsed in Minneapolis in 2007. We have a historic opportunity, a once-in-a-lifetime magic moment when we have Governors that are Republican and Democrat, Senators that are Republican and Democrat, representatives that are Republican and Democrat, saying, for once let's come together and do what the people expect.

And why did we get to this point? Bureaucratic red tape. We are here in foursquare agreement with the administration, saying, let's get this done on behalf of the people of these two States. Let's do what should have been done decades ago, and let's build this commonsense bridge.

Stillwater, Minnesota is the site of Minnesota's birthplace. And now it's the site of what we are told is the longest-running, unfinished bridge project in the Nation. In the 1950s, discussions began for a replacement to the current, 1931 Lift Bridge, connecting Minnesota and Wisconsin, over the St. Croix River.

In 1992, we saw progress. That year, a coalition of residents, businesses, transportation officials and environmental experts, settled on a bridge design to replace the existing Lift Bridge. They proposed a four-lane bridge to connect four-lane highways in both states to be built south of Stillwater.

We are here today for Congressional approval for this project to proceed. Without

Congressional approval, the project will continue to face the government redtape and lawsuits that it's seen over the past 20 years.

The St. Croix River Crossing Project before us is a bipartisan project, with strong bipartisan support. All four Senators from our States, each State's governor and numerous colleagues of mine all publically proclaim their support for this commonsense project. It doesn't get more bipartisan than this.

A recent survey of residents in the region shows an overwhelming 86% of people support the project.

The bill before us doesn't appropriate a nickel. This is no earmark. Instead, it allows a commonsense, bipartisan project to proceed.

I urge my colleagues to support S. 1134 because this is the final hurdle and our magic moment. Together, we can build this.

Ms. MCCOLLUM. Is the gentleman from Wisconsin prepared to close after the last speaker that I have on my side?

Mr. PETRI. I am prepared to close after you finish, yes.

Ms. MCCOLLUM. Mr. Speaker, I yield as much time as remains to my colleague from Minneapolis, Mr. ELLISON, who faced firsthand the tragedy of what happens when a bridge collapses. As I pointed out, I have seven bridges that have hundreds of thousands of cars every day on them in worse shape than the Stillwater bridge.

With that, I yield to the gentleman from Minneapolis.

The SPEAKER pro tempore. The gentleman from Minnesota is recognized for 4 minutes.

Mr. ELLISON. Mr. Speaker, I stood on a highway called highway 7 on Friday at a bridge that was rated a 23 out of 100 scale. That bridge, 73 years old, in desperate need of repair, is designated structurally deficient. But I could go to another bridge within walking distance of my home over the Mississippi River only a few blocks from where the bridge fell down only a few years ago, but that would be on Plymouth Avenue. And people who know the area know Plymouth Avenue. That bridge, Mr. Speaker was and is shut down. You cannot drive a car over it. Now, that would only be one of about 1,398 other bridges that are structurally deficient in Minnesota that need repair right now.

I'm sensitive to bridges that need repair because it wasn't in somebody else's district that the I–35 bridge fell—it was in my own. Thirteen Minnesotans went to their reward, 100 had severe back and other injuries. I am incredibly sensitive to the need to fix our State's bridges, our Nation's bridges, which is why I am against this project, a $700 million bridge when we have structurally deficient bridges all over the State of Minnesota and all over the United States. This is not a good use of taxpayer money.

I find it absolutely shocking that all these fiscal conservatives are lining up to throw money at this enormously overly expensive, over-height megabridge. Where are the anti-earmark advocates around here? Where are the people who call for smaller government? Where are the conservative, small ''c,'' who say, let's build a right-sized bridge that makes sense so that other bridges may be fixed around our State? Well, I guess all of that only matters, Mr. Speaker, when it comes to your own little project or earmark project. Then all of a sudden it gains a whole lot of other kind of credibility undiscovered before.

Mr. Speaker, I think it needs to be pointed out that this proposed bridge, which would carry about 18,000 vehicles a day—that's important. I feel for those folks, and I want them to have their bridge, and I would support a sane and sensible bridge. But the I–35 bridge much talked about tonight carries 140,000 people every day. Eighteen thousand at $700 million versus the I–35 bridge, which cost us about $260 million, was built in 1 year—less than a year, and carries 140,000? This is not a good use of taxpayer money. It soaks up resources that other people need. It violates our Scenic and Wild Rivers Act. This is a bad idea.

Mr. Speaker, I would far prefer if this bill were to go back to committee, go through the regular order, be defeated here on suspension, but go back through the committee process so some sensible amendments might be offered so this could be a good, decent project perhaps. But that's not what's happening. Suspension is for things that are supposed to be uncontroversial. We're supposed to be here passing post offices, but here we are dealing with what is absolutely a controversial piece of legislation on a suspension calendar with no chance to amend.

□ 1930

I wish we had that chance, because if we did, I would say we need to come together as a State, as a Nation, and fix all the bridges of this country, all the bridges of this State, and not just one big, fat megabridge.

Mr. PETRI. Mr. Speaker, I would remind the gentleman that we have come together. The legislation before us, S. 1134, passed the United States Senate by unanimous consent. It has a few people who seem to have raised some concerns here, but the fact of the matter is that AL FRANKEN, the Senator from Minnesota, AMY KLOBUCHAR, the Senator from Minnesota, RON JOHNSON, the Senator from Wisconsin, HERB KOHL—Senators from both parties have joined together in recognizing the need and importance and urging their colleagues who unanimously supported this. It's about time we did our job here in the House of Representatives.

This project has been studied for over 20 years. Representative RON KIND, as he said so eloquently in his statement, has consulted with every conceivable interest group in the area. As my colleague, Representative BACHMANN, said, the people in Minnesota and Wisconsin are wondering when we're going to do our job.

This is a major hazard now, an old bridge. We saw what happened with other bridges in Minnesota, a growing population, commuter populations back and forth in the greater Minneapolis-St. Paul area. It's about time this hazard was removed and we had a bridge that we could be proud of and that was less intrusive than the one that's there now.

So I urge my colleagues to pass the legislation before us, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. PETRI) that the House suspend the rules and pass the bill, S. 1134.

The question was taken.

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

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

The yeas and nays were ordered.

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

DISTRICT OF COLUMBIA SPECIAL ELECTION REFORM ACT

Mr. ISSA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3902) to amend the District of Columbia Home Rule Act to revise the timing of special elections for local office in the District of Columbia, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3902

SECTION 1. SHORT TITLE.

This Act may be cited as the ''District of Columbia Special Election Reform Act''.

SEC. 2. TIMING OF SPECIAL ELECTIONS FOR LOCAL OFFICE IN DISTRICT OF COLUMBIA.

(a) COUNCIL.—

(1) CHAIR.—The first sentence of section 401(b)(3) of the District of Columbia Home Rule Act (sec. 1–204.01(b)(3), D.C. Official Code) is amended to read as follows: ''To fill a vacancy in the Office of Chairman, the Board of Elections shall hold a special election in the District on the Tuesday occurring at least 70 days and not more than 174 days after the date on which such vacancy occurs which the Board of Elections determines, based on a totality of the circumstances, taking into account, inter alia, cultural and religious holidays and the administrability of the election, will provide the opportunity for the greatest level of voter participation.''.

(2) MEMBERS ELECTED FROM WARDS.—The first sentence of section 401(d)(1) of such Act (sec. 1–204.01(d)(1), D.C. Official Code) is amended to read as follows: ''In the event of a vacancy in the Council of a member elected from a ward, the Board of Elections shall hold a special election in the District on the Tuesday occurring at least 70 days and not more than 174 days after the date on which such vacancy occurs which the Board of Elections determines, based on a totality of the circumstances, taking into account, inter alia, cultural and religious holidays and the administrability of the election, will provide the opportunity for the greatest level of voter participation.''.

(3) MEMBERS ELECTED AT-LARGE.—The second sentence of section 401(d)(2) of such Act (sec. 1–204.01(d)(2)) is amended by striking ''and such special election'' and all that follows and inserting the following: ''and such special election shall be held on the Tuesday occurring at least 70 days and not more than 174 days after the date on which such vacancy occurs which the Board of Elections determines, based on a totality of the circumstances, taking into account, inter alia, cultural and religious holidays and the administrability of the election, will provide the opportunity for the greatest level of voter participation.''.

(b) MAYOR.—The first sentence of section 421(c)(2) of such Act (sec. 1–204.21.(c)(2), D.C. Official Code) is amended to read as follows: ''To fill a vacancy in the Office of Mayor, the Board of Elections shall hold a special election in the District on the Tuesday occurring at least 70 days and not more than 174 days after the date on which such vacancy occurs which the Board of Elections determines, based on a totality of the circumstances, taking into account, inter alia, cultural and religious holidays and the administrability of the election, will provide the opportunity for the greatest level of voter participation.''.

(c) ATTORNEY GENERAL.—The first sentence of section 435(b)(1) of such Act (sec. 1–204.35(b)(1), D.C. Official Code) is amended by striking ''the Board'' and all that follows and inserting the following: ''the Board of Elections shall hold a special election in the District on the Tuesday occurring at least 70 days and not more than 174 days after the date on which such vacancy occurs which the Board of Elections determines, based on a totality of the circumstances, taking into account, inter alia, cultural and religious holidays and the administrability of the election, will provide the opportunity for the greatest level of voter participation.''.

SEC. 3. EFFECTIVE DATE.

The amendments made by section 2 shall apply with respect to vacancies occurring on or after the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. ISSA) and the gentlewoman from the District of Columbia (Ms. NORTON) each will control 20 minutes.

The Chair recognizes the gentleman from California.

Mr. ISSA. Mr. Speaker, I'll be brief.

Today we're doing a small and technical change to everyone except the people of the District of Columbia, who consistently have to live under a rule that costs the voters and the residents of the District of Columbia to expend enormous additional dollars to have special elections rather than having the ordinary flexibility to try to combine their votes at a time in which it would be less expensive.

The bill, which is, if you will, an omission under the Home Rule Act, provides for the District of Columbia to fill vacancies on the first Tuesday 114 days after the date of such vacancy occurring. Unfortunately, this does not provide the flexibility necessary to time special elections concurrently with other general and primary elections. Therefore, this small—and yet not small to the District of Columbia—change will allow them to place the election on a Tuesday occurring between 70 and 174 days of the vacancy. Understand, Mr. Speaker, if there is an ordinary election occurring within that process, this will cause us to have the election on that date.

The bill has been carefully considered and passed unanimously by the committee. Additionally, it's supported by the entire city council—we'll soon hear from the delegate from the District of Columbia—by the Mayor and his administration.

I want to take just a quick moment to thank the gentlelady from the District of Columbia. It has been, in fact, her work with the committee that made this technical change one that we can all live with for the benefit of the people who host us in the Federal city.

With that, I reserve the balance of my time.

Ms. NORTON. I want to thank the chairman of the full committee for his generosity. I want to thank my friends on both sides of the committee for their assistance with H.R. 3902, especially the chairman of the full committee, my good friend, Mr. ISSA, and the chair of the subcommittee, Mr. GOWDY, for working closely with us on this bill.

I also want to thank my good friends on our side, the ranking member of the full committee, Mr. CUMMINGS, and the ranking member of the subcommittee, Mr. DAVIS, for their considerable support and assistance.

Mr. Chairman, like you, I will be brief because you and I are the only ones here who have a vote in committee on this matter.

The District of Columbia Special Election Reform Act is similar to the legislation I introduced last Congress, which, with the help of the chairman, was passed without objection by the House Committee on Oversight and Government Reform and, with his help, quickly got to the full House for a vote.

Final enactment of the bill was prevented not by this House, but by an anonymous hold in the Senate, which fortunately no longer allows such holds in that Chamber.

This bill is of great importance to the District of Columbia, particularly now that the city council is faced with an example of a vacancy that this bill was designed to address—and had the bill been passed by the Senate, could have been addressed. However, instead of holding the special election that we are now required to hold on April 3, the day of the city's primary, the District must hold a special election on a different day, 1 month after the upcoming primary election, at a cost to the city of an additional $318,000.

Although this bill, therefore, cannot take effect before the upcoming special election, the bill will provide the District with the flexibility in the future to conduct elections without the redundancy of coming to Congress and without unnecessary cost to the city.

The District of Columbia Special Election Reform Act makes minor changes in the District's Home Rule Charter to provide the city greater flexibility to conduct special elections for vacancies in the office of Mayor, attorney general, council chair, and other members of the District of Columbia Council.

Current law requires that a special election be held on a rigid date, the first Tuesday occurring more than 114 days after a vacancy, offering the District no flexibility.

By the way, Mr. Chairman, there were complaints when the District of Columbia had a special election some time ago that the election had to be held on a religious holiday. The District had to say, We can't do anything about it, because it couldn't change the date itself.

Instead, this bill would establish a range during which a special election may be conducted. That range would be between 70 and 174 days, giving the District the necessary flexibility to make a special election coincide with an already scheduled election, reducing the chance the city would have to schedule costly multiple elections or do so in too short a time period, and allowing the city to maximize voter turnout, for example, by not scheduling the election on a religious holiday, and to reduce the time period when residents are without representation.

Mr. Speaker, this noncontroversial bill, which the committee passed by voice vote, provides the District with the necessary flexibility for holding timely and cost-effective special elections. It involves no cost whatsoever to the Federal Government.

□ 1940

The District of Columbia Special Election Reform Act is of little, indeed, no concern, I dare say, to the Congress. But the D.C. Council cannot amend the Home Rule Charter which spells out procedures and structural matters for setting up the District, so the Mayor and the council had to come to me to introduce this local bill.

Mr. Chairman, you indicated that such bills are not exactly congressional material. I hope that you and I can work together on a broader D.C. charter reform bill to give the District the authority to amend such local matters, such trivial local matters, as far as Congress is concerned, on its own, saving Congress from having to spend the time, its very valuable time at that, on uniquely local procedural matters affecting only the local government, the District of Columbia.

I urge passage of the bill, and I reserve the balance of my time.

GENERAL LEAVE

Mr. ISSA. Mr. Speaker, seeing that there are no further speakers, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and include extraneous materials on the bill under consideration.

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

There was no objection.

Mr. ISSA. I reserve the balance of my time, but I am prepared to close.

Ms. NORTON. I thank the chairman again for the haste with which he was able to get this bill heard today.

I have no further speakers, and I am pleased to yield back the remainder of my time.

Mr. ISSA. Mr. Speaker, I urge immediate support for this important reform for the District of Columbia, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. ISSA) that the House suspend the rules and pass the bill, H.R. 3902, as amended.

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

A motion to reconsider was laid on the table.

CONDEMNING IRAN FOR ITS PERSECUTION OF YOUCEF NADARKHANI

Mr. PITTS. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 556) condemning the Government of Iran for its continued persecution, imprisonment, and sentencing of Youcef Nadarkhani on the charge of apostasy, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 556

Whereas the United Nations Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights recognize that every individual has ''the right to freedom of thought, conscience and religion'', which includes the ''freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance'';

Whereas Iran is a member of the United Nations and signatory to both the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights;

Whereas the United Nations Special Rapporteur on the situation of human rights in Iran has reported that religious minorities, including Nematullahi Sufi Muslims, Sunnis, Baha'is, and Christians, face human rights violations in Iran;

Whereas in recent years, there has been a significant increase in the number of incidents of Iranian authorities raiding religious services, detaining worshippers and religious leaders, and harassing and threatening members of religious minorities;

Whereas the United Nations Special Rapporteur on the situation of human rights in Iran has reported that Iranian intelligence officials are known to threaten Christian converts with arrest and apostasy charges if they do not return to Islam;

Whereas the Department of State's most recent report on International Religious Freedom, released on September 13, 2011, states that Iran's ''laws and policies severely restrict freedom of religion,'' and notes ''government imprisonment, harassment, intimidation, and discrimination based on religious beliefs'' including ''death sentences for apostasy or evangelism'';

Whereas in October 2009, Youcef Nadarkhani, an Iranian Christian, protested an Iranian law that would impose Islam on his Christian children;

Whereas in September 2010, an Iranian court accused Youcef Nadarkhani of abandoning the Islamic faith of his ancestors, and condemned him to death for apostasy;

Whereas the Iranian court sentenced Youcef Nadarkhani to death by hanging;

Whereas on December 5, 2010, Youcef Nadarkhani appealed his conviction and sentence to the Supreme Revolutionary Court in Qom, Iran, and the court held that if it could be proven that he was a practicing Muslim in adulthood, his death sentence should be carried out unless he recants his Christian faith and adopts Islam;

Whereas from September 25 to September 28, 2011, an Iranian court held hearings to determine if Youcef Nadarkhani was a practicing Muslim in adulthood, and held that he had abandoned the faith of his ancestors and must be sentenced to death if he does not recant his faith;

Whereas on numerous occasions the judiciary of Iran offered to commute Youcef Nadarkhani's sentence if he would recant his faith;

Whereas numerous Government of Iran officials have attempted to coerce Youcef Nadarkhani to recant his Christian faith and accept Islam in exchange for his freedom;

Whereas Youcef Nadarkhani continues to refuse to recant his faith;

Whereas the Government of Iran continues to indefinitely imprison Youcef Nadarkhani for choosing to practice Christianity; and

Whereas the United Nations Special Rapporteur on the situation of human rights in Iran has reported that, at the time of his report, on October 19, 2011, Iran had secretly executed 146 people during that calendar year, and in 2010, Iran secretly executed more than 300 people: Now, therefore, be it

Resolved, That the House of Representatives—

(1) condemns the Government of Iran for its ongoing and systemic violations of the human rights of the Iranian people, including the state-sponsored persecution of religious minorities in Iran, and its continued failure to uphold its international obligations, including with respect to the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights;

(2) calls for the Government of Iran to exonerate and immediately and unconditionally release Youcef Nadarkhani and all other individuals held or charged on account of their religious or political beliefs;

(3) calls on the Administration to designate additional Iranian officials, as appropriate, for human rights abuses pursuant to section 105 of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (Public Law 111–195); and

(4) reaffirms that freedom of religious belief and practice is a universal human right and a fundamental individual freedom that every government must protect and must never abridge.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. PITTS) and the gentleman from New York (Mr. HIGGINS) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania.

GENERAL LEAVE

Mr. PITTS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on this measure.

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

There was no objection.

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

Mr. Speaker, I want to thank the leaders on both sides of the aisle for allowing this resolution to come to the floor so promptly.

Article 18 of the Universal Declaration of Human Rights reads:

> Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.

Iran was one of the original signers of the declaration and has not removed their country from the agreement, even through changes in government.

In October of 2009, Youcef Nadarkhani was alarmed to find out that his children were being forced to participate in Islamic religious instruction at their local school.

Pastor Youcef had no radical reaction to this revelation. Indeed, he only went to the school and asked that his children be granted their rights under the Iranian Constitution to freedom of religion. These rights explicitly include parents' rights to bring up children under the religious teaching of the family.

For the crime of asking that his rights be respected, Pastor Youcef was summoned to a tribunal. There he was arrested and charged with unlawful protesting. This charge was later changed to apostasy.

After almost a year in prison, Pastor Youcef was convicted and sentenced to death. A panel of judges demanded that he recant his faith. When confronted with this demand, Pastor Youcef stated, ''I cannot.''

While it is difficult to peer past the gates of an Iranian prison, we have some evidence that there has been continued pressure on Pastor Youcef to recant and that there may have been attempts to trap him into blaspheming Islam. Despite this pressure, he has remained faithful.

With our religious freedom protected by the First Amendment, it is difficult for any of us to imagine what Pastor Youcef has been going through, torn away from his children and family, placed in a high-security prison, with the likely outcome being the hangman's noose.

Today, we're not asking Iran to respect our laws or our conventions. We're asking them to abide by the agreements at the United Nations that they have signed on to.

The authorities in Iran are not proud of sentencing Pastor Youcef to death. Indeed, the Iranian Government doesn't even want their own people to

know that Pastor Youcef has been charged for practicing his religion. State media have actually reported that he is charged with rape and extortion, not apostasy.

Millions of Iranians are members of a minority religious group. Sunni Muslims, Christians, Jews, and Zoroastrians are all proud to call Iran home. They want to live in peace with their neighbors, and they want to follow the law, but they cannot do so when their faith is under assault.

This evening, I'm proud that we have bipartisan support for this resolution. I'm proud to join with Representative KEITH ELLISON on this resolution. We stand together tonight in support of basic human rights, and we appeal to the highest authorities in Iran to spare the life of Youcef Nadharkani.

Please let this father return to his wife and his children. Further still, let the Iranian people freely practice their faith. Stand by your commitments to your people and to the world.

With that, I reserve the balance of my time.

Mr. HIGGINS. I yield myself as much time as I may consume.

Mr. Speaker, I rise in strong support of this important resolution. I would like to join my colleagues in calling for the immediate release of Youcef Nadarkhani and all of the other individuals who are held or charged on account of their religion.

I would also like to send a message to Pastor Youcef's family. Please know that the United States stands behind you, and we will do all we can to see that Youcef is set free.

Mr. Speaker, it is difficult to comprehend in this day and age that there are nations in which one is not free to practice the religion of their choosing. And in Iran, freedom of religion is not the only right Iranian citizens are denied. The Iranian regime also continues to maintain severe restrictions on freedom of expression, association, and assembly.

Tehran maintains strict control over domestic and international media, aimed at reducing Iranians' contact with the outside world. And individuals and groups risk arrest, torture, imprisonment for political protesting or cooperating with foreign human rights organizations.

□ 1950

Women's and minority rights activists and other human rights defenders, lawyers, journalists, and students are regularly arrested and harassed. Once imprisoned, detainees are ill-treated and tortured. These are just a few examples of the repressive tactics of the Iranian regime. We must continue to speak out against these injustices and call on our friends and allies to do the same.

Mr. Speaker, once again, I ask Iran to immediately release Pastor Youcef and end its State-sponsored persecution of religious minorities.

I reserve the balance of my time.

Mr. PITTS. Mr. Speaker, I yield 2 minutes to a champion of human rights, the gentleman from Alabama (Mr. ADERHOLT), chairman of the Appropriations Subcommittee on Homeland Security and a member of the Helsinki Commission.

Mr. ADERHOLT. I want to thank my colleague, the gentleman from Pennsylvania, for his work on this in authoring this resolution. I think, as Mr. PITTS mentioned, both sides of the aisle have worked together on this issue. I know many times the American people get frustrated with what goes on here in Washington, but this is a time when Democrats and Republicans have come together, Mr. Speaker, and worked together, and I think this is certainly a crucial thing that we're doing tonight.

Few times, Mr. Speaker, do Members of Congress have the opportunity to work on life-and-death issues. I would tell my colleagues tonight, Mr. Speaker, tonight is one of those issues.

As has already been said by Mr. PITTS, this is an issue where a pastor, Pastor Youcef Nadarkhani, is in prison because of his belief.

There are few things in life that a government can provide for its citizens that's more important than religious expression and a simple ability to worship as one chooses. That is why the support of this resolution tonight is so important, House Resolution 556.

We would ask that the people of this country, Mr. Speaker, would remember not only Pastor Youcef but other citizens of Iran and other countries around the world that sit in the same position as Pastor Youcef does.

But tonight, we focus on Pastor Youcef. We ask the leadership in Iran to set aside this ruling and release Pastor Youcef, and also that he can be reunited with his wife and his two young boys who are there in Iran.

Thank you, Mr. Speaker, for the opportunity to speak tonight. I urge my colleagues to support this resolution.

Mr. HIGGINS. Mr. Speaker, I yield 5 minutes to the gentleman from Minnesota (Mr. ELLISON).

Mr. ELLISON. Mr. Speaker, tonight we come together, Republicans, Democrats, Muslims, Christians, and Jews, to stand for a very simple idea, and that idea is that it ought to be the case that a person can freely profess their faith. It ought to be the case that no matter what your religion is, it's dear to you, and you should not be punished for professing it publicly wherever you are.

You know, I have not really sought out a lot of attention for my own faith, but I got some of it anyway, and the fact is that I feel so privileged to be an American where I can, for the first time ever, when I was sworn in, use a book of my faith.

As I heard about the story of Pastor Youcef, I thought to myself, wow, you know, here I am a Muslim in a Christian majority country free to swear in on a Koran when I came to Congress, and there he is a Christian facing the death penalty simply for professing his faith.

Pastor Youcef, he's a husband, he's a father. He has two young children. They're not even teenagers. They're 7 and 9 years old. I know they must be incredibly proud of their father, who would stand up against forces of repression that would kill him simply because he professed his faith in Christianity. It's wrong. I don't say it as an American only, I say it as a citizen of this small planet we live on, that every human being should be able to worship and seek the divine as they see fit.

Pastor Youcef deserves to be free. Pastor Youcef must be released. Pastor Youcef needs to walk out of that prison, grab his cross, go to his church, and lead his congregation in prayer, freely. He should be able to do it in his hometown in a local church.

All of us, no matter who you may be on this planet, you must stand for that idea, because if it can't be for one, it can't really be for any. We have to stand together, people of all faiths, all cultures, and all backgrounds and ethnicities and say that the right to seek the divine as you see fit must be an essential component of the human experience.

I also say a word of caution, and that is that the regime in Iran uses opportunities to deprive the people of human rights whenever they claim that there's a threat of war looming. I urge diplomacy because I think that whenever they can claim that they are under military threat, this allows them to crack down on any dissenter and try to use people like Pastor Youcef as an example so that other people will not freely express themselves and claim their God-given right not only to freedom of faith but to freedom of expression, the right to a fair trial.

You know, we come together in this place, this Congress that we're all in, and sometimes we debate taxes, and sometimes we debate where bridges should go, and we debate all kinds of stuff. But I pray that there will never be a debate about the simple right of every individual to worship and see God as they see fit or not to.

I just am particularly saddened when I think about how the early Muslim community, and Iran professes Islam, but early Muslims, the first Muslims were persecuted in their home of Mecca 1,400 years ago, and they fled their country, and they sought out their freedom of their faith in a distant land ruled by a Christian king in Ethiopia, and there they found sanctuary under that Christian king.

When their prosecutors and tormentors crossed the Red Sea and came into Africa and went to that king with bribes and said, Give us these people back, they're renegades, that Christian king listened to those early Muslims and said, You know what? These people are under my protection. You can go home.

I only wish tonight Pastor Youcef could get a return of that sanctuary in his own land.

Mr. PITTS. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. FORBES), chairman of the Armed Services Subcommittee on Readiness.

Mr. FORBES. Mr. Speaker, I first want to compliment Congressman PITTS and Congressman ELLISON for their leadership in this matter and to recognize tonight, Mr. Speaker, as we go through our busy lives, we often take for granted the privilege of living in a Nation that's governed by Founders who realized there were a set of rights so fundamental, so much at the core of life itself that they could not come from any State or any government but had to come from the hands of the Creator of life himself.

At the center of these rights, some would say the foundation of them, is the freedom of religion. As we travel around the world and see other citizens who do not have these rights, we may be saddened or even angered, but when the government of any nation of the world is so dangerous to the lives of its citizens that it's willing to rob one of those citizens of life itself merely because he will not recant his faith, we not only feel sadness and anger, but also fear.

Tonight, the citizens of Iran should be afraid of such an oppressive and dangerous government. Tonight, the neighbors of Iran should be afraid of such an oppressive and dangerous government.

□ 2000

Tonight, the citizens of the world should be afraid of such an oppressive and dangerous government.

They should condemn this government for its actions. They should stand with this pastor, and they should join hearts with people of all faiths around the world to pray for his life and his safety.

Every Member of this body should adopt this resolution.

Mr. HIGGINS. Mr. Speaker, I yield 3 minutes to the gentleman from New Jersey (Mr. ANDREWS).

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

Mr. ANDREWS. I thank my friend for yielding and my friends from Pennsylvania and Minnesota for sponsoring this bill.

Tonight, we stand united and strong for the release of Pastor Youcef. Although the legal case for his release is overwhelming, as Mr. PITTS has outlined, we do not rely on the law in our plea. Though our political convictions shared among everyone on both sides of the aisle I believe here are deep, our appeal is not based on politics. Instead, our appeal is based on the ineffable human quality of the loving bond between a parent and his children.

Whether one worships in a mosque, a temple, a church, a synagogue, or some other forum not known to us, whether one chooses not to worship at all, whether one lives on any of the continents of the world, practices any of the political ideologies of the world, is there not a common bond among those who feel the overwhelming love when they first hold their daughter or their son?

Is there not a common bond among those who feel the anxiety of worrying whether a sick child will be healed?

Is there not a common bond of the immense pride that a mother or a father feels when their children achieve some hard-fought goal?

Is there not a common bond of the empty and hurtful feeling that people know that someday they will have to depart from the children they love so dearly?

That day is coming all too soon for Pastor Youcef if those who are mothers and fathers, who are his captors, do not consider that ineffable human bond.

This is a man who tonight sits in prison awaiting execution because he loved his children enough to insist that they be free to worship as he and his family thought they ought to worship. This is labeled as ''apostasy.'' The act of his arrest and impending execution is a monstrous act of inhumanity.

We do not appeal to the law, though it is on our side. We do not deal from political consensus, although I believe it exists in and out of this country. Our appeal is based on the simple, ineffable quality that parents have an innate right to love their children. This man has been deprived of this right. That deprivation should not exist for another hour, another day, another moment.

We will stand strong and united in calling for the humane release of Pastor Youcef, and we pray tonight that that wish will be granted by his captors, who must understand that they have that same ineffable love.

Mr. PITTS. I would like to inquire of the gentleman if he is prepared to yield back. I am prepared to close.

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

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

Tonight, as Pastor Youcef sits in prison, awaiting a hangman's noose, I want him to know and the people of Iran to know and the people of the world to know that we stand with him. Our thoughts and our prayers are with him.

I would say to those international guests who might watch this telecast that you will never understand America until you understand that, in our Constitution, the very First Amendment contains the freedom of religion, not the freedom from religion. It contains the freedom of religion. It is not our Second, our Sixth, our 16th, or our 26th Amendment. It is our First Amendment. It is the first thing mentioned in the First Amendment—the freedom of religion: Congress shall not act to establish a religion and shall not prohibit the free exercise thereof. That comes before the freedom of the press or speech or assembly or petition of grievances.

If you want to understand America, you must understand this basic belief that the Americans have in the right of the freedom of religion.

So we ask, we implore, the authorities in Iran: free Pastor Youcef. Keep faith with the documents you've signed. Free him. Return him to his family.

I urge support, Mr. Speaker, of the Members for House Resolution 556.

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

Mr. SMITH of New Jersey. Mr. Speaker, a young Christian pastor sits today in prison in Iran—separated from his wife and young children, facing the death penalty—because he will not lie about his beliefs. He will not lie even to save himself.

He will not lie even to spare his family suffering. He is a man of extraordinary conviction. A man of decision. A man who knows what he believes. Youcef Nadarkhani will follow his conscience though it cost him everything.

Iranian courts have repeatedly asked him, on pain of death, to reject his Christian faith and say that he believes in Islam. He responds, "I cannot."

The resolution (H. Res. 556) on the floor this evening is not an attempt to say which religion is right. Rather, this is a resolution that affirms that Youcef Nadarkhani has the God-given right—even the responsibility—to believe as his conscience directs him.

No human government should interfere.

Iran is a member of the United Nations and signatory to both the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights. Both documents affirm that that every individual has "the right to freedom of thought, conscience and religion," which includes the "freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance;"

Under international law voluntarily agreed to by Iran, Youcef Nadarkhani has the right to change his religion.

He was free to change from Islam to Christianity. He is free to change back.

But the government of Iran is NOT free to force him in either direction. Iran has made a commitment to leave men like Youcef Nadarkhani in peace. This resolution calls on Iran to follow international law.

Iran sets aside seats in its Parliament for Christians and permits hundreds of churches to function across the country. And yet it also cracks down on religious minorities, falsely seeing them as a security threat.

The most recent U.S. State Department Religious Freedom Report lists numerous cases of arrest and detention of Christians, both lay people and leaders. For instance:

On April 11, 2010, government agents arrested 19-year-old Daniel Shahri, a Christian, on the basis of insulting Islam. Shahri was able to contact his parents on April 14, 2010, while being held in a prison in Isfahan. He was released on April 24, 2010 on bail and awaits a trial date . . .

On January 8, 2010, the Fars Provincial Ministry of Intelligence detained an unknown number of persons who were reportedly Christians. Under interrogation the detainees gave the names of those leading Christian groups in the area leading to further arrest.

On December 24, 2009, Pakdasht security forces raided a home-church gathering and arrested the 15 members who were in attendance. All 15 were released in early January with orders to return to sign documents. Upon returning three were rearrested and held until March 17 when they were released . . .

The report of the U.S. Commission on International Religious Freedom underscores the danger to Muslim converts to Christianity in Iran and a recent increase in arrests. This report, issued in May 2011, indicates that:

Since June 2010, more than 250 Christians have been arbitrarily arrested throughout the country. . . . In December 2010 and January 2011 alone, approximately 120 Christians were arrested. . . . During the reporting period, the number of incidents of Iranian authorities raiding church services, harassing and threatening church members, and arresting, convicting, and imprisoning worshippers and church leaders *has increased significantly*. Christians, particularly Evangelical and other Protestants, are subject to harassment, arrests, close surveillance, and imprisonment; many are reported to have fled the country. (emphasis added)

Tragically, Youcef Nadarkhani is not the only believer in prison. He is just the only one we know of who is facing the death penalty for apostasy.

Whatever the political conflicts between the United States and Iran, whatever the tensions over weapons—human rights do not change. Iran's signature on the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights has not changed.

All nations, including Iran, must respect the consciences and religious freedom of their citizens—and not practice religious coercion.

Youcef Nadarkhani is not a political pawn. He is a person—a person being prayed for by citizens around the world.

Tonight, the U.S. Congress stands with him and with all people of conscience, calling on the Government of Iran to release him and ensure his safety.

Mr. FRANKS of Arizona. Mr. Speaker, at no other point in recent history has it been more crucial for Congress to take action on international religious freedom. I would like to deeply thank my colleagues, Congressmen JOE PITTS and KEITH ELLISON, for sponsoring H. Res. 556 that addresses religious freedom in Iran. These vital issues deserve our immediate attention as we see religious persecution escalate internationally: in Iraq, for instance, Assyrian Christians were brutally murdered in their church and continue to be directly targeted by terrorist organizations; some have even been attacked and murdered on their own front doorstep. In China, thousands of Christians and Falun Gong practitioners are forced into re-education through labor camps while the lawyers that try to defend them are often imprisoned. Uygur Muslims and Tibetan Buddhists are targeted as separatists because of their faith.

Mr. Speaker, commitment to religious freedom is not just for one faith community but for people of all confessions throughout the world and across political lines. Religious freedom is not only for Americans or Christians or Republicans or Democrats, it is a sacred right for all humanity. The U.N. Declaration of Human Rights, of which Iran is a signatory, allows for the ''right to freedom of thought, conscience and religion'' and this right includes the freedom to change religion or belief. I would like to note that Pastor Yousef was imprisoned and charged with apostasy in direct violation with the international standards that Iran had accepted. The fundamental right of religious freedom, furthermore, is enshrined in Iran's Constitution in Articles 13, 14, and 23.

Mr. Speaker, the Pitts-Ellison resolution condemns the Iranian government, one of the most horrific perpetrators of religious freedom violations, for its repression of religious minorities. It focuses, in particular, on the case of Pastor Yousef Nadarkhani, a Christian with the Church of Iran denomination, who faces imminent execution for his faith. Pastor Yousef's arrest and imprisonment resulted from questioning the mandate from the government of Iran that all school children be taught Islamic teachings.

Mr. Speaker, one of the most precious rights parents can have is having the freedom to educate their own children and bring up their children the way they believe is best for their family. Pastor Yousef was not given this foundational right to instill in his children a respect for freedom of religion and conscience. As the author of The Children's Hope Act, I know how critical it is for parents to make their own independent decisions about the education of their children. No parent should have to face death, as is the situation for Pastor Yousef, just for asking his government to grant him freedom of religion, even if that freedom of religion was narrowly defined to the freedom to educate and practice his faith in his own home.

Mr. Speaker, the case of Pastor Yousef is only one of many other deplorable religious freedom cases in Iran. A close personal friend of Pastor Yousef and a member of the Council of Elders for the Church of Iran described the egregious situation for Christians in the Middle East as strikingly similar to ''the final decision in Germany,'' when the Nazis religiously and racially ''cleansed'' German society of the Jews. This elder ended by saying that the ''international reaction [to the religious cleansing in the Middle East] is also like the time of Hitler. They waited and didn't react until it was too late.'' In Iran, at least 285 Christians were arrested during the first half of 2011 without reaction.

Mr. Speaker, one such case of the silently persecuted is Masoud Delijani, a school teacher in Kermanshah, Iran, who was arrested by plain clothes intelligence officers in March 2011. He was arrested, together with his wife and nine other Christian converts, when they had gathered in a house church for a service. He was held in solitary confinement and was severely pressured both mentally and physically. The court eventually charged him with having faith in Christianity and for holding illegal house church gatherings.

Mr. Speaker, the Revolutionary Court of Kermanshah province recently sentenced Masoud Delijani to three years in prison. Sources report that his trial was anything but fair: he was denied the right to choose his own advocate or defend himself against the charges levied. Masoud Delijani is now being held in Deizal-Abad prison of Kermanshah to serve his three-year prison sentence. The central prison of Kermanshah is described as horrendous and sickening by knowledgeable sources.

Mr. Speaker, the cases described above would largely go unnoticed and the persecuted would be forced to suffer if we are silent. Given our own freedoms in America and the responsibility to represent the concerns of our constituents who are concerned with the suffering of persons and families abroad, I believe we have a personal responsibility to stand up for justice and support those who are persecuted. I would also urge other world leaders to not wait to speak out on behalf of Pastor Yousef and his universal right of religious freedom until it is too late.

Mr. Speaker, Alexander Hamilton, one of the architects of our Republic, said, ''The sacred rights of mankind are not to be rummaged for among old parchments or musty records. They are written, as with a sunbeam, in the whole volume of human nature, by the hand of the divinity itself; and can never be erased.''

Mr. Speaker, may the right of religious freedom touch those around the world and persons of all faiths, and may future generations walk in the sunlight of that most inalienable and universal freedom.

Mr. BERMAN. Mr. Speaker, I rise in strong support of H. Res. 556, which condemns the Government of Iran for its persecution, imprisonment, and sentencing to death of Pastor Youcef Nadarkhani.

Pastor Youcef is a 34-year old father of two who was arrested over two years ago for the crime of converting from Islam to Christianity. In October 2009 he was tried and found guilty of apostasy—and sentenced to death-by-hanging. More recently, the Iranian Supreme Court upheld the sentence.

Iranian law requires that a man accused of apostasy be given three chances to recant his beliefs and return to Islam. Pastor Youcef was given his three chances. In every instance, Youcef refused. Nothing, not even the threat of death, would discourage him from remaining true to his faith. He proved himself as religiously committed as he is physically, and morally, courageous.

Mr. Speaker, last September President Obama said, Pastor Nadarkhani has done nothing more than maintain his devout faith, which is a universal right for all people. . . . A decision to impose the death penalty would further demonstrate the Iranian authorities' utter disregard for religious freedom, and highlight Iran's continuing violation of the universal rights of its citizens.

Mr. Speaker, the resolution before us condemns the Government of Iran for its state-sponsored persecution of religious minorities and for its repression of freedom of thought and of religion, and calls for the immediate release of Youcef Nadarkhani and of all other individuals held or charged on account of their religion.

The House of Representatives should stand in solidarity with Pastor Youcef. I encourage all of my colleagues to support this important resolution.

Mr. WOLF. Mr. Speaker, I rise in strong support of H. Res. 556, a resolution condemning the government of Iran for its ongoing repression of religious minorities, including 34-year-old Pastor Youcef Nadarkhani. I was an original cosponsor of this resolution, and

thank my friend Congressman PITTS for introducing this important legislation.

Just this past week, Iranian authorities renewed an order of execution for Christian Pastor Youcef Nadarkhani, a young father of two. Pastor Nadarkhani was originally arrested in 2009 for protesting the teaching of Islam at the public school that his children attended. He was later charged with apostasy which carried a much more severe penalty. Since 2009 he has been subjected to repeated attempts to coerce him to recant his faith—which he has courageously refused to do. Rather, Pastor Nadarkhani's perseverance in the face of this injustice is a source of great inspiration. In a 2010 letter from prison, he wrote that the true believer, "does not need to wonder for the fiery trial that has been set on for him as though it were something unusual, but it pleases him to participate in Christ's suffering. Because the believer knows he will rejoice in his glory."

Indeed, Pastor Youcef has faced a "fiery trial." And now, according to a February 22 Fox New story, the latest developments mean that Pastor Youcef may be "executed at any time without prior warning, as death sentences in Iran may be carried out immediately or dragged out for years."

Pastor Youcef's case is just the latest example of Iran's attacks on basic human rights, including freedom of religion. In recent years, there has been a significant increase in Iran in acts of repression and discrimination against religious minorities including Bahai's and Christians. These actions show a continuing disregard by Iranian authorities for the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights as well as its own constitution.

In addition to supporting this resolution condemning Iran for these shocking and flagrant violations of fundamental freedoms, I call on the government of Iran to immediately and unconditionally release Pastor Youcef Nadarkhani.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. PITTS) that the House suspend the rules and agree to the resolution, H. Res. 556, as amended.

The question was taken.

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

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

The yeas and nays were ordered.

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

APPOINTMENT OF MEMBERS TO BOARD OF VISITORS OF THE UNITED STATES MILITARY ACADEMY

The SPEAKER pro tempore. The Chair announces the Speaker's appointment, pursuant to 10 U.S.C. 4355(a), clause 10 of rule I, and the order of the House of January 5, 2011, of the following Members of the House to the Board of Visitors of the United States Military Academy:

Mr. HINCHEY, New York;

Ms. LORETTA SANCHEZ, California.

FREEDOM OF RELIGION

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

Mr. PEARCE. Less than 1 month ago, Kathleen Sebelius issued a finding that said that every insurance company in the country would have to offer insurance products, some of which would offend the faiths of many people. This is against our Constitution, and it is against the rights of conscience of a free people.

Mr. Speaker, across religious lines, the people of New Mexico and the people especially of southern New Mexico—Catholic, Protestants and people of no religion, people across cultural lines, and people across racial lines—are gathering this Saturday: this Saturday to protest, this Saturday to stand and say that the government needs to back up out of our church.

This is not a Republican issue. This is not a Democrat issue. This is an issue of the Constitution and of a freedom-loving people.

So I encourage all who are across this United States to begin to organize and stand in the streets to tell the government that enough is enough. We are meeting this Saturday, March 3, in Las Cruces, New Mexico, from 1:00 to 2:30. It will be a very large gathering. There will be speakers from both parties and from all faiths.

We think that it is time for Americans to be united together again, as one people, against a government that has become too strong.

□ 2010

HOUSE ENERGY ACTION TEAM HOUR

The SPEAKER pro tempore (Mr. GIBBS). Under the Speaker's announced policy of January 5, 2011, the gentleman from Colorado (Mr. GARDNER) is recognized for 60 minutes as the designee of the majority leader.

Mr. GARDNER. Mr. Speaker, I'm here tonight for one reason: to stand up for hardworking Americans who are spending far too much when they fill up at the pump, and I'm here for that same American who turns on the TV or reads the newspaper after a long day at work to see that Iran is threatening to cut off our oil supply out of the Middle East and to see continued inaction by this administration to discourage energy projects, energy production that would lower the price of gas here at home. These are Americans that are scared. They simply don't have the money in their pocket, in their budget to pay for these high prices, $60 to fill up a tank of gas, $80 to fill up the tank of gas.

I find it increasingly more difficult to explain to my constituents from rural Colorado why this government isn't advancing policies that will bring down the prices at the pump. It pains me the look on people's faces when they tell me that they're making $10 an hour and are paying upwards of $4 for a gallon of gas. What are they supposed to do, Mr. Speaker, stop going to work because gas is so expensive?

We are facing a significant crisis, and it's a travesty, it's a shame. My colleagues here tonight are here to say we will not stand for it.

How do I go back home this weekend to explain to my constituents why gas prices have risen $1.80 per gallon since this President took office? How do I explain that this administration may be willing to tap the Strategic Petroleum Reserve, which is only to be used when there is a severe energy supply disruption, instead of opening up more land for exploration, which brings me to my next point.

Mr. Speaker, this administration alleges that it has opened up vast amounts of our lands for leasing. In fact, just a few days ago, on February 23, at the University of Miami, I quote:

Under my administration, America is producing more oil today than at any other time in the last 8 years.

This is simply false, a false telling of reality. While it may be true that new production is occurring on private lands where the President can't involve his anti-energy administration, Federal lands and offshore development is far below what it has been in previous years. Let me cite to you some very startling statistics.

According to an article on E&D on Monday, just a few days ago, production of natural gas on public lands and waters in fiscal year 2011 dropped 11 percent from 2010. That's a drop of 11 percent on public lands and waters in fiscal year 2011. Oil production on Federal lands dropped 14 percent since last year, and this reduction was most significant in the gulf, which declined by 17 percent since 2010.

According to a Wall Street Journal editorial from the other day, drilling plans have historically been approved 73 percent of the time. Since the beginning of 2012, the President has only approved 23 percent.

Approval of an offshore drilling plant typically takes about 92 days right now. That's 31 days over average.

In 2000, just 12 years ago, 32 percent of our oil was from Federal lands. Why? In 2010 that number shrank to 19 percent of total U.S. production. Let me say that again. In 2000, 32 percent of our oil was from Federal lands. In 2010 that number shrank to 19 percent of total U.S. production.

We aren't opening up our Federal lands for development, and that's the reason for the significant drop. The total onshore acreage leased under this administration in 2009 and 2010 is the lowest in over 20 years.

Mr. Speaker, the President has claimed that he is opening up new offshore areas for production and more land for leases. Again, this is false. Many of these lease sales were already

scheduled to take place before he even took office. One was even cancelled for a year by the administration and is now being reinstated. His plan even closes the majority of the OCS to new energy production through the year 2017.

In recent days and months, we have seen the President touting an all-of-the-above energy approach, but his actions speak louder than his words, and they do not promote an all-of-the-above energy strategy. This administration has blocked energy production on Federal lands and decreased overall domestic energy production across the board. And I want to share with you just a few of these examples.

Tonight we are joined by the House Energy Action Team, a group of Members from across the country who are dedicated to sharing with their constituents in this country the policies that we have passed in this House with bipartisan support to encourage energy production to make sure that we are increasing and encouraging natural gas development, oil developments, all of our natural resources in a true all-of-the-above energy strategy. The HEAT action team, the House Energy Action Team, is once again sharing that strategy and contrasting ourselves with the strategy that this President has presented over the past 3 years of his administration.

So the President can claim all he wants to be supportive of an all-of-the-above energy strategy—said it just a few months ago from this podium right behind me in the State of the Union address, supporting an all-of-the-above energy strategy—but let's actually talk, let's actually talk about what the President's policies have resulted in.

On oil and gas, he's withdrawn oil leases from Utah, costing 3,000 jobs; withdrew oil and gas leases from Montana; issued a moratorium on gulf drilling, costing 12,000 jobs; reinstated a ban on drilling off the entire Pacific coast; announced he would regulate hydraulic fracturing.

Again, the President claims to be a supporter of an all-of-the-above energy policy, but on coal he pulled a permit from a West Virginia mine, costing 250 jobs; announced the merger of BLM and OSM, which could move domestic coal one step closer to extinction in this country.

When it comes to nuclear energy, this President has blocked uranium mining in Arizona for 2 years. He has personally abandoned the Yucca Mountain waste site, jeopardizing the future of nuclear energy in this country; imposed a 20-year ban on uranium mining, increasing our 90 percent already, our 90 percent dependency on foreign sources.

Even on renewable energy and this President's green energy agenda, this President has closed all but 2 percent of Federal lands from renewable energy development. He's left open only 670,000 of 30 million acres of land for solar development.

Again, the President claims he is for an all-of-the-above energy strategy, when, in fact, what we have seen is this President is actually for none of the above. This chart—I know it's impossible to read—details the inaction of this administration, in fact, some very harmful actions to our energy policy where he has stopped, delayed, repealed energy production in this country.

Again, tonight, we are going to be hearing from many Members around the country to discuss how we can advance a strong energy policy, one that creates American jobs with American energy, building our energy security for future generations. There is one great way to power our economy, and that's to turn to our energy sector to create jobs and opportunity.

With that, I yield to another great leader on energy issues, the gentleman from South Carolina (Mr. DUNCAN).

Mr. DUNCAN of South Carolina. Well, let me thank the gentleman from Colorado for his dedicated service to not only the State of Colorado but to our Nation.

We have been coming to the floor talking about the increasing prices of energy across America. Since we came back in January, we have taken to this floor to talk about the very poor policies coming out of the administration.

□ 2020

And just to give you an example of that, on Inauguration Day of President Obama, AAA said the gasoline prices in America averaged $1.84 a gallon. Today, gasoline prices are averaging across this great land $3.73 a gallon. That is a 102 percent increase during the Obama administration. But yet he will claim, the administration will claim, that they have increased domestic energy production. They've increased onshore and offshore drilling, and apparently oil and natural gas are just bubbling up out of the ground and providing this. But, America, that's not the case. That's not the case. Gas prices are going up simply due to two factors—supply and demand. Those are the things that contribute to the price of a barrel of oil in the world. Supply and demand.

Now, I admit that world demand is up even while United States demand is lower than it was in 2008. World demand is up. So that's one factor. But the supply factor. Americans know that we are tremendously dependent on Middle Eastern oil. We've got the resources here in this country. If this administration will just get out of the way and allow us to harvest our natural resources, we would be energy independent.

But let me tell you what the administration apparently has as a policy goal, and this comes from the White House statement on the Keystone pipeline. The gentleman from Colorado has heard me say this—I think this is the fourth time—but America needs to hear it again because President Obama said this. He said:

Decisions here in Congress to force the decision on Keystone pipeline do ''not change my administration's commitment''—this is from the White House Web site, and I recommend you go look at it for yourself—''it does not change my administration's commitment to American-made energy that creates jobs''—and listen closely—''and reduces our dependence on oil.''

Now, at one time he was talking about these abundant supplies, this increased onshore and offshore drilling and production in this country. But yet his own words say ''commitment to American-made energy that creates jobs and reduces our dependence on oil.''

Now, when you first heard that, you thought, I agree with that. He wants to lessen our dependence on foreign oil and Middle Eastern oil, but no, no, no. That's not what he said. He said lessen our dependence on oil, period. Not foreign oil, not Middle Eastern oil, lessen our dependence on oil.

So you take that with his Secretary of Energy, Steven Chu. Steven Chu, before he was appointed as Secretary of Energy in this country, said this: ''Somehow we have to figure out how to boost the price of gasoline to the levels in Europe.''

Now Europeans in England and Germany and France, they're paying $7, $8, $9 a gallon for gasoline. America, under these policies, that's where we're headed. Under the words of Steven Chu, the Energy Secretary, he said: ''Somehow we have to figure out how to boost the price of gasoline to the levels in Europe.''

It shouldn't surprise you that's what they want to do—lessen our dependence on oil, period. And that's propagating policies and giving money away to companies that supported him in his election campaign, companies like Solyndra, $535 million, gone, America, your tax dollars that I know you're working hard for every day.

In South Carolina, my constituents, they go to work every day. And they earn the hard-earned dollars. They go to work, and they're thinking when they're filling up their gas tank at $3.75 a gallon, $4 a gallon diesel fuel—I drive a diesel, so last week I couldn't fill my truck up, because I'm hurting just like other Americans, and how much I have to take out of my wallet to fill up my truck, and what I could use that money for in other ways, whether it's to take my family out to dinner or pay off some debt or do some things that we normally would do with that money, but now we're having to take more dollars out of our pockets to put fuel in our car to drive to work. And so Americans are thinking: How many hours of my workday on my job am I working just to pay for the gasoline I just paid to get to work and to get home?

Four dollars a gallon gasoline for diesel fuel, and America, think about this: Think about the farmers that are putting diesel fuel in their tractors to plant the food that you're going to buy

at the grocery store. Input cost. Input cost on the front end affects the price on the back end.

Mr. Chu, the Secretary of Energy, said this. He's calling for gradually ramping up gasoline taxes over the next 15 years to coax consumers into buying more-efficient cars and living in neighborhoods closer to work. This European model where we'll all live close in town and we can walk to work or bicycle. That's the optimal thing in their eyes. We don't live that way here in America. We like our freedom. We like to get in our cars and drive ourselves to work. The policy of this administration is affecting what you pay at the pumps, and it's very clear using the President's own words about gasoline and about oil.

So we are seeing rising gasoline prices, and we've got the power to do something about that here in America. We have the capacity, the resources in this country that far exceed what's found in Saudi Arabia. Far exceed by hundreds of billions of barrels of oil more than what exists in the Saudi oil reserves here in this country. We've got them. We're buying a lot of oil from Canada. We talked about the Keystone pipeline. The gentleman from Colorado and I have talked about this numerous times. But instead of pursuing American energy independence, beyond that why can't we pursue maybe North American energy independence and buy from our largest and best trading partner, Canada, if our policies are going to keep us from drilling off our coast in South Carolina, or off the coast of Louisiana, Mississippi, and Texas, places where there are proven reserves, and we've been pumping oil for a long time?

Or going onshore. North Dakota. North Dakota has an energy-driven economy. Their unemployment rate is 3 percent or less. They're pumping oil out of the Bakken oil fields there in North Dakota. President Obama is taking credit for increased oil production in North Dakota, but back up, because the oil that's being pumped out of the ground in North Dakota isn't on Federal land, and it isn't because of any policies of this administration. The permits were issued during the last administration and the one before that, and we're producing oil on State and private lands in North Dakota. It's not Federal lands; it's State lands. It's private lands. Unemployment is 3 percent. Good paying, long-term jobs, energy-driven economy in North Dakota.

But guess what? The Bakken oil field extends beyond the borders of North Dakota, and it goes into Montana and other States. Well, if you go across that artificial border between North Dakota and Montana into the same oil field known as Bakken, you're not going to find any energy production over in Montana. You know why? It's because it's on Federal land. And that Federal land has been off the table for energy production and energy exploration. But over where it's on State and private land, it's gangbusters. It's going gangbusters, 3 percent unemployment in North Dakota. That's a telling sign, America, on what you do when you go after your own resources and you produce American resources to meet our American energy needs.

I heard the gentleman from Colorado talk about an all-of-the-above energy strategy, and I've heard the President here at the State of the Union say the same thing. But, you know, in my opinion an all-of-the-above energy strategy says (a) first, we're going to take care of a proven technology of oil and natural gas to meet our immediate energy needs. And then we're going to continue to expand nuclear power in this country because it's proven, it's tried, and we can expand that.

I applaud the new permit in Georgia for a new reactor. We're going to have one very soon in my home State. It'll be the second in about 30 years where we've permitted a nuclear power plant to provide electricity to this country. But the President, he likes this global warming cap-and-trade scheme. And he says that under his plan of a cap-and-trade system, ''electricity rates would necessarily skyrocket.'' Electricity rates are going to skyrocket. Well, we've got the ability to build more nuclear power plants and permit those that are underway and provide good, stable electricity in this country. So all of the above includes oil and natural gas, energy exploration, offshore, onshore, where we have those resources, and expanding nuclear power plants in this country, looking at the things that are tried and true and allowing the free market, not your tax dollars, America, but the free market to determine the winners and losers with regard to green energy.

If it works, if it can be successful, I guarantee you, there are American investors and worldwide investors that would invest their own hard-earned dollars at their own personal choice to invest in that technology, and they will pick a winner because on the back side they're going to make a profit.

But that's not what's happening. This administration is taking your tax dollars, and they're making your investment decisions for you in companies like Solyndra. They're picking the winners. They're picking the losers. It's wrong. It's got to stop.

Mr. GARDNER. I thank the gentleman from South Carolina, and I know the gentleman from Arizona is going to be joining us in this debate, this conversation tonight.

You mentioned some quotes, some statements made by Secretary Chu. You talked about the statement where the President had said under my plan, electricity rates would necessarily skyrocket.

□ 2030

You talk about Secretary Chu talking about how he wants to boost the price of gasoline to the levels in Europe. Have you ever heard this President talk about expanding production in the United States or adding U.S. domestic capacity to actually decrease the cost of gasoline?

Mr. DUNCAN of South Carolina. Gentleman from Colorado, that's a great example. I've never heard him talk about that. The administration talks about the exact opposite. They want us to pay for what Europeans pay for oil and natural gas. They want to see us move toward a green energy economy, and they want to create policies, tax policy and regulatory policies, that are going to force you, as Americans, to buy what they want you to buy, and that is an electric car.

Mr. GARDNER. And I would point out to the gentleman, too, as he knows, we've seen gas prices increase dramatically around the country. In South Carolina, I think gas prices have increased 10 percent from just a year ago.

The gentleman from Arizona who joins us now in the conversation is—New Mexico—has seen tremendous price increases, as well.

With that, I yield to the gentleman from New Mexico, my neighbor to the south.

Mr. PEARCE. Thank you. I would gladly be from Arizona, except I'm representing New Mexico, and I'll stick there for awhile.

My father worked for the oil industry my entire life. We grew up in the oil industry in southeast New Mexico. Back in the late seventies and early eighties, the company that my dad worked for, Humble, and later Exxon, began to tell all the employees that oil would be out, that it would be finished in eastern New Mexico and that they would need to get their affairs ready to be transferred somewhere else.

Now, my dad retired in the late eighties, and the oil fields are still viable in Lea County, New Mexico, because of increasing technology. The ability to drill laterally has really revolutionized the ability to produce energy, and also the 3–D seismics have been very effective at finding now sources of oil. So basically what we're finding is that the old estimates of how much oil was left in the U.S. have been grossly inadequate. With the new finds all the way across the country, this Nation could be self-sufficient in oil, except there are people here in Washington who absolutely do not want us to be self-sufficient. They want the pressure on the economy. For some reason, they believe that we should have a level playing field with the European countries that have to import all of their energy.

I think that America should be allowed to develop its resources that it's blessed with. I believe that the American people should be allowed to work in careers and in jobs that pay good money. Other people in Washington think that we should shut down all of the timber production, all of the oil and gas production and all of the mines and convert over to hospitality jobs. The hospitality jobs do not pay

enough. They're fine jobs, but they don't pay enough to raise families. So we have these different visions of America where one says we're going to shut off the resources, we're not going to develop them, and the other group says, yes, we must have American energy, we must have American jobs, and we must improve the economy.

We're facing times when our budgets are completely unworkable. This coming year, we're looking at $1 trillion in deficits. We're going to spend about $3.9 trillion, and we're going to create revenues of about $2.9 trillion. Now, people at home can do the math. That's a deficit of $1 trillion, $1.1 trillion.

Now, a magical thing happens when we start creating jobs in America. People are saying, Can you cut your way from 3.9 to 2.9? I don't think that we have to do that. Every time that you put someone to work, they come off of food stamps and they come off of unemployment, so the cost of government begins to decrease with every job you create. Additionally, those people will pay taxes. And so if we would allow the jobs to be created, they would be forming daily. If we would just open the doors to energy production in this country, then we would see our economy moving toward balance, and that's what we desperately need. We need our checkbook balanced, because that's the only way we're going to sustain the economic future of this country.

Now, people just can't believe that Washington would put oil and gas off-limits completely. They can't believe that the country's leaders would make life that much more difficult for them to pay their bills, to send their kids to school, and to feed and clothe their children. They can't imagine policymakers in Washington who would willingly do that. And yet you have repeatedly heard the President and his staff say that we need the price of gasoline to go up, we've got to figure out how to increase it. Well, they've figured out how to increase it, and that's simply to limit the drilling of it.

I think this year's elections will pin on the cost of gasoline and the functioning of this economy. People across America are desperate for job creation, not just any jobs, not just minimum wage jobs, but those jobs where you can get in it and make a career, like my father who worked his whole life in the oil and gas industry. It was a good living for his family. That's the sort of jobs that Americans are looking for, and that's the sort of jobs that we can create.

But how are American policymakers putting the oil and gas off-limits? For instance, shale. America is the Saudi Arabia of shale oil. And yet in 2007, the Pelosi House passed a bill that put all of the shale production in Colorado completely off-limits. That's just wrong. We should be exploring every opportunity for energy.

Another way that they're limiting the production is that they're just not processing the applications to drill. So you have a lot of people who would invest a lot of money right now creating jobs, but the Federal Government will not process the application for permits to drill on Federal lands. Much of the West is Federal lands. New Mexico is about 33 percent Federal lands. Other States have as much as 80 percent Federal lands, and those are being completely eliminated from oil and gas production, from mining, from timber and from other jobs that could be created.

And so we find an administration and a mindset in Washington that says we're going to starve America for jobs, we're going to starve America for energy, and we're going to send those jobs overseas. I think that Americans are waking up and realizing that it does not have to be that way. We don't have to be paying $4 for gasoline.

People here in Washington routinely say that we cannot drill our way out of the problem. I hear that a lot. But if you look at the cost of natural gas, the price of natural gas today, you'll see that it has diminished tremendously because we have drilled our way out of the shortage that existed just 4 or 5 years ago.

The price of natural gas spiked around $10. Today it's less than 4. We have to understand that you can produce more energy, you can get the cost down, but a government has to stand aside and let the people work.

I just returned from Vietnam, a known communist country, and yet they're hungry for production of energy. The Communist Chinese are looking for new oil and gas supplies. They're drilling just 47 miles off the coast of Florida, and yet this country will not let American firms drill 45 miles off the coast of Florida. So we continue to see policies come out of Washington that are strangling the economy for oil and gas and driving the prices up.

It's just not the oil and gas, though. The sad thing is they're doing the same thing to electricity. Two electricity generating stations in New Mexico are being told to shut down energy production. We suffered rolling blackouts just a year and a half ago, and we're being told to shut down electrical generation? These are not generators that would not produce. These are generators that they're saying, well, they might be contributing to some pollution. They can't prove it.

The standards that they hold us to need to be measured by a computer, because the naked eye can't see the difference in the haze that they're trying to demand the improvement of. So, again, we see policymakers who are willingly making life more miserable and more difficult for the average American.

The Republicans in Congress today are speaking up for the average homeowner, the average person that goes to work every day, does their job, goes home and raises their family. We need to support those kind of people, and I compliment the gentlemen, both of them, especially the gentleman from Colorado, for leading this fight for lower energy prices. It's a commonsense thing, and we need to back him up.

Mr. GARDNER. I thank the gentleman from New Mexico. Before he yields the floor, I wanted to ask him a quick question.

I know you've done tremendous work with the Western Caucus. You're a cochair of the Western Caucus trying to make sure you are eliminating regulations to do what we can to improve the economy of the Western United States, and I just wanted to share with you a quote from our colleague in the Senate, Senator SCHUMER from New York. This was February 27, just 2 days ago, a quote from The Hill newspaper. He is talking about trying to find solutions to increasing gas prices. Here is what he had to say:

To address the situation, I urged the State Department to work with the Government of Saudi Arabia to increase its oil production, as they are currently producing well under their capacity.

So, apparently, many of our colleagues, some in the Senate, think that the solution to the way out that we have isn't here in the United States at all. In fact, it's creating more dependency on overseas oil instead of developing in areas like the Western United States.

I know you've done tremendous work to open up access to energy in the Western U.S., and I don't know if you had seen that comment or had time to reflect on it.

□ 2040

Mr. PEARCE. I have not seen the comment, but it's standard that comes from some here in Washington. You have people who are saying, They should develop their resources, but, oh, we should not develop ours. It's that mindset that is killing American jobs. It's that mindset that's killing American energy, driving prices up.

The American families are struggling. Hardworking families are struggling under the demands of just raising their families. And it is abysmal that Washington policymakers in either body are having that kind of mindset.

Across the West, we see a continuing failure to give access to public lands. That's one thing that we're fighting in the Western Caucus. I would refer any of the people in this body or any of the people watching this program to go online, take a look at the Western Caucus, the Jobs Frontier—over 40 pieces of legislation that would bring on jobs, each one of them designed to bring on jobs with no government investment. That would all be private money creating private jobs. Also, there are bills which are designed to stop the government from killing 3 million more jobs this year. So the Western Caucus is hard at work trying to preserve the economy of the United States. And I appreciate you bringing that up.

Mr. GARDNER. I thank the gentleman.

The gentleman from South Carolina, again, some of our colleagues would like to see energy production increase in Saudi Arabia. They'd, I guess, stand idly by while this administration nixes, vetoes, puts a fork in the Keystone XL pipeline; yet they'd rather see those jobs go overseas. They'd rather see that energy production occur overseas instead of doing it right here in our own backyard. I'm sure our colleagues mean well, I'm sure they're well-intentioned, but I certainly hope they would produce those jobs here, produce that energy here, develop an energy policy that is with American jobs for our security.

Mr. DUNCAN of South Carolina. If the gentleman will yield.

Mr. GARDNER. I yield to the gentleman.

Mr. DUNCAN of South Carolina. You're exactly right. These are about American jobs going overseas and American tax dollars going overseas, and American-earned income. Because, as I mentioned earlier, you're digging deeper into your wallet, taking out—instead of a $20 bill to fill up a gas tank, taking out a $100 bill. Americans know what they could do with the rest of that money, the difference there.

I get a little passionate about this issue, and I apologize to the ladies here in the Chamber that have to record what I say, but I'm not alone in this. America is passionate about this as well because they know we have the resources here and they know we can be energy independent and we wouldn't be giving money to Middle Eastern countries, who a lot of times don't like us maybe as well as the Canadians and other countries closer to home like us.

I spouted off some things about Federal land and State land and North Dakota and Montana a minute ago, so let me just tell you: in 2000, Federal oil production accounted for 32 percent of the total U.S. energy production. In 2010, after 2 years of the job-destroying Obama administration policies that I mentioned earlier, Federal production only accounts for 19 percent of the total U.S. oil production. That's an 11 percent decrease.

When I think about the year 2000, I think about some of our friends on the other side of the building, and JOHN KERRY and some of these guys that said, you know what, if we decided to drill today and open up new lease areas and do energy exploration, whether it's the Outer Continental Shelf, it won't have any effect on the price at the pump for Americans because it takes about 10 years for that to come online and start producing oil. But, hey guys, that was 10 years ago. What impact would those policies of drilling in ANWR or off the Outer Continental Shelf or more onshore production, what impact would that have had on the price you pay at the pump today?

I think we've got to get serious about American energy exploration and production here. The journey of 1,000 miles begins with a single step. We need to take that step today. I'll tell you, the House Republicans have done that with numerous job-creating, energy-production bills that have passed out of this Chamber that are languishing in the abyss known as the United States Senate—that's failed to pass a budget for our country in 1,036 days, that's failed to take up American energy-independence bills, job-creating bills that we passed out of this Chamber.

So energy production is down on Federal lands, and the Obama administration is taking credit for increased production and saying we've opened up new offshore areas. But the data I have says there's less offshore acreage open for energy exploration and production now than when President Obama took office when nearly 100 percent of the Outer Continental Shelf was opened up under the Bush administration. They lifted the moratorium for energy exploration, let alone production.

Listen, I served for 18 months on what was known then, under the Mineral Mining Services of the Department of the Interior, the OCS, or Outer Continental Shelf, 5-year Planning Subcommittee where we looked at the next 5-year plan for this country on what areas we were going to open up offshore. What areas were available for us to even talk about were small grid squares in the western Gulf of Mexico, nothing in the eastern Gulf of Mexico, nothing in the Atlantic Ocean, nothing off the coast of California, nothing off the coast of Alaska except for another small square.

This was prior to the latter years of the Bush administration when he decided, you know what, American energy independence means we need to open up the Outer Continental Shelf and really see what's out there and begin energy production. But the 5-year plan we looked at looked at these grid squares, and we were going to recommend a lease/sell, where we were going to offer leases to those areas, to the energy companies so they could go out there and explore and produce those resources.

Well, the Obama administration has taken a lot of that off the table. They haven't created a new 5-year plan. They're going to say they just came out with a new one, but I believe it's just all for looks.

The total onshore acreage—I was talking about offshore—but the total onshore acreage leased under the Obama administration in 2009 and 2010 is the lowest in over two decades. We're not talking about ultra-Deep Horizon accident-type offshore production.

Mr. GARDNER. Will the gentleman yield on that point?

Mr. DUNCAN of South Carolina. I yield to the gentleman from Colorado.

Mr. GARDNER. Because, again, going back to a speech given recently by this administration, by this President, he said at the University of Miami that we have record oil production, that he's actually leading us out of this energy crisis.

Mr. DUNCAN of South Carolina. Energy production might be up in this country, but it has nothing to do with the policies of this administration. It goes back to the previous administration that said, you know what, we're going to open up Bakken because the geological survey found a ton of oil reserves there. In your home State, the oil shale in the Rocky Mountains, Colorado, could be the next Saudi Arabia if we were to allow onshore production for oil shale in the Rocky Mountains. I know the gentleman from Colorado probably wants to talk about the oil shales of Colorado.

Mr. GARDNER. Well, I absolutely do. In fact, not only talk about the oil shales of Colorado, but this entire country where we actually are home—the United States is home to six times Saudi Arabia's proven resources because of the potential for oil shale in this country—1.5 trillion barrels of potential oil shale. That's six times Saudi Arabia's proven resources. That's enough energy to power the United States for the next 200 years.

The gentleman talked about legislation that we have passed to try to keep jobs. You talked about some of the comments that were made that, well, that won't impact our supply until sometime over the next 10 years. Let me just tell you about one bill that we passed last summer, H.R. 2021, passed with bipartisan support.

That bill was focused on a particular project in the Beaufort and Chukchi Sea north of Alaska. In the time that it has taken one company to get a permit for that energy development—an area that's already approved for energy development by this government—it's taken 6 years to get a permit. In the time that it's taken them to try to get that permit—they still don't have it completely done, by the way—but in the time that it took them to get this far, they've drilled over 400 wells around the world, creating jobs around the world, creating energy for other people, creating jobs and resources, economic development for other people, but certainly not in the United States.

Mr. DUNCAN of South Carolina. You're exactly right.

You know, we had a tragic accident. Nobody is running from the fact that Deepwater Horizon was very tragic in the Gulf of Mexico, and we'll learn from that. The oil companies, energy production companies will learn from that. But during that moratorium under the Obama administration—and then later he said he lifted the moratorium, but there was a de facto moratorium because they were failing to issue leases and permits for continued drilling out there.

For companies that already invested billions of dollars in purchasing the rights to those lease areas to explore for energy and produce energy, they were languishing out there, waiting on

the drilling permits to come back from Washington. The Department of Energy and the Department of the Interior were slow-walking these permits. And so at some point in time those energy companies said, you know what, we're going to drag those drilling platforms out of the Gulf of Mexico.

They towed them to the shore offshore of Brazil, to the seas offshore Brazil and the seas offshore of Africa. Today, they are drilling for energy in other countries. And we had them here in the Gulf of Mexico producing American energy to lower the price at the pump for American consumers. It's very expensive to get those drilling platforms back to the gulf.

And so, as tragic as Horizon was, we learned from it. The Obama administration issued a moratorium to stop that drilling. Then they said, well, we're going to end the moratorium. But then when they failed to issue the leases, it's really a moratorium, it's instituting their policies. And it's going to be very difficult for us to get that production level back in the Gulf of Mexico because it's expensive for those companies to bring those rigs back.

□ 2050

Mr. GARDNER. I think as those rigs have left, as we've seen production occur elsewhere because of the roadblocks to domestic energy production, we see other countries—us becoming even more reliant on overseas energy.

Just a couple of weeks ago, Federal Reserve Chairman Ben Bernanke warned that a major disruption in foreign oil supplies that sends prices skyward could thwart the economic recovery. So the Federal Reserve Chairman has recognized that the more dependent we become on somebody else, if there's a disruption in that supply, a disruption in that overseas energy source that we're relying on, it could thwart our economic recovery.

Let me just go to a chart next.

Mr. DUNCAN of South Carolina. Before do you that, can I just remind you that Admiral Mullen, Chairman of the Joint Chiefs of Staff, along that same line, said, there can be no national security without energy security. There can be no national security without energy security. That's a wake-up call, America.

Mr. GARDNER. That's a great point on national security, because not only do we have economic objectives that we need to achieve with a national energy policy where we're relying on our own production, but we've got national security implications. And if we don't rise to the challenge, we're going to be risking our security because of our reliance on other nations.

To go to the point of energy prices, this chart just illustrates how much gas prices have increased, how high they've increased. $1.80 over the past several years. The average price of gasoline has increased 42 cents since February of 2011. That's just on average around the country.

The important thing to recognize is the impact that gas price increases have on the American consumer, on American families. All told, each penny increase in the cost of gasoline takes about $1 billion out of the economy. So as gas prices hit $3.17 in February, just a few weeks ago, $3.18, every penny was a billion dollars taken out of the American consumers' pockets, sent overseas. If a 50-cent jump in gasoline prices is sustained over the next year, $70 billion would be lost in the U.S. economy.

This chart says it all. Go back to January of 2009. The President takes office, $1.84. If you went and you filled up your car, $1.84 a gallon. As of February 23, just a few days ago, just a week ago, $3.61. Billions of dollars taken away from the American consumer, sent overseas, when we could be using that money right here to create American jobs, reducing the price at the pump.

By spring, perhaps sometime this spring, according to Barron's, gasoline may even reach $4.50 a gallon. These aren't scare tactics. This is reality that Americans are facing each and every day when they fill up at the pump. Trying to figure out how to make ends meet, trying to make sure they're able to meet their mortgages, pay their bills, put food on the table for their family, $60 a tank, $70 a tank to get to work.

What trade-offs are we forcing the American consumer to make, when we have the opportunity to create American energy right here, to build the Keystone XL pipeline, to develop our Federal resources and do it in a responsible manner, do it in a way that creates jobs, giving our own communities the benefit of that exploration, of that development of the tax revenue that they generate.

$3.61 a gallon, it's unacceptable, and yet we hear talk of increasing production in Saudi Arabia, instead of doing it here? We hear an administration that says, you know, they were against the Keystone pipeline and then they were for it and then they're for part of it. I heard the gentleman from Nebraska (Mr. TERRY), who's been a leader on the XL pipeline, say that that's like a little bit like the rooster trying to take credit for the dawn.

We have an obligation to make sure we're developing our resources right here, right now. We hear others talk about tapping into the Strategic Petroleum Reserve. In fact, just a few headlines in recent days: Secretary Tim Geithner says tapping the Strategic Petroleum Reserve is an option that's on the table for the administration.

An article in Politico on February 25: House Democrat leaders are urging President Obama to open the Strategic Petroleum Reserve.

Another article, that same day: Washington liberals call on President Obama to tap Strategic Petroleum Reserve.

Mr. DUNCAN of South Carolina. Will the gentleman yield?

Mr. GARDNER. Absolutely.

Mr. DUNCAN of South Carolina. I've gotten Facebook posts. I've gotten phone calls in our office encouraging just that, for the President to tap the Strategic Petroleum Reserves to help lessen the price at the pump.

But let me just tell America that it was during the 1970s oil embargo that I remember, as a small child, that Congress created this huge 727 million-barrel reserve that was intended for national security emergencies.

Before President Obama tapped the SPR, the Strategic Petroleum Reserve, back in June of 2011, the reserve had previously only been tapped once for war, the other to combat a natural disaster, and the third time, quite similarly, for political opportunism. And the examples are this:

President Bush, George Herbert Walker Bush, the first Bush, used the SPR, the Strategic Petroleum Reserves, during Operation Desert Storm because we were going to war over there and he was afraid that would disrupt Middle Eastern supplies, and so he tapped those reserves just to make sure Americans didn't suffer because of our actions over there in Operation Desert Storm.

And then in 2005 we had, down along the gulf coast, which is a tremendous energy production area, in Alabama, Mississippi, Louisiana, Texas, we had a little thing called Hurricane Katrina that came through and really disrupted supplies in the Gulf States and did a lot of damage there. And President George W. Bush opened up the strategic reserves to lessen the price at the pump for Americans because we knew there was going to be some supply disruptions.

So we had a natural disaster, and we had a war.

But then in 2000, just another example, President Clinton opened up the supply under the Strategic Petroleum Reserve right before a campaign, right before the Bush-Gore campaign. There wasn't any natural disaster. There wasn't a hurricane bearing down on us. We were not going to war. He was trying to stabilize the market to help him in a political game.

And then we see President Obama, in June of 2011, do the same thing. Instead of focusing on American jobs and American energy production and a long-term energy policy, they're playing games with tapping the strategic reserves which have an intended purpose, and that intended purpose is not to bring the price down at the pump. It's to stabilize the American economy in case of war or in case of a natural disaster.

Now, we've got these reserves sitting there, and we've got a lot of middle eastern unrest with what's going on in Iran and Iran cutting England and Germany or England and France, one of the European countries, off from any oil. It's actually a reverse embargo, where Iran's not going to ship oil to some friendly countries in Europe. And

so we're seeing this volatility due to the unrest in Iran.

Shouldn't we, as America, keep that oil in reserve just in case there's a problem over there? Maybe—who knows, maybe there's further disruptions, Strait of Hormuz issue. Strategic reserves are there for a stated purpose, not for political gains.

Mr. GARDNER. I would just make the point that if this administration acknowledges that by tapping into the Strategic Petroleum Reserve they can increase supplies and, therefore, have an impact on price, isn't it obvious what we ought to be doing as the policy of this country?

Mr. DUNCAN of South Carolina. That's too much common sense.

Mr. GARDNER. If supply is the answer, tapping into the Strategic Petroleum Reserve, we should increase domestic production. We should increase opportunities in the Western United States, on our Outer Continental Shelf. We should utilize the energy that our neighbors to the north are willing to help us out with through the Keystone XL pipeline. Because if the Strategic Petroleum Reserve is, indeed, about supply, the political fix to a supply problem——

Mr. DUNCAN of South Carolina. A Band-Aid, so to speak.

Mr. GARDNER. Why isn't this administration willing to actually do the right thing, do what's necessary to keep our economy afloat, to keep it from running on fumes and make sure that we can produce that energy in our own backyard, increase our opportunities to produce domestic energy?

Mr. DUNCAN of South Carolina. The gentleman from Colorado has been a stalwart and a leader in energy, American energy independence, as a leader of the House Energy Action Team. We call it HEAT, H-E-A-T.

Let me just tell America, if you want to find out some of these details, some of the facts that we've laid out for you in black and white, you can go to the Web site for House Energy Action Team, under the House GOP Web site, and find this data out. We're putting it out there for you. We're not shying away from it. We're not. We're providing this information for you Americans to make informed decisions to understand that these energy bills we pass through the House, they have merit and they would have results if we could get the Senate to take them up, and let's have a true comprehensive energy policy for this country that focuses on American energy independence, that does things right for you Americans to lessen the price that you're paying at the pump, to lessen the price that you're paying on your electricity bill every month.

House Energy Action Team is focused on this. The gentleman from Colorado is a leader on that. Our caucus and our conference is a leader on that.

□ 2100

Mr. GARDNER. Mr. Speaker, I thank the gentleman from South Carolina for his leadership, and this is the third time that we've done that this year already, come down and talk as a group about what we can do to get our energy prices down to relieve the pain at the pump, to make sure that we're restoring our energy independence. So we'll continue this effort.

Last week, I had the opportunity to visit the western slope of Colorado. The vast majority of the land there is owned by the Federal Government. They've seen rigs being sent away, shutdowns, and opportunities, though, of great success where there is a glimmer of hope for increasing development in the western slope of Colorado.

In my district on the eastern plains of Colorado, one county has drilled over 2,100 wells just last year, putting thousands of their people to work, helping create economic opportunity, creating jobs, bringing opportunities to the county that they never would have had otherwise.

So when I talk to people of western Colorado, eastern Colorado, they simply want to do what they do best. That's to run their businesses, to do it in a responsible manner, to do what's right for their children and their grandchildren, and to stop sending the hundreds and hundreds of billions of dollars that we send each and every year overseas to get energy from them instead of using that money right here on our own families. Every year we send $331 billion to foreign nations. We can start using that money in our own backyard.

The House Energy Action Team is committed to leading this country to a future of economic growth, economic opportunity, energy security, and energy independence.

I thank my colleagues from South Carolina and New Mexico for joining me tonight.

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

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. NADLER (at the request of Ms. PELOSI) for today.

ENROLLED BILL SIGNED

Karen L. Haas, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the speaker:

H.R. 347. An act to correct and simplify the drafting of section 1752 (relating to restricted buildings or grounds) of title 18, United States Code.

ADJOURNMENT

Mr. GARDNER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 2 minutes p.m.), under its previous order, the House adjourned until tomorrow, Thursday, March 1, 2012, at 9 a.m.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports concerning the foreign currencies and U.S. dollars utilized for Official Foreign Travel during the first quarter of 2012 pursuant to Public Law 95–384 are as follows:

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO BRAZIL, COLOMBIA, AND MEXICO, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 8 AND JAN. 15, 2012

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. John Boehner	1/8	1/10	Brazil		904.00		(3)				904.00
Hon. Dan Boren	1/8	1/10	Brazil		904.00		(3)				904.00
Hon. Greg Walden	1/8	1/10	Brazil		904.00		(3)				904.00
Hon. Dave Camp	1/8	1/10	Brazil		904.00		(3)				904.00
Hon. Doc Hastings	1/8	1/10	Brazil		904.00		(3)				904.00
Hon. John Kline	1/8	1/10	Brazil		904.00		(3)				904.00
Hon. Devin Nunes	1/8	1/10	Brazil		904.00		(3)				904.00
Barry Jackson	1/8	1/10	Brazil		904.00		(3)				904.00
Dave Schnittger	1/8	1/10	Brazil		904.00		(3)				904.00
Jennifer Stewart	1/8	1/10	Brazil		904.00		(3)				904.00
Janice Robinson	1/8	1/10	Brazil		904.00		(3)				904.00
Hon. John Boehner	1/10	1/13	Colombia		1,095.00		(3)				1,095.00
Hon. Dan Boren	1/10	1/13	Colombia		1,095.00		(3)				1,095.00
Hon. Greg Walden	1/10	1/13	Colombia		1,095.00		(3)				1,095.00
Hon. Dave Camp	1/10	1/13	Colombia		1,095.00		(3)				1,095.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO BRAZIL, COLOMBIA, AND MEXICO, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 8 AND JAN. 15, 2012—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Doc Hastings	1/10	1/13	Colombia		1,095.00		(3)				1,095.00
Hon. John Kline	1/10	1/13	Colombia		1,095.00		(3)				1,095.00
Hon. Devin Nunes	1/10	1/13	Colombia		1,095.00		(3)				1,095.00
Barry Jackson	1/10	1/13	Colombia		1,095.00		(3)				1,095.00
Dave Schnittger	1/10	1/13	Colombia		1,095.00		(3)				1,095.00
Jennifer Stewart	1/10	1/13	Colombia		1,095.00		(3)				1,095.00
Janice Robinson	1/10	1/13	Colombia		1,095.00		(3)				1,095.00
Hon. John Boehner	1/13	1/15	Mexico		610.00		(3)				610.00
Hon. Dan Boren	1/13	1/15	Mexico		610.00		(3)				610.00
Hon. Greg Walden	1/13	1/15	Mexico		610.00		(3)				610.00
Hon. Dave Camp	1/13	1/15	Mexico		610.00		(3)				610.00
Hon. Doc Hastings	1/13	1/15	Mexico		610.00		(3)				610.00
Hon. John Kline	1/13	1/15	Mexico		610.00		(3)				610.00
Hon. Devin Nunes	1/13	1/15	Mexico		610.00		(3)		726.00		1,336.00
Barry Jackson	1/13	1/15	Mexico		610.00		(3)				610.00
Dave Schnittger	1/13	1/15	Mexico		610.00		(3)				610.00
Jennifer Stewart	1/13	1/15	Mexico		610.00		(3)				610.00
Janice Robinson	1/13	1/15	Mexico		610.00		(3)				610.00
Committee total											29,425

[1] Per diem constitutes lodging and meals.
[3] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

HON. JOHN A. BOEHNER, Feb. 10, 2012.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO TURKEY, QATAR, SAUDI ARABIA, UNITED ARAB EMIRATES, AND FRANCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 7 AND JAN. 14, 2012

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. equivalent or U.S. currency [2]	Foreign currency	U.S. equivalent or U.S. currency [2]	Foreign currency	U.S. equivalent or U.S. currency [2]	Foreign currency	U.S. equivalent or U.S. currency [2]
Hon. Eric Cantor	1/7	1/8	Turkey		643.00		(3)				643.00
Hon. Peter Welch	1/7	1/8	Turkey		643.00		(3)				643.00
Hon. Ileana Ros-Lehtinen	1/7	1/8	Turkey		643.00		(3)				643.00
Hon. Kay Granger	1/7	1/8	Turkey		643.00		(3)				643.00
Hon. Michael Conaway	1/7	1/8	Turkey		643.00		(3)				643.00
Hon. Shelley Moore Capito	1/7	1/8	Turkey		643.00		(3)				643.00
Hon. Todd Young	1/7	1/8	Turkey		643.00		(3)				643.00
Hon. Mike Kelly	1/7	1/8	Turkey		512.00		(3)				512.00
Hon. Diane Black	1/7	1/8	Turkey		512.00		(3)				512.00
Steve Stombres	1/7	1/8	Turkey		643.00		(3)				643.00
Kyle Nevins	1/7	1/8	Turkey		643.00		(3)				643.00
Brad Dayspring	1/7	1/8	Turkey		643.00		(3)				643.00
Valerie Nelson	1/7	1/8	Turkey		643.00		(3)				643.00
Robert Karem	1/7	1/8	Turkey		643.00		(3)				643.00
Hon. Eric Cantor	1/8	1/10	Qatar		680.00		(3)				680.00
Hon. Peter Welch	1/8	1/10	Qatar		680.00		(3)				680.00
Hon. Ileana Ros-Lehtinen	1/8	1/10	Qatar		680.00		(3)				680.00
Hon. Kay Granger	1/8	1/10	Qatar		680.00		(3)				680.00
Hon. Michael Conaway	1/8	1/10	Qatar		680.00		(3)				680.00
Hon. Shelley Moore Capito	1/8	1/10	Qatar		680.00		(3)				680.00
Hon. Todd Young	1/8	1/10	Qatar		680.00		(3)				680.00
Hon. Mike Kelly	1/8	1/10	Qatar		452.00		(3)				452.00
Hon. Diane Black	1/8	1/10	Qatar		452.00		(3)				452.00
Steve Stombres	1/8	1/10	Qatar		680.00		(3)				680.00
Kyle Nevins	1/8	1/10	Qatar		680.00		(3)				680.00
Brad Dayspring	1/8	1/10	Qatar		680.00		(3)				680.00
Valerie Nelson	1/8	1/10	Qatar		680.00		(3)				680.00
Robert Karem	1/8	1/10	Qatar		680.00		(3)				680.00
Hon. Eric Cantor	1/10	1/11	Saudi Arabia		397.00		(3)				397.00
Hon. Peter Welch	1/10	1/11	Saudi Arabia		397.00		(3)				397.00
Hon. Ileana Ros-Lehtinen	1/10	1/11	Saudi Arabia		397.00		(3)				397.00
Hon. Kay Granger	1/10	1/11	Saudi Arabia		397.00		(3)				397.00
Hon. Michael Conaway	1/10	1/11	Saudi Arabia		397.00		(3)				397.00
Hon. Shelley Moore Capito	1/10	1/11	Saudi Arabia		397.00		(3)				397.00
Hon. Todd Young	1/10	1/11	Saudi Arabia		397.00		(3)				397.00
Hon. Mike Kelly	1/10	1/11	Saudi Arabia		284.00		(3)				284.00
Hon. Diane Black	1/10	1/11	Saudi Arabia		284.00		(3)				284.00
Steve Stombres	1/10	1/11	Saudi Arabia		397.00		(3)				397.00
Kyle Nevins	1/10	1/11	Saudi Arabia		397.00		(3)				397.00
Brad Dayspring	1/10	1/11	Saudi Arabia		397.00		(3)				397.00
Valerie Nelson	1/10	1/11	Saudi Arabia		397.00		(3)				397.00
Robert Karem	1/10	1/11	Saudi Arabia		397.00		(3)				397.00
Hon. Eric Cantor	1/11	1/13	United Arab Emirates		1,052.00		(3)				1,052.00
Hon. Peter Welch	1/11	1/13	United Arab Emirates		1,052.00		(3)				1,052.00
Hon. Ileana Ros-Lehtinen	1/11	1/13	United Arab Emirates		1,052.00		(3)				1,052.00
Hon. Kay Granger	1/11	1/13	United Arab Emirates		1,052.00		(3)				1,052.00
Hon. Michael Conaway	1/11	1/13	United Arab Emirates		1,052.00		(3)				1,052.00
Hon. Shelley Moore Capito	1/11	1/13	United Arab Emirates		1,052.00		(3)				1,052.00
Hon. Todd Young	1/11	1/13	United Arab Emirates		1,052.00		(3)				1,052.00
Hon. Mike Kelly	1/11	1/13	United Arab Emirates		680.00		(3)				680.00
Hon. Diane Black	1/11	1/13	United Arab Emirates		680.00		(3)				680.00
Steve Stombres	1/11	1/13	United Arab Emirates		1,052.00		(3)				1,052.00
Kyle Nevins	1/11	1/13	United Arab Emirates		1,052.00		(3)				1,052.00
Brad Dayspring	1/11	1/13	United Arab Emirates		1,052.00		(3)				1,052.00
Valerie Nelson	1/11	1/13	United Arab Emirates		1,052.00		(3)				1,052.00
Robert Karem	1/11	1/13	United Arab Emirates		1,052.00		(3)				1,052.00
Hon. Eric Cantor	1/13	1/14	France		545.00		(3)				545.00
Hon. Peter Welch	1/13	1/14	France		545.00		(3)				545.00
Hon. Ileana Ros-Lehtinen	1/13	1/14	France		545.00		(3)				545.00
Hon. Kay Granger	1/13	1/14	France		545.00		(3)				545.00
Hon. Michael Conaway	1/13	1/14	France		545.00		(3)				545.00
Hon. Shelley Moore Capito	1/13	1/14	France		545.00		(3)				545.00
Hon. Todd Young	1/13	1/14	France		545.00		(3)				545.00
Hon. Mike Kelly	1/13	1/14	France		367.00		(3)				367.00
Hon. Diane Black	1/13	1/14	France		367.00		(3)				367.00
Steve Stombres	1/13	1/14	France		545.00		(3)				545.00
Kyle Nevins	1/13	1/14	France		545.00		(3)				545.00
Brad Dayspring	1/13	1/14	France		545.00		(3)				545.00
Valerie Nelson	1/13	1/14	France		545.00		(3)				545.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO TURKEY, QATAR, SAUDI ARABIA, UNITED ARAB EMIRATES, AND FRANCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 7 AND JAN. 14, 2012—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. equivalent or U.S. currency [2]	Foreign currency	U.S. equivalent or U.S. currency [2]	Foreign currency	U.S. equivalent or U.S. currency [2]	Foreign currency	U.S. equivalent or U.S. currency [2]
Robert Karem	1/13	1/14	France		545.00		([3])				545.00
Committee total											44,394

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

HON. ERIC CANTOR, Feb. 13, 2012.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XIV, executive communications were taken from the Speaker's table and referred as follows:

5131. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement: Award Fee Reduction or Denial for Health or Safety Issues (DFARS Case 2011-D033) (RIN: 0750-AH37) received February 15, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

5132. A letter from the Acting Under Secretary, Department of Defense, transmitting authorization of five officers to wear the authorized insignia of the grade rear admiral; to the Committee on Armed Services.

5133. A letter from the Under Secretary, Department of Defense, transmitting request of an extension to deliver the report on the current and future military strategy of Iran; to the Committee on Armed Services.

5134. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Suspension of Community Eligibility [Docket ID: FEMA-2011-0002] [Internal Agency Docket No.: FEMA-8215] received January 31, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

5135. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations [Docket ID: FEMA-2011-0002] received January 31, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

5136. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's FY 2011 annual performance report to Congress required by the Prescription Drug User Fee Act of 1992 (PDUFA), as amended, pursuant to 21 U.S.C. 379g note; to the Committee on Energy and Commerce.

5137. A letter from the Secretary, Department of Energy, transmitting uncosted obligation balances of the Department, pursuant to 42 U.S.C. 13526; to the Committee on Energy and Commerce.

5138. A letter from the Secretary, Federal Trade Commission, transmitting the Commission's final rule — Appliance Labeling Rule (RIN: 3084-AB03) received February 8, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5139. A letter from the Deputy Associate Director for Management and Administration and Designated Reporting Official, Office of National Drug Control Policy, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

5140. A letter from the Secretary of the Board of Governors, Postal Service, transmitting the Service's report, as required by Section 3686(c) of the Postal Accountability and Enhancement Act of 2006; to the Committee on Oversight and Government Reform.

5141. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — IFR Altitudes; Miscellaneous Amendments [Docket No.: 30823; Amdt. No. 498] received January 31, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5142. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Determination of Issue Price in the Case of Certain Debt Instruments Issued for Property (Rev. Rul. 2012-7) received February 7, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5143. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Application for Recognition as a 501(c)(29) Organization [TD 9574] (RIN: 1545-BK64) received February 7, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5144. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Application of survivor annuity requirements to deferred annuity contracts under a defined contribution plan (Rev. Rul. 2012-3) received February 7, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5145. A letter from the Secretary, Department of Health and Human Services, transmitting a report on the progress on implementing the goals and responsibilities of the Medicare-Medicaid Coordination Office; jointly to the Committees on Energy and Commerce and Ways and Means.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. CAMP (for himself, Mr. LEVIN, Mr. BRADY of Texas, Mr. MCDERMOTT, Mr. HERGER, Mr. NUNES, Mr. DAVIS of Kentucky, Mr. REICHERT, Mr. BOUSTANY, Mr. ROSKAM, Mr. GERLACH, Mr. BUCHANAN, Mr. SCHOCK, Mr. PAULSEN, Mr. MARCHANT, Mrs. BLACK, Mr. REED, Mr. RANGEL, Mr. LEWIS of Georgia, Mr. THOMPSON of California, Mr. BLUMENAUER, Mr. KIND, Mr. PASCRELL, Mr. SESSIONS, Ms. SLAUGHTER, Ms. BALDWIN, Mr. MICHAUD, Mr. HIGGINS, Mr. WALBERG, Mr. CRITZ, Mr. JOHNSON of Ohio, Mr. KELLY, Mr. MCKINLEY, Mr. RENACCI, Mr. RIBBLE, Mr. STIVERS, Mr. RICHMOND, Mr. DOGGETT, Mr. STARK, Mr. GENE GREEN of Texas, Mr. DONNELLY of Indiana, Mr. OWENS, Mr. CICILLINE, Mr. LIPINSKI, Mr. LOEBSACK, Ms. BERKLEY, Ms. SCHWARTZ, Mr. LATOURETTE, Mr. DINGELL, Mr. CRAWFORD, Mr. CRAVAACK, Mr. ROE of Tennessee, Mr. CONYERS, Mr. PETERSON, Mr. MCCOTTER, Mr. GIBBS, Mr. TURNER of Ohio, Mrs. ELLMERS, Mr. HASTINGS of Florida, Mr. SCHILLING, Mr. JOHNSON of Georgia, Mr. HULTGREN, Mr. SHERMAN, Mr. COOPER, Mr. LONG, Mr. MCGOVERN, Mr. MCINTYRE, Mr. NEAL, Mr. CROWLEY, Mr. LARSON of Connecticut, Ms. SUTTON, Ms. SCHAKOWSKY, Mr. VISCLOSKY, Mr. KUCINICH, Mr. RYAN of Ohio, Mr. DEFAZIO, Ms. NORTON, Mr. ALTMIRE, Mr. CLAY, Mr. DOYLE, Mr. HOLDEN, Ms. LINDA T. SÁNCHEZ of California, Mr. RUSH, Mr. ROSS of Arkansas, Ms. MOORE, Mr. PETERS, Ms. KAPTUR, Mr. MORAN, Mr. SHULER, Ms. BASS of California, Mr. KISSELL, Mr. CARSON of Indiana, Mr. MEEKS, Ms. DELAURO, Mr. TONKO, Mr. BRADY of Pennsylvania, Mr. ELLISON, Mr. KILDEE, Mr. CLARKE of Michigan, Mr. YARMUTH, Mr. PALLONE, and Mr. RAHALL):

H.R. 4105. A bill to apply the countervailing duty provisions of the Tariff Act of 1930 to nonmarket economy countries, and for other purposes; to the Committee on Ways and Means.

By Mrs. MALONEY (for herself, Mr. LEWIS of Georgia, Mr. GEORGE MILLER of California, and Mr. SERRANO):

H.R. 4106. A bill to permit employees to request, and to ensure employers consider requests for, flexible work terms and conditions, and for other purposes; to the Committee on Education and the Workforce, and in addition to the Committees on Oversight and Government Reform, House Administration, and the Judiciary, 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. LAMBORN (for himself, Mr. CLEAVER, Ms. BORDALLO, Mr. AUSTRIA, Ms. NORTON, and Mr. LATTA):

H.R. 4107. A bill to require the Secretary of the Treasury to mint coins in commemoration of the centennial of World War I; to the Committee on Financial Services.

By Ms. BERKLEY:

H.R. 4108. A bill to amend the Internal Revenue Code of 1986 to increase and extend the credit for qualifying advanced energy projects, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Natural Resources, and the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GALLEGLY:

H.R. 4109. A bill to designate additional National Forest System land in the Los Padres National Forest in the State of California as wilderness, to make certain wild and scenic river designations in that National Forest, to designate the Condor Ridge Scenic Area, to address off highway vehicle use in that National Forest, to facilitate a

land exchange with the United Water Conservation District of California, and for other purposes; to the Committee on Natural Resources.

By Mr. McCAUL (for himself and Ms. ROS-LEHTINEN):

H.R. 4110. A bill to restrict assistance to Pakistan unless the Secretary of State certifies to Congress that the Government of Pakistan is not aiding, assisting, advising, or informing the Haqqani network in any capacity, and for other purposes; to the Committee on Foreign Affairs.

By Mr. GENE GREEN of Texas:

H.R. 4111. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income certain State foster care program payments made to the biological parents of disabled children; to the Committee on Ways and Means.

By Mr. MARINO (for himself and Mr. MEEHAN):

H.R. 4112. A bill to allow screening entities to submit, receive, and screen criminal history record information for purposes of criminal history record information searches on private security officers under the Private Security Officer Employment Authorization Act of 2004; to the Committee on Education and the Workforce, and in addition to the Committee on the Judiciary, 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. PAYNE:

H.R. 4113. A bill to amend title II of the Elementary and Secondary Education Act of 1965 to help close the gaps in principal preparation and provide new principals with the support and tools they need to meet the complex challenges of school leadership; to the Committee on Education and the Workforce.

By Mr. RUNYAN:

H.R. 4114. A bill to increase, effective as of December 1, 2012, the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. STIVERS (for himself and Mr. WALZ of Minnesota):

H.R. 4115. A bill to amend title 38, United States Code, to require, as a condition on the receipt by a State of certain funds for veterans employment and training, that the State ensures that training received by a veteran while on active duty is taken into consideration in granting certain State certifications or licenses, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. RIBBLE (for himself and Mr. RIGELL):

H.J. Res. 105. A joint resolution proposing an amendment to the Constitution of the United States limiting the number of times Senators and Representatives may be elected; to the Committee on the Judiciary.

By Mr. HOYER (for himself, Mr. CONNOLLY of Virginia, Ms. EDWARDS, Mr. MORAN, Ms. NORTON, Mr. VAN HOLLEN, and Mr. WOLF):

H. Con. Res. 106. Concurrent resolution authorizing the use of the Capitol Grounds for the Greater Washington Soap Box Derby; to the Committee on Transportation and Infrastructure.

By Mr. AL GREEN of Texas (for himself, Mr. BUTTERFIELD, Mr. CLARKE of Michigan, Ms. CLARKE of New York, Mr. CLEAVER, Mr. CONYERS, Mr. CUMMINGS, Ms. BORDALLO, Mr. DAVIS of Illinois, Mr. FATTAH, Ms. NORTON, Mr. JACKSON of Illinois, Ms. JACKSON LEE of Texas, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. JOHNSON of Georgia, Ms. LEE of California, Mr. LEWIS of Georgia, Ms. MCCOLLUM, Mr. MEEKS, Mr. RANGEL, Ms. RICHARDSON, Mr. RUSH, Ms. SEWELL, Mr. WATT, Ms. WILSON of Florida, Mr. CARNAHAN, Ms. BASS of California, Mr. RICHMOND, Mr. CLYBURN, Mr. COHEN, Mrs. CHRISTENSEN, Mr. TOWNS, Mr. PAYNE, Ms. WATERS, Mr. BISHOP of Georgia, Ms. BROWN of Florida, Mr. HASTINGS of Florida, Mr. SCOTT of Virginia, Mr. CUELLAR, Mr. THOMPSON of Mississippi, Mr. CLAY, Mr. DAVID SCOTT of Georgia, Ms. MOORE, Mr. ELLISON, Mr. CARSON of Indiana, Ms. EDWARDS, Ms. FUDGE, and Mr. WEST):

H. Res. 567. A resolution recognizing the significance of Black History Month; to the Committee on Education and the Workforce.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. CAMP:

H.R. 4105.

Congress has the power to enact this legislation pursuant to the following:

Section 8 of Article I of the U.S. Constitution.

By Mrs. MALONEY:

H.R. 4106.

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.

By Mr. LAMBORN:

H.R. 4107.

Congress has the power to enact this legislation pursuant to the following:

Clause 6, Section 8, Article 1, which states ''The Congress shall have the power . . . to coin Money, regulate the Value thereof, and of foreign Coin, and fix the Standard of Weights and Measures.''

By Ms. BERKLEY:

H.R. 4108.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8.

By Mr. GALLEGLY:

H.R. 4109.

Congress has the power to enact this legislation pursuant to the following:

Under Article IV, Section 3, Clause 2 of the United States Constitution, the power of Congress to make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States. As well as Article I, Section 8, Clause 18, relating to the power to make all laws necessary and proper for carrying out the powers vested in Congress.

By Mr. McCAUL:

H.R. 4110.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the U.S. Constitution.

By Mr. GENE GREEN of Texas:

H.R. 4111.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1

By Mr. MARINO:

H.R. 4112.

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. PAYNE:

H.R. 4113.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3 of the Constitution

The Congress shall have Power . . . To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes.

By Mr. RUNYAN:

H.R. 4114.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the Constitution of the United States.

By Mr. STIVERS:

H.R. 4115.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 of the United States Constitution.

By Mr. RIBBLE:

H.J. Res. 105.

Congress has the power to enact this legislation pursuant to the following:

The constitutional amendment authority and process set forth in Article V of the U.S. Constitution.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 115: Ms. CHU.

H.R. 140: Mr. UPTON.

H.R. 273: Mr. GOSAR, Mr. COURTNEY, and Mr. HINOJOSA.

H.R. 303: Mr. ROONEY, Mr. SCHRADER, and Mr. TIERNEY.

H.R. 324: Mr. ROTHMAN of New Jersey, Ms. SUTTON, Mr. SIRES, and Mr. HOLDEN.

H.R. 327: Mr. ROTHMAN of New Jersey, Mr. HOLT, Mr. GENE GREEN of Texas, and Mr. COSTELLO.

H.R. 329: Mr. LARSON of Connecticut and Mr. SCHRADER.

H.R. 370: Mr. HONDA.

H.R. 396: Mr. THOMPSON of California.

H.R. 452: Mr. GRAVES of Georgia.

H.R. 458: Mrs. DAVIS of California and Mr. GARAMENDI.

H.R. 511: Mr. POLIS.

H.R. 555: Ms. ZOE LOFGREN of California.

H.R. 576: Ms. BROWN of Florida.

H.R. 664: Mr. DOGGETT.

H.R. 692: Mr. LAMBORN.

H.R. 719: Mr. CUELLAR and Mr. MCINTYRE.

H.R. 745: Mrs. HARTZLER.

H.R. 777: Ms. BONAMICI.

H.R. 785: Mr. LANDRY.

H.R. 807: Mr. CLARKE of Michigan.

H.R. 860: Mr. MARINO, Mr. DESJARLAIS, Mr. ROSS of Arkansas, Mr. REHBERG, Ms. CASTOR of Florida, and Mr. SCHIFF.

H.R. 892: Mr. ELLISON.

H.R. 964: Mrs. MALONEY.

H.R. 1041: Mr. DAVID SCOTT of Georgia and Mr. FORBES.

H.R. 1167: Mr. QUAYLE.

H.R. 1172: Mr. PAYNE.

H.R. 1175: Mr. SCHOCK.

H.R. 1179: Mr. HURT, Mr. GIBSON, Mr. ISSA, Mr. DESJARLAIS, and Mr. SIMPSON.

H.R. 1182: Mr. ROSS of Florida and Mr. QUAYLE.

H.R. 1206: Mr. GRIFFITH of Virginia, Mr. BONNER, and Mrs. HARTZLER.

H.R. 1259: Mr. AMODEI, Mr. HENSARLING, Ms. BUERKLE, and Mr. CRAVAACK.

H.R. 1332: Mr. COSTA and Mr. HIMES.
H.R. 1342: Mr. ROTHMAN of New Jersey.
H.R. 1375: Mr. ANDREWS, Mr. DEFAZIO, Mr. FITZPATRICK, Mrs. CHRISTENSEN, and Ms. MATSUI.
H.R. 1412: Mr. DOLD.
H.R. 1418: Mr. MARCHANT.
H.R. 1451: Ms. BONAMICI and Ms. DELAURO.
H.R. 1498: Mr. HONDA and Ms. HAHN.
H.R. 1505: Mr. COBLE.
H.R. 1561: Mr. RANGEL and Ms. WOOLSEY.
H.R. 1639: Mr. UPTON.
H.R. 1738: Mr. GARAMENDI.
H.R. 1756: Mr. BENISHEK.
H.R. 1781: Mr. AL GREEN of Texas and Mr. COHEN.
H.R. 1842: Mr. FILNER.
H.R. 1919: Mr. CLAY.
H.R. 1936: Ms. CASTOR of Florida.
H.R. 1946: Mr. KISSELL.
H.R. 2077: Mr. DUFFY, Mr. HECK, Mrs. BACHMANN, and Mr. BROUN of Georgia.
H.R. 2104: Mr. BARTLETT, Mr. MCGOVERN, Mr. GARAMENDI, Mr. BLUMENAUER, Mr. RANGEL, Mr. MCKINLEY, Ms. SPEIER, and Mr. BERMAN.
H.R. 2124: Mr. HARRIS.
H.R. 2139: Mr. SARBANES and Ms. WILSON of Florida.
H.R. 2145: Mr. MARCHANT and Mr. NUNNELEE.
H.R. 2179: Mr. GRIFFITH of Virginia and Mrs. BLACK.
H.R. 2182: Ms. MATSUI.
H.R. 2187: Mr. FARR.
H.R. 2242: Mr. KISSELL.
H.R. 2245: Mr. CRITZ and Ms. RICHARDSON.
H.R. 2268: Mr. PENCE.
H.R. 2288: Mr. RUNYAN.
H.R. 2299: Mr. GRIFFITH of Virginia.
H.R. 2364: Mr. HIMES.
H.R. 2381: Mr. PETRI.
H.R. 2563: Mr. ROYCE.
H.R. 2595: Mr. PAYNE.
H.R. 2600: Ms. WOOLSEY.
H.R. 2689: Ms. WATERS, Ms. KAPTUR, Ms. CHU, Mr. TOWNS, Ms. RICHARDSON, Ms. JACKSON LEE of Texas, Mr. CUMMINGS, Mrs. CHRISTENSEN, and Mr. PAYNE.
H.R. 2697: Mr. BUCSHON, Ms. BONAMICI, Mr. HULTGREN, and Mr. MARINO.
H.R. 2698: Mr. REHBERG.
H.R. 2718: Mr. WELCH.
H.R. 2787: Mr. BARROW and Mr. CONNOLLY of Virginia.
H.R. 2941: Mr. KING of New York.
H.R. 3001: Mr. VAN HOLLEN.
H.R. 3015: Mr. BARROW and Mr. MCGOVERN.
H.R. 3039: Mr. MURPHY of Connecticut.
H.R. 3066: Mr. PALAZZO.
H.R. 3130: Mr. SCHWEIKERT.
H.R. 3132: Ms. ROYBAL-ALLARD.
H.R. 3134: Mr. NADLER.
H.R. 3143: Mr. DANIEL E. LUNGREN of California.
H.R. 3145: Mr. LARSON of Connecticut.
H.R. 3164: Ms. HAHN and Mr. SHERMAN.
H.R. 3179: Mr. MARCHANT, Mr. YOUNG of Indiana, Ms. NORTON, and Mr. AUSTIN SCOTT of Georgia.
H.R. 3187: Mr. PAYNE and Ms. HAYWORTH.
H.R. 3192: Mr. CONNOLLY of Virginia.
H.R. 3200: Mr. SARBANES, Ms. HANABUSA, and Mr. BARLETTA.
H.R. 3252: Mr. WEST.
H.R. 3264: Mrs. ADAMS, Mrs. BACHMANN, and Mr. FLEMING.
H.R. 3269: Mr. FLEISCHMANN.
H.R. 3307: Ms. BONAMICI.
H.R. 3324: Ms. WASSERMAN SCHULTZ.
H.R. 3368: Mr. CONYERS, Mr. PASTOR of Arizona, and Mr. GUTIERREZ.
H.R. 3423: Mr. MICA, Mrs. BLACKBURN, Mr. HINCHEY, Mr. ENGEL, Mrs. MALONEY, and Mr. KISSELL.
H.R. 3458: Mr. INSLEE.
H.R. 3481: Mr. MURPHY of Pennsylvania.
H.R. 3525: Mr. CLEAVER.
H.R. 3541: Mr. WEST, Mr. STIVERS, Mr. OLSON, Mr. SCHWEIKERT, and Mr. GINGREY of Georgia.
H.R. 3573: Mr. BRADY of Pennsylvania.
H.R. 3591: Ms. BONAMICI.
H.R. 3596: Mr. BOSWELL.
H.R. 3634: Mrs. MYRICK.
H.R. 3643: Mr. LANCE.
H.R. 3646: Mr. ELLISON.
H.R. 3710: Mr. RICHMOND, Mr. AL GREEN of Texas, Mr. DAVIS of Illinois, Ms. SEWELL, Mr. TOWNS, and Mr. THOMPSON of Mississippi.
H.R. 3720: Mr. LAMBORN.
H.R. 3728: Mr. BARTLETT and Mr. HARRIS.
H.R. 3773: Mr. CUELLAR.
H.R. 3783: Mrs. ADAMS, Mr. HARRIS, and Mr. MARINO.
H.R. 3798: Mr. ROTHMAN of New Jersey, Ms. SCHAKOWSKY, Ms. MCCOLLUM, Mr. RANGEL, Mr. OLVER, Mr. WELCH, Mr. FITZPATRICK, Mr. SMITH of New Jersey, and Mr. GARY G. MILLER of California.
H.R. 3803: Mr. LUCAS, Mr. FLAKE, Mr. KINZINGER of Illinois, Mr. COSTELLO, Mr. RYAN of Wisconsin, Mr. OLSON, Mr. RIVERA, and Mr. RYAN of Ohio.
H.R. 3805: Mr. SCHWEIKERT.
H.R. 3806: Mr. HARRIS.
H.R. 3826: Ms. DELAURO and Mr. SIRES.
H.R. 3842: Mr. NUNNELEE.
H.R. 3847: Ms. SLAUGHTER.
H.R. 3849: Mr. COLE, Mr. SULLIVAN, and Mr. JONES.
H.R. 3855: Mr. HUNTER, Mr. FILNER, and Mr. PASCRELL.
H.R. 3863: Mr. SENSENBRENNER.
H.R. 3881: Ms. NORTON and Mr. MORAN.
H.R. 3895: Mr. ROE of Tennessee.
H.R. 3911: Mr. HOLDEN.
H.R. 3981: Mr. AUSTIN SCOTT of Georgia.
H.R. 3984: Mr. GUTIERREZ and Mr. NADLER.
H.R. 3992: Mr. ACKERMAN.
H.R. 4010: Mr. ENGEL, Mr. RICHMOND, Mr. CLARKE of Michigan, Ms. MOORE, Mr. HASTINGS of Florida, Mrs. MCCARTHY of New York, Mr. GRIJALVA, Mrs. LOWEY, Mr. KILDEE, and Mr. CARSON of Indiana.
H.R. 4017: Mr. ROTHMAN of New Jersey.
H.R. 4038: Mr. GUTIERREZ.
H.R. 4040: Mr. ALEXANDER, Mr. BARROW, Mr. BARTON of Texas, Mr. BILBRAY, Mr. BISHOP of Georgia, Mr. BOREN, Mr. BOUSTANY, Mr. CALVERT, Mr. CAMPBELL, Mr. CANSECO, Mr. CARNEY, Mr. CARTER, Mr. CHANDLER, Mr. CLARKE of Michigan, Mr. CLYBURN, Mr. COOPER, Mr. COSTA, Mr. CRENSHAW, Mr. CROWLEY, Mr. GALLEGLY, Mr. GOHMERT, Mr. KING of Iowa, Mr. KLINE, Mr. LEWIS of California, Mr. MACK, Mrs. MALONEY, Mr. MCKEON, Mr. MICA, Mr. GARY G. MILLER of California, Mrs. NAPOLITANO, Mr. RAHALL, Mr. REHBERG, Mr. ROSS of Arkansas, Ms. ROYBAL-ALLARD, Mr. SCHRADER, Mr. SHULER, Mr. TOWNS, Mr. VAN HOLLEN, Mr. YOUNG of Florida, Mr. KUCINICH, and Mr. FALEMOAVAEGA.
H.R. 4046: Mr. WALBERG, Mr. BARTON of Texas, and Mr. HUELSKAMP.
H.R. 4069: Mr. PITTS, Mr. BILBRAY, Mr. HUNTER, Mr. HERGER, Mr. FRANKS of Arizona, Mr. JONES, Mr. KINGSTON, Mr. WOLF, and Mr. WEST.
H.R. 4070: Mr. JONES and Mr. DENT.
H.R. 4087: Ms. ROS-LEHTINEN and Mr. MORAN.
H.R. 4089: Mr. DUNCAN of South Carolina.
H.R. 4095: Mr. ROGERS of Kentucky.
H.J. Res. 78: Mr. ENGEL.
H.J. Res. 88: Mr. ENGEL.
H.J. Res. 103: Mr. PALAZZO and Mr. ROKITA.
H.J. Res. 104: Mr. YODER.
H. Res. 25: Mr. PASCRELL.
H. Res. 271: Mr. BARTON of Texas and Mrs. HARTZLER.
H. Res. 341: Mrs. CAPPS, Mr. MCGOVERN, Mr. GRIJALVA, and Mr. DOYLE.
H. Res. 413: Ms. HOCHUL.
H. Res. 485: Mr. RANGEL, Mr. WOLF, and Mr. LIPINSKI.
H. Res. 526: Mr. RIVERA.
H. Res. 546: Mrs. MYRICK.
H. Res. 552: Ms. MCCOLLUM.
H. Res. 556: Mr. MARCHANT, Mr. AKIN, Mr. CAPUANO, Mr. WALBERG, Mr. DEUTCH, Mr. WOMACK, Mr. GARDNER, Mr. RIVERA, Mr. VAN HOLLEN, Mr. FILNER, Mrs. BLACK, Mr. GOODLATTE, Mr. NUNES, Mr. SCHOCK, Mr. GOSAR, Mr. TURNER of New York, Mr. WESTMORELAND, Ms. BUERKLE, Mr. WEBSTER, Mr. GRIFFITH of Virginia, Mr. PASCRELL, Mr. SIRES, Mr. SCHWEIKERT, Mr. COSTA, Mr. LUETKEMEYER, Mr. ROTHMAN of New Jersey, Mr. SCALISE, Mr. CICILLINE, Mr. LIPINSKI, Mr. JOHNSON of Georgia, Mrs. LOWEY, Mr. HUNTER, Mr. KING of New York, Mr. MCCAUL, Mr. YOUNG of Florida, Ms. BASS of California, Mr. PETERS, Mr. COURTNEY, Mr. CONNOLLY of Virginia, Ms. KAPTUR, and Mr. ANDREWS.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

OFFERED BY MR. HASTINGS OF WASHINGTON

Senate bill 1134 is aimed at ensuring the federal Wild and Scenic Act is not used to block the states of Wisconsin and Minnesota from replacing an 80-year-old bridge over the St. Croix River.

This Senate bill is similar to H.R. 850, which the House Natural Resources Committee favorably reported in October of last year, and, like H.R. 850, it is in compliance with House Rule XXI, clause 9. S. 1134 does not contain congressional earmarks, limited tax benefits, or limited tariff benefits.

Senate bill 1134 affects multiple states and removes a prohibition from federal law that is being used as a barrier to two states replacing a bridge.

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. 1912: Mr. ROYCE.

United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 112th CONGRESS, SECOND SESSION

Vol. 158 WASHINGTON, WEDNESDAY, FEBRUARY 29, 2012 No. 32

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:

Let us pray.

Eternal God, our comfort and guide, as we begin this day in the forward march of history, we acknowledge Your sovereignty. Your unfailing love and mercy continue to sustain us, and we put our hope in You.

Today, fill our lawmakers with Your wisdom, enabling them to shoulder the demands of decisions, the strain of conflict, and the uncertainties about tomorrow. Let Your justice guide their thoughts and Your righteousness direct their steps. Fill them with Your joy and use them for Your glory.

Make each of us a blessing and not a burden, a lift and not a load, a delight and not a drag.

We pray in the Name of our Lord and Savior. 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, February 29, 2012.

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. Madam President, following leader remarks, the Senate will be in a period of morning business for 1 hour. The Republicans will control the first half and the majority will control the second half.

Following morning business, the Senate will resume consideration of the highway bill. We continue to work on a process to complete action on this bill. We are going to have to do that. If we can't get an agreement to move forward on this bill, I have no alternative but to try to stop the filibuster that is taking place. I hope we don't have to do that. We have agreed to work on amendments that are relevant and germane. Senator DURBIN, the whip, has worked on side-by-sides and other amendments, so we are ready to move forward, but we can't do it unless we get some basic cooperation, and it will be a shame if we can't move forward on this bipartisan bill.

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 for 1 hour, with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first half and the majority controlling the second half.

The Senator from Illinois.

ORDER OF BUSINESS

Mr. DURBIN. Madam President, will the time be running on the minority party's first half hour?

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. DURBIN. Madam President, I suggest the absence of a quorum until a member of the minority appears.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. THUNE. 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.

ENERGY POLICY

Mr. THUNE. Madam President, back in 2008 then-Senator Obama said that under his policies energy costs would necessarily ''skyrocket'' and that he would ''have preferred a gradual adjustment to higher gasoline prices.'' He indicated at the time that under his policies energy prices were going to go up. He mentioned that he would like a more gradual adjustment, but when he talked about those policies, he said energy costs would necessarily ''skyrocket.''

I think we now know which of the campaign promises the President has kept because we have seen energy prices skyrocket for most Americans. In fact, gasoline prices have doubled

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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under President Obama's watch. If you look at January 2009, the price per gallon of gasoline was $1.85. Today it is $3.73, and some analysts are predicting $5-a-gallon gasoline by May of this year. Today marks the 24th straight day of gasoline price increases.

The problem with all this is that the President rhetorically, when he goes out and talks about energy, says that he wants an all-of-the-above strategy. We always say that imitation is the sincerest form of flattery, and obviously that is a phrase many of us as Republicans have been using for some time. We talk about an all-of-the-above strategy that includes oil and gas and clean coal and nuclear and biofuels and solar and wind—all of those. The problem with what the President says is that his actions say he really means ''none of the above.'' He says ''all of the above,'' but he means ''none of the above'' because the President has taken unprecedented steps to restrict access to America's affordable and reliable sources of oil and natural gas.

President Obama's energy policies are increasing the cost of gasoline in this country. His administration is pursuing new regulations that will increase the cost of domestic energy production and destroy jobs. More domestic production of energy in this country equals lower prices at the pump and more American jobs.

The President's statements have been punctuated or reinforced by members of his administration. I go back to 2008, Dr. Steven Chu, who is now President Obama's Energy Secretary, who said at the time:

> Somehow, we have to figure out how to boost the price of gasoline to the levels in Europe.

Think about that: that somehow we have to figure out how to boost the price of gasoline to the levels in Europe. If we look at the levels in Europe, I think even at that time we are talking about $9 to $10-per-gallon gasoline. So we have members of this very administration suggesting, even back then, that part of the strategy, the energy strategy, was to increase prices. Think about that, having an energy strategy that is actually going to drive up the cost of energy to people in this country.

Yesterday, in testimony before the House Appropriations Committee, now-Secretary Chu, who said back in 2008, ''Somehow we have to figure out how to boost the price of gasoline to the levels in Europe,'' was asked: But is the overall goal to get our price of gasoline down? That was asked by a Member of the House of Representatives, again, as Secretary Chu was testifying in front of the House Appropriations Committee. Is the overall goal to get our price of gasoline down?

This is what the Secretary said:

> No, the overall goal is to decrease our dependency on oil, to build and strengthen our economy.

When we are literally doubling the price per gallon of gasoline, how does that strengthen your economy? Small businesses are faced every single day with the high costs of energy. It is an important component of running a business in this country. Energy is probably one of the most important costs people are going to deal with. It certainly is in my part of the country, where I represent an agricultural economy. American families are looking at gasoline prices that literally have doubled since this President took office. Yet here is the Secretary of Energy, the very guy who was to guide energy policy in this country, in front of a House committee as recently as yesterday, when asked about the overall goal, whether the overall goal is to get the price of gasoline down, he said no. It squares perfectly with what he said 4 years ago when he indicated that we need to figure out how to somehow boost the price of gasoline to the levels in Europe.

That is an amazing statement. I think it is almost incomprehensible to the American people in terms of what it means to their daily lives because they are the people who ultimately, in their pocketbooks, have to deal with the consequences of bad policies—bad policies that raise the price of energy and make it more difficult for them to balance their budgets and to be able to continue to enjoy the standard of living and quality of life in this country.

Yesterday Secretary of the Interior Ken Salazar defended the Obama administration's failure of an energy policy when testifying before the Senate Energy and Natural Resources Committee. He said:

> We have an energy strategy and a policy that we have been working on from day one, and we believe it continues to show good results.

Think about that.

> We have an energy strategy and a policy that we have been working on from day one, and we believe it continues to show good results.

I don't know how you can argue that doubling the price for a gallon of gasoline is a good result. And literally taking areas out of production in this country that could be yielding energy, that would help reduce the dependence we have on foreign sources of energy, drive down the price at the pump and create American jobs is a good result? I don't know how you can argue that what has happened during this administration's time in office has been anything but disastrous for the American people, for American business, and for the continued dependency we have on foreign sources of energy.

President Obama rejected the Keystone XL Pipeline which would have created 20,000 shovel-ready jobs and delivered up to 830,000 barrels of oil per day from Canada, America's largest trading partner.

President Obama has reduced the number of offshore leases by half. President Obama has blocked exploration and production on 97 percent of offshore areas; 97 percent of those areas that could be useful in helping meet America's energy needs have been put off limits by this President, by his policies that blocked exploration and production in those very areas.

Under the Obama administration, new permits to drill in Federal onshore and offshore areas have declined by 40 to 50 percent.

That is the President's record on energy. How his Secretary of the Interior can say their energy strategy shows good results is beyond me. It is completely at odds with the reality and with the facts.

The Obama administration is implementing a national backdoor energy tax through unprecedented regulation of greenhouse gas emissions under the Clean Air Act, specifically targeting the oil and gas industry with new regulations, such as new source performance standards, Boiler MACT, and tier 3 gasoline standards that could drive up the cost of gasoline production by 25 cents, raise the refining industry's operating costs by $5 to $7 billion annually, lead to a 7- to 14-percent reduction in gasoline supplies from U.S. refiners, and force as many as seven U.S. refineries to shut down. That is the tier 3 gasoline standard the Obama administration is proposing. Time after time, opportunity after opportunity is missed.

This President continues to put policies in place that make it more difficult and more expensive to create jobs and raises the cost of doing business by raising the cost of energy and raising the costs that every American consumer has to deal with in the form of higher gasoline prices.

When he says he supports an ''all-of-the-above'' energy plan, his policies tell a very different story because his policies have discouraged increased production of oil, and high oil costs are indeed a key driver of gasoline costs. Republicans support a real all-of-the-above strategy, and that includes production in all sources of energy. It includes support of projects such as the Keystone XL Pipeline that will strengthen America's energy security, and we have to have a robust energy plan focused on increasing those areas of domestic production that will send a strong signal to energy markets around the world to make America less vulnerable to skyrocketing gasoline prices.

It is interesting the response on Capitol Hill to this spike in gasoline prices we have seen over the past several days is along these lines. There was a letter from Senator SCHUMER to Secretary Clinton a couple of days ago in which he talked about the skyrocketing fuel prices and directly linked those to the global energy market but suggested that the solution should be urging the State Department to work with the Government of Saudi Arabia to increase its oil production to its actual capacity of 12.5 million barrels to help stabilize markets.

Instead of developing American resources and actually doing something

that would lessen the dependence we have on these foreign sources of energy, the solution proposed by some of our colleagues—at least some of our Democratic colleagues—is to have Secretary of State Hillary Clinton go to the Saudis, hat in hand, and beg them to increase daily production by 2.5 million barrels, ironically at the very time they are blocking policies that would help generate that same 2.5 million barrels a day right here in the United States and stabilize world markets.

In fact, if we look at many of these areas that are off limits to production today—the North Slope of Alaska, the Atlantic Outer Continental Shelf, the eastern Gulf of Mexico, the Pacific Outer Continental Shelf, the Keystone XL Pipeline—if we add up the amount of production that will bring to our country, it adds up to 4.5 million barrels a day, 4.5 million barrels per day of additional energy production that we could be benefiting from and enjoying at a time when we are seeing gas prices literally double.

Of course, in accordance with the President's promise when he was running for office that prices were going to skyrocket, it should not come as any surprise. But these energy policies implemented by this administration have literally created a situation where we are now having to go and ask the Saudis: Please, would you please give us an additional 2.5 million barrels of oil a day instead of opening the areas that could generate up to 4.5 million barrels per day if we would simply develop the resources we have in this country and quit blocking the access to these important energy resources.

This is a fairly straightforward issue for the American people, No. 1, because it hits very squarely in their daily lives. The pocketbook issues, the bread-and-butter issues, the issues people discuss around their tables every day are the issues that I think are most important to America right now, particularly with a down economy and high unemployment rates. Certainly, what we are seeing in terms of energy costs makes that situation worse for American families. In fact, the payroll tax holiday which was extended a couple of weeks ago will actually be eaten up, any savings that might be achieved to the American family's pocketbook will literally be eaten up simply by paying the higher costs of gasoline that are going to be imposed on every American family as a result of these higher prices, again, that simply are the result of us not having enough supply.

This is a market situation. Gasoline is a global commodity. When we have more supply, it brings the price down. When we have more domestic production, it means two things: it means lower prices at the pump for American consumers, and it means more jobs for American workers. Blocking access to American sources of energy production means higher prices at the pump for American consumers and fewer jobs for American workers. It is that straightforward. It is that simple.

The American people understand that. That is why the policies this administration is pursuing—and, clearly, from the statements that are being made by these members of the President's administration, from Secretary Chu to Secretary Salazar to the President himself—suggest, if you can believe this—unfathomable, I am sure, to many Americans—that it is intentional to actually push those prices higher.

That is what Secretary Chu said back in 2008: We need to boost our prices to the level they are seeing in places such as Europe.

I think the American people believe differently about that. I believe they deserve better. They want policies that lower the cost of energy and make America less dependent upon dangerous foreign regimes. I know many of us—Republicans in the Senate—are ready to go to work putting those policies in place if the President and his allies in the Senate will give us that opportunity.

I yield the floor.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

ENERGY POLICY

Mr. MCCONNELL. Madam President, I want to associate myself with the remarks of the Senator from South Dakota and follow up in that regard.

Yesterday I came to the Senate floor and explained how the President's ideological outlook and the policies that have grown out of it will only continue to drive up the cost of gasoline at the pump. After I spoke, the President's Energy Secretary seemed to confirm it when he told a congressional panel that the Department of Energy isn't working to drive down the price of gas. They are working to wean us off of it altogether, and high gas prices add urgency to those efforts.

In other words, high gas prices actually help the administration achieve what it is trying to achieve. What I suggested yesterday and what I am suggesting again this morning is that we look at statements such as this and many others from the President and some of his top advisers in the past, along with the President's actual policies when it comes to assessing the current situation at the pump—not the speeches he gives when he starts feeling the political heat for it because he can't have it both ways.

Once again, here are the facts. The President continues to limit off-shore areas to energy production and is granting fewer leases on public land for oil drilling. At the same time, he has encouraged other countries such as Brazil to move forward with their offshore drilling projects. The Obama administration continues to impose burdensome regulations on the domestic energy sector that will further drive up the cost of gasoline for the consumer. He is proposing raising taxes on the energy sector, a move that the Congressional Research Service has said would drive up costs.

As we all know, he flatly rejected the Keystone XL Pipeline, a potentially game-changing domestic energy project that promises not only greater independence from Middle Eastern oil but tens of thousands of private sector jobs.

All of these policies help drive up the cost of gasoline and increase our dependence on foreign sources of oil, but perhaps none is as emblematic of the President's simplistic and punitive approach to energy policy as the last one. The President simply cannot claim to support a comprehensive approach to energy while at the same time standing in the way of the Keystone Pipeline. It doesn't make any sense. It is either one or the other.

Most Americans understand that. That is why many of us were pleased when the company that is responsible for building Keystone said it plans to move forward with the southern portion of the pipeline, despite the administration's decision to block the northern portion to alleviate a bottleneck in Cushing, OK. They are just not going to let this administration punish them or the rest of those who want to build this pipeline.

Asked about the impact of delays, the company's President and CEO said they were partly to blame for the recent spike in gas prices, which is presumably why the White House came out in support of the move. But the hypocrisy is quite stunning.

How could a White House that is single-handedly blocking one-half of the pipeline to appease an extreme segment of its political base now claim to support the southern half of the same pipeline? Well, the short answer is they don't have the authority to block the southern half, so they think that by claiming to support it, then they can get credit from people for being on both sides of the issue. But if Keystone is good for America and good for jobs, the President should just come out and support the whole pipeline. With gas prices literally skyrocketing and growing turmoil in the Middle East, we can't afford another year of foot-dragging. It is time for the President to move quickly to approve the entire Keystone XL Pipeline. This is literally a no-brainer.

An overwhelming majority of Americans support the Keystone XL Pipeline in its entirety. The President should listen to them. Instead of lecturing the American people about his idea of fairness, he should spend a little more time thinking about what most Americans think is fair. Most Americans don't think it is particularly fair that the President of the United States is blocking them from tapping into our

natural resources even as he uses their tax dollars to prop up failing solar companies like Solyndra and to hand out bonuses to the executives who drive them literally into the ground. Most Americans don't think it is fair that their President would want to drive up the cost of gasoline they need to get around every day and build their families and their businesses and their lives even as he is directing more and more of their money to risky solar schemes in his own administration—risky solar schemes his own administration says sometimes fail.

Well, the American people don't ask for much, but they do expect to be able to go out there every day and try to build a future for themselves and their families without their own President throwing sand in the gears. And whether it is high gas prices or government regulations or higher debt, the American people are tired of bearing the burden so this President can build an economy in which Washington calls all the shots. Yes, Americans want lower gas prices, and, yes, this President's policies are hurting. But let's be clear about something: This debate is not just about gas prices, it is about a President who wants to impose a definition of ''fairness'' on the American people, yet most of them simply do not accept.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Utah.

Mr. HATCH. Madam President, I ask unanimous consent that I be permitted to finish my remarks and that I be granted enough time to do so.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. HATCH. Madam President, the first 3 years of President Obama's administration were a frenzy of activity. He pushed the stimulus, he spent over a year pursuing his health care law, and he forced through Dodd-Frank, imposing historic regulations on the banking industry. Even The Economist magazine has found fault with that. Yet, at a time when the Nation was in economic free fall, the President chose an agenda of more regulation and higher taxes.

The President ignored private sector job creation and the primacy of economic growth, and nowhere was this more evident than with respect to energy policy. President Obama has failed entirely to address one of the greatest obstacles to economic growth; that is, high energy prices.

Today he claims he is for an all-of-the-above approach to energy. All of a sudden, facing $5-a-gallon gasoline, weak job creation, and a Presidential election, he claims to have found religion on energy production. But whether we look at oil, natural gas, or the Keystone Pipeline, the American people are not buying this conversion story, and I certainly agree with our distinguished minority leader and his comments here this morning.

This failure by the President to tackle our energy needs is a national crisis for which the American people should hold him accountable. Yet his inability to put jobs ahead of his radical and unrepresentative environmental base has particular implications for the citizens of my State of Utah as well. Days after announcing in his State of the Union an ''all-of-the-above strategy that develops every available source of American energy,'' the administration cut access to Federal lands in the West for oil shale development by 75 percent and proposed a 50 percent royalty hike on domestic energy production on public lands.

Whether it is closing off more Federal lands to American energy production or saying no to the Keystone Pipeline, this White House has shown it is more focused on appeasing its extremist ideological allies than putting forward an energy policy that works for Utahans and Americans everywhere. With gas prices and home heating costs on the rise, the American people deserve action, not more campaign speeches—and I might add, from the most anti-American energy administration in our Nation's history.

When it comes to energy policy, the President is a man divided. On almost all economic policy, his answer is, tax the rich more. Taxing the rich more is his go-to option for reducing the deficit, paying for Obamacare, and paying for new roads and bridges. Higher taxes are a matter of fundamental fairness, the President claims, but when it comes to gas prices, the President sides with the 1 percent.

The folks who would benefit most from increased energy production are blue-collar workers and middle-class families. High energy prices hit the wallets of lower income Americans the hardest. Middle-class Americans are more likely to have longer commutes and bigger cars than wealthy urban citizens. The passthrough cost of high fuel prices hits the grocery budgets of all Americans. The jobs that never materialize due to the failure to develop energy resources undermines every blue-collar American.

The President claims to be for fairness and an egalitarian economic policy, but his energy policy is incredibly regressive, putting the burden of his environmental agenda on the backs of the middle class. The situation got no better with the budget the President recently submitted or with this long-delayed proposal for business tax reform.

Rather than advance an energy agenda that would spur production, lower prices, and create jobs, the President continues to advocate for increased taxes on oil and gas production in the United States.

On March 3 of last year, the Congressional Research Service concluded that the President's proposals would ''make oil and natural gas more expensive for U.S. consumers and likely increase foreign dependence.'' The same holds true today. These decisions are based in political appeals to his elitist base rather than any interest in developing sound energy policy. For example, in his budget the President cites the following as his reason for repealing tax incentives for oil and gas production:

> Special tax treatment of working interests in oil and gas properties . . . distorts markets by encouraging more investment in the oil and gas industry than would occur under a neutral system.

Give me a break. The reason the President opposes current tax policy for oil and gas is because he opposes distorting markets?

The Energy Information Administration reports that in fiscal year 2010, $14.7 billion in energy-specific subsidies went to advance renewable energy compared to $4.2 billion in energy-related subsidies that went to advance fossil fuels. In other words, there are three times as many government subsidies going to renewable energy as there are going to oil, gas, and coal combined. Now, that is what you call distorting the market.

Contrary to the President's presentation, these are not tax loopholes that need to be closed. The term ''tax loophole'' implies that a tax incentive is susceptible to an exploitation of an unintended benefit. While the Tax Code has some tax loopholes that we must clearly eliminate, the tax expenditures that benefit oil and gas companies were intended to incentivize a particular activity or behavior. For instance, section 199 of the Internal Revenue Code includes an incentive for the domestic production of oil and gas. This is no loophole. Congress, on a bipartisan basis, understands that without this incentive, we could see an enormous reduction in employment, and it is simply inaccurate to state that this incentive adds little to our economic or energy security.

The American people need to understand that repeal of this policy will only increase our dependence on foreign-produced oil. But this does not seem to bother the President one bit. On March 20 of last year, the President told a group of political and business leaders in Brazil that we ''want to help with technology and support to develop these oil reserves safely, and when you're ready to start selling, we want to be one of your best customers.''

As hard as it is to believe, the administration does not even seem to share the desire of the American people for lower energy prices. The President's Secretary of Energy, Secretary Steven Chu, stated: ''We have to figure out how to boost the price of gasoline to the levels in Europe.'' Gas prices in Europe are $8 to $10 a gallon, and that is where the administration and environmental activists want gas prices to be for Americans. Even President Obama stated in 2008 that he would prefer a gradual adjustment to high gasoline prices, just maybe not a quick spike.

The President claims he is for an all-of-the-above energy policy so long as it

does not include offshore drilling, drilling on our western lands, the development of energy in Alaska, and the Keystone Pipeline. My reading of his all-of-the-above approach is some-of-the-above and only those that are poll-tested and approved by environmental activists.

This is terrible tax policy, it is terrible energy policy, and it is terrible economic policy. Unfortunately, it is all we have from this administration.

The reality is that our country relies upon oil and gas because it is dependable, abundant, affordable, and domestic. Raising taxes on American companies that produce oil and gas will be felt by all Americans not only at the pump but also through a decrease in dividends to many middle-class shareholders. This is the wrong prescription for our ailing economy.

For this administration, the goal remains not lower energy prices but the liberal dream of getting America off of oil. Just the other day, the President's Secretary of Energy acknowledged that the overall goal of his Department is not to lower the cost of traditional energy but to decrease dependency on oil.

For what it is worth, this commitment to restricting domestic production is a policy that divides my colleagues on the other side of the aisle. They know the President is putting the preferred lifestyle policies of wealthy urbanites ahead of the needs of blue-collar and union workers and middle-class Americans. They know the decision by the President to kill the Keystone Pipeline put environmental interest groups ahead of the needs of workers, commuters, and families.

President Obama has traded in the hardhat-and-lunch-bucket heritage of the Democratic Party for a hipster fedora and a double-skim latte. He has put liberal environmental dreams ahead of the economic reality that working-class Americans have been struggling with for years. The Nation's unemployment rate has been above 8 percent for 36 straight months. The average duration of unemployment was 40.1 weeks in January 2012. Yet the President and his allies in the Senate have helped to kill projects that would undeniably lead to the creation of hundreds of thousands of high-paying American jobs.

Gas prices have now risen for 20 straight days. Gas prices are now up 30 cents over the last month and 18 cents in the past 2 weeks. We are cruising toward $5-a-gallon gas, and the President resists any long-term solutions to these rising energy prices.

The American people deserve better than this. They have waited 3 long years for a serious energy agenda from this President, and if he does not address this energy crisis soon, in less than a year the American people will be looking to another President to promote an energy program that will finally create jobs and lower the cost of energy for all Americans. Look, we have energy within our country's boundaries. We have energy that is just begging to be developed, that would help us to make it through these trying times. We need the lowest cost energy we can possibly have, and we are not going to get it under this President. We are not going to get it under this administration. I hope my colleagues on both sides of the aisle wake up and realize we are putting our country right down the drain.

I saw, sometime over the last couple of weeks, The Economist magazine. The front page of that magazine criticizes us for the overregulatory nature of our economy and of our government. We are making it so it is almost impossible for businesses to expand and create high-paid jobs.

We can solve our own energy needs. We have between 800 billion and 1.6 trillion barrels of recoverable oil in oil shale in Utah, Colorado, and Wyoming alone. We have billions of barrels of oil in ANWR up in Alaska and billions of barrels of oil at other sites in Alaska. Fortunately, we found oil in the Bakken claim in North Dakota, but the only reason we have been able to drill there is because it is private land. Fortunately, we found some places down in Texas, but again they are on private land. We can't get the permits and the ability to drill on public land or even develop oil shale on public land. Yes, it would cost us more per barrel to develop that oil, but it would also bring down the intense problems we have in trying to find enough oil and gas to keep our country moving ahead as the greatest country in the world. We have to simply get this administration to wake up and realize there are many ways we can solve our energy problems—many ways.

We are also awash in natural gas. A lot of people have been saying we need to develop our natural gas. We need to develop more of our energy resources than we are developing now. And we can do it. America can do it if we get the government off the backs of those who produce energy. I hope and pray that Democrats and Republicans alike will lock arms, get together, and solve the problems facing our country, regardless of this President, who doesn't seem to know what to do or how to do it.

This is a crucial time for our country. There is no excuse for us to be in the mess we are in. But unfortunately, we are here because of the poor energy policies of this administration.

Madam President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Michigan.

STOCK OPTION LOOPHOLE

Mr. LEVIN. Madam President, there has been a great deal of conversation recently about the need to close tax loopholes. This is a welcome development for those of us who have gone after these loopholes for years. It is particularly timely as the public is focusing more and more on how tax loopholes distort economic incentives and often benefit the wealthiest among us at the expense of most U.S. taxpayers.

Last week, President Obama released a framework for business tax reform that took aim at many corporate tax loopholes. I look forward to working with the administration and with our colleagues in the Senate to make real reform a reality—reform that brings greater fairness to the Tax Code, eliminates incentives for moving jobs and assets overseas, restores revenue lost to unjustified tax loopholes, and helps us reduce the deficit without damaging vital programs for education, transportation, health care, and national security.

One recent and very public announcement illustrates dramatically our Tax Code's distortions and the need for reform. At the center of this story is Facebook and its founder and CEO Mark Zuckerberg. Mr. Zuckerberg and his company have become a remarkable American business success story. As part of that success, Facebook is in the process of making its initial public offering of stock. The public documents that Facebook is required to file as part of that offering tell another compelling story about one of our Tax Code's unjustified corporate loopholes.

According to its filings, when Facebook goes public, Mr. Zuckerberg plans to exercise options to purchase 120 million shares of stock for 6 cents a share. Obviously, Mr. Zuckerberg's shares are going to be worth a great deal more than 6 cents each—a total of about $7 million. They will apparently be worth in the neighborhood of $5 billion.

Here is where the tax loophole comes in. Under current law, Facebook can, perfectly legally, tell investors and the public and regulators that the stock options he received cost the company a mere 6 cents a share. That is the expense shown on the company's books. But the company can also, perfectly legally, later on file a tax return claiming that those same options cost the company something close to what the shares actually sell for later on—perhaps $40 a share. The company can take a tax deduction for that far larger amount. So the books show a highly profitable company—profitable, in part, because of the relatively small expense the company shows on its books for the stock options it grants to its employees—but when it comes time to pay taxes, to pay Uncle Sam, the loophole in the Tax Code allows the company to take a tax deduction for a far larger expense than they have shown on their books.

In addition, Facebook is allowed by law to carry back the so-called loss arising from this deduction for 2 years into the past, which means it can claim a tax refund for the income tax it has paid over the past 2 years—a refund that the company estimates at $½ billion. So instead of paying taxes to the Treasury, this profitable company will claim a hefty refund on the taxes already paid.

But that is not all. The company says it will, as allowed by law, also carry forward the so-called losses arising from this tax deduction for over 20 years into the future, thereby reducing any taxes that it owes in the years ahead. Over the years, this loophole could give a tax break of up to $3 billion. The end result is that a profitable U.S. corporation—a success story—could end up paying no taxes at all for years, even decades.

I emphasize that Facebook's actions are within the law. As with so much of our Tax Code, it is not the law-breaking that shocks the conscience, it is the stuff that is perfectly legal. For years, my Permanent Subcommittee on Investigations has identified this stock option loophole and tried to explain its cost, its unfairness, and why it should be closed. Facebook's $3 billion tax break brings the issue into sharp focus.

Again, the stock option loophole allows corporations to compensate their executives with stock options, report a specific stock option expense to their shareholders, and then later take a tax deduction for typically a much higher amount. Stock option grants are the only kind of compensation where the Tax Code allows companies to claim a higher expense for tax purposes than it shows on its books. Our subcommittee found that the difference between what U.S. corporations tell the public and what they told the IRS was as much as $61 billion in 1 year.

Facebook's use of this loophole is the most pointed illustration yet of the cost of this loophole. It is difficult to get our minds around a $3 billion tax break for a single corporation. Just how big is it? Well, consider this: In 2009, the most recent year for which IRS data is available, taxpayers from 11 States in our Union sent less than $3 billion in individual income tax revenue to the Treasury. How does this make any sense? After all, American taxpayers are going to have to make up for what Facebook's tax deduction costs the Treasury. That $3 billion is either going to come out of the pockets of American families now or it will add to the deficit they are going to have to pay for later.

What could our Nation do with the $3 billion it will lose when Facebook exploits the stock option loophole? We could reduce the Federal deficit or we could pay for programs that protect our seniors, put cops on the beat or teachers in classrooms. The $3 billion Facebook will get in tax deductions would more than triple the budget of the Small Business Administration, which seeks to help American entrepreneurs create jobs and grow the economy. Three billion dollars would pay for the Pentagon's budget for housing our military families for nearly 2 full years. It would pay the budget of the National Institute of Science and Technology for 4 full years. It would more than triple what we plan to spend helping homeless veterans next year. It would pay 6 times over for the 24 Reaper unmanned aerial vehicles the Air Force plans to buy next year.

Some are going to argue that Facebook's tax break is offset by the fact that Mr. Zuckerberg himself, as well as the other executives who are receiving stock options, will pay taxes as individuals. As various news reports indicate, Mr. Zuckerberg will face a substantial tax bill on the $5 billion in compensation he is about to receive—perhaps in the neighborhood of a $2 billion tax bill. But it is unlikely that the individual taxes Mr. Zuckerberg pays will offset the tax revenues lost to this loophole. What the Treasury receives from Mr. Zuckerberg on the one hand, it will return, and then some, to his company with the other hand. We also should remember that Mr. Zuckerberg's financial future is closely tied to that of his company. The value of the options and his retained interest make that clear. To the extent that his corporation benefits—and as I have shown, Facebook will benefit handsomely from the use of this loophole—Mr. Zuckerberg stands to benefit as well. Put simply, some of that big tax bill he faces right now will come back to him through the corporation he will still own a huge part of and will control.

Our tax system is built on the principle that businesses as well as individuals ought to help pay our Nation's bills. Corporations impose plenty of costs on society, from environmental disasters, financial bailouts, product recalls, and more. Businesses also want and need government services, including efficient transportation systems, patent protections, even Federal loan guarantees. Paying those costs is why we have a corporate income tax to begin with. Both businesses and individuals are required by law to contribute, and should do so, to meet their civic obligations and to pay their fair share. There is no reason Facebook and the other corporations that use this tax loophole should continue to receive these windfall tax deductions.

Senator CONRAD and I earlier this month introduced S. 2075, the Cut Unjustified Tax Loopholes Act, or CUT Loopholes Act. This bill, similar to the legislation I have introduced in the past few Congresses, would close this loophole. Under our bill, corporations would no longer be allowed to claim tax deductions for options that are larger than the expense they report to their shareholders and to people considering buying their stock. It would also subject stock options to the same $1 million cap on deductions for executive compensation that now applies to other forms of compensation. At the same time—and this is important to know—our bill would leave unchanged the way the law applies to individuals who receive stock options, and it would leave unchanged incentive stock options that are offered by startup companies. We would not affect that.

The stock option loophole should have been closed long before Mr. Zuckerberg's extraordinarily lucrative options became public. But surely the case of Facebook illustrates to the Senate, to the Congress, and to the American people that we must close this loophole.

I have spoken today about one corporate tax loophole, but there are many more. The momentum has never been stronger for tax reform that brings more fairness to the Tax Code, restores revenue lost to unjustified tax loopholes, reduces the deficit, and protects important priorities. I look forward to working with our colleagues and with the administration to turn that momentum into real reform.

Madam President, I thank the Chair, I yield the floor, and I note 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. SCHUMER. 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.

BLUNT AMENDMENT

Mr. SCHUMER. Madam President, I rise today to discuss the amendment to the surface transportation bill offered by my friend and colleague from Missouri, Senator BLUNT.

For reasons beyond me, the other side has demanded a vote on birth control. It seems they wish to debate whether we should take away access to contraception for millions of women.

Cooler heads are not prevailing on the other side of the aisle these days. There are some wiser voices on their side who do seem to regret they are having this debate, but they are the minority.

Just this morning, the senior Senator from Alaska is quoted in the New York Times expressing exacerbation. Of her party's push to roll back access to contraception, she says:

> I don't know where we are going with this issue.

I sympathize with the frustration shown by my friend from Alaska. There is no good answer about where the other side is going with this issue—except, perhaps, back to the 19th century.

This whole debate is an anachronism. Our country progressed beyond the issue of whether to allow birth control a long time ago. Yet here we are in 2012 and some in the Republican Party suddenly want to turn back the clock and take away contraception from millions of women.

Make no mistake, that is what this debate is about, as backward as it is. I keep hearing this measure being referred to as the Blunt amendment, named after its sponsor, my friend, the Senator from Missouri. We should, instead, call it for what it will be: an attempt to take away for millions of women birth control.

If this amendment passes, it would ban contraception coverage for any woman in America whose boss has a personal objection to it. The measure would force women to surrender control of their own health decisions to their bosses. That concept is not merely quaint or old-fashioned, it is dangerous, and it is wrong.

According to the Department of Health and Human Services, some 20 million American women could be cut off from health services by this proposal. The other side does not want the debate framed in those terms because they know it makes them look silly. So instead, they are spinning.

In the last week, there have been op-eds penned by the minority leader, the junior Senator from Massachusetts, and the junior Senator from Missouri, all seeking to frame this as about protecting religious liberty.

The debate may have been about religious liberty for a time, but now some on the other side have overplayed their hand. They may have started seeking protections for religious-affiliated employers, but now they sense a ripe time to make headway on a far-right social agenda.

The debate reminds me of a famous quote that our former colleague Dale Bumpers used to invoke. It was a quote by H.L. Mencken, who said:

> When someone says it's not about the money, it's usually about the money.

Well, when the other side tries so hard to claim this is not a debate about contraception, that is how you know this debate is precisely about contraception.

The amendment is not about religious liberty. The truth is religious institutions have always been exempt under the law from certain coverage requirements. Under the President's compromise, an even larger set of employers—those with a religious affiliation such as certain hospitals and schools—also will not have to pay for contraception coverage. It will, instead, be covered by the insurance company. The President's compromise has been widely embraced, including by many of the same church-affiliated organizations that expressed concern originally.

The administration is working on a solution for self-insured employers. I am confident they will find a way that works for everyone.

The amendment being voted on tomorrow is not responsive to any real concerns about religious freedom. Its reach extends far beyond church organizations that legitimately seek considerations based on conscience. It wants to let any employer in the country decide to cut off services for any reason whatsoever.

Under the guise of religious liberty, some on the hard right are trying to accomplish a political goal: banning contraception more widely. This is a goal the other side has been pursuing for a while now at the State level. At the heart of many of the personhood proposals being advanced in State legislatures is an attempt to cut off women's access to certain forms of contraception.

Some Republicans in the Senate now seem to want to nationalize this fringe debate over whether contraception should be allowed. It is not a political winner. Even the House Republicans seem to have the good sense not to bring up the amendment on the floor of their Chamber. But here the other side is pushing ahead with the ban.

It is so far-reaching, it has stirred a wide collection of health organizations to speak out against it. These are groups such as the American Academy of Pediatrics, the American Congress of Obstetricians and Gynecologists, the March of Dimes, and Easter Seals. These are groups with no agenda other than protecting the health of those they serve.

In a letter these groups sent earlier this week, they pointed out the wide variety of services that an employer could decline to provide, such as child vaccinations and mammograms.

It is true that all these services and more are threatened by this amendment. But are Republicans against child vaccinations and mammograms? I doubt it. So let's admit what this debate is really about and what Republicans want to take away from millions of American women. It is contraception. We should call this debate and this amendment for what it will be for millions of women whose boss may have a personal objection: This is a contraception ban.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Maryland.

BICENTENNIAL OF THE WAR OF 1812

Mr. CARDIN. Madam President, I rise today to commemorate the 200th anniversary of the War of 1812 and the ''Star Spangled Banner,'' and to honor the memory of all Americans who came together in America's ''Second War of Independence,'' particularly those fallen heroes who gave their lives during the conflict.

It is important Americans recognize the service and sacrifice of all those who have worn the uniform of this Nation. On behalf of the Senate, I thank the millions of brave men and women who have served in the U.S. Armed Forces and risked their lives for our Nation, including during the War of 1812.

The War of 1812 confirmed America's independence from Great Britain in the eyes of the world. Before the war, the British had been routinely imposing on American sovereignty. They had impressed American merchant seamen into the British Royal Navy, enforced illegal and unfair trade rules with the United States, and allegedly offered assistance to American Indian tribes that were attacking frontier settlements. In response, the United States declared war on Great Britain to protest these violations of free trade, sailors' rights, and sanctioning raids on American land.

After 2½ years of conflict, the British Navy sailed up the heart of the Chesapeake Bay with combined military and naval forces, and in August 1814 attacked Washington, DC, burning to the ground the U.S. Capitol, the White House, and much of the rest of our capital city. Less than 3 weeks later, the British set their eyes upon the next prize: the strategic port city of Baltimore, MD.

American forces, primarily made up of citizens of Baltimore, prepared Baltimore City's defenses. Marylanders fought the British army during the Battle of North Point and helped repulse the British Navy from Fort McHenry during the now infamous Battle of Baltimore. I want to point out that the American forces during the Battle of North Point were volunteer militia. In the battle, just 250 members of the 5th Brigade of the Maryland Militia, heavily outnumbered by the highly trained British infantry, managed to delay the British forces long enough for 10,000 reinforcements to arrive, preventing a land attack against Baltimore.

The British assault also failed at sea. Following 25 hours of intense British naval bombardment at Fort McHenry, the American defenders refused to yield, and the British were forced to depart. During the bombardment, an American lawyer, Francis Scott Key, who was being held onboard an American flag-of-truce vessel in Baltimore Harbor, beheld, by the dawn's early light, the American flag still flying atop Fort McHenry.

Key realized then that the Americans had survived the battle and stopped the enemy advance. Moved by the sight of the American flag flying over Fort McHenry, he composed the poem called ''The Defense of Fort McHenry,'' which was later set to music, becoming ''The Star Spangled Banner'' that officially became the National Anthem on March 3, 1931. We will be celebrating this weekend the 82nd anniversary of the ''Star Spangled Banner'' becoming the official national anthem of our country. The flag that flew over Fort McHenry during that fateful night is now a national treasure on display at the Smithsonian Institution—an inspiration to all Americans—a very short distance from where we are today.

The War of 1812 confirmed the legitimacy of the Revolution and served as a critical test for the U.S. Constitution and our newly established democratic government. Our young Nation battled against the largest, most powerful military on Earth at the time and emerged with an enhanced standing among the countries of the world. A new generation of Americans too young to remember the victory of the Revolutionary War were inspired by Francis Scott Key's poem to take pride in our Nation's flag, which embodies

our universal feelings of patriotism and courage.

As a Marylander, I am proud of the role my State played in the War of 1812, and I have been involved in legislative efforts to bring greater attention to this bicentennial celebration. My colleague Congressman RUPPERSBERGER and I were sponsors of the Star Spangled Banner Commemorative Coin Act, signed into law by President Obama in August 2010, directing the U.S. Mint to create coins commemorating this important anniversary.

These gold and silver coin designs are emblematic of the War of 1812, particularly the Battle of Baltimore that formed the basis for the lyrics to our National Anthem. The coins are set to go on sale in March and will be sold only during this year. The surcharges from these commemorative coins will provide support to the Maryland War of 1812 Bicentennial Commission to conduct bicentennial activities, assist in educational outreach, and preserve sites and structures relating to the War of 1812.

I am also planning to introduce with my colleagues Senator PORTMAN, Senator KERRY, and Senator MIKULSKI a resolution to mark this occasion, to celebrate the heroism of the American people during the conflict, and to recognize the various organizations involved in organizing commemorative events in Maryland and throughout the United States in the coming years, including the U.S. Armed Forces, the National Park Service, and the Maryland War of 1812 Bicentennial Commission.

As we recognize all these ongoing efforts during this commemorative period, I encourage all Americans to remember the sacrifice of those who gave their lives to defend our Nation's freedom and democracy, and to join in the bicentennial celebration of our victory in the War of 1812.

With that, I yield the floor.

The PRESIDING OFFICER (Mr. SCHUMER). The Senator from California is recognized.

ORDER OF BUSINESS

Mrs. BOXER. Mr. President, could the Presiding Officer tell me what the pending business is? Are we on the Transportation bill at this time?

The PRESIDING OFFICER. The majority has 4 minutes in morning business.

Mrs. BOXER. All right. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. GILLIBRAND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from New York is recognized.

WOMEN'S HEALTH CARE

Mrs. GILLIBRAND. Mr. President, it is with great disappointment and bafflement that I stand here yet again in the year 2012 to draw a line in the sand against another outrageous attempt to roll back women's access to basic health care services.

After insisting that we debate the long-settled concept of provided access to birth control, when 99 percent of American women use this medication at some point in their life, many of whom use it not even for contraception, Republicans have chosen to take another extreme step to roll back all women's health care rights. So instead of talking about how to grow our economy, we are wasting time on the latest overreach and intrusion into women's lives. When will my colleagues understand this very nondebatable fact, that the decisions of whether a woman takes one medicine or another, or what type of health care she should have access to, should not be the decision of her boss—a commonsense, simple principle, that bosses and employers should not make these very personal decisions. What could be more intrusive than that?

Let me be clear. This debate, as the Presiding Officer said in his remarks, has nothing to do with religious freedom. You do not have to take it from me. Take it from the Supreme Court. Take it from Justice Antonin Scalia, one of the most conservative Justices of our Supreme Court.

In the majority decision in 1990, Employment Division v. Smith, Justice Scalia wrote, ''We have never held that an individual's religious beliefs excuse him from compliance with an otherwise valid law prohibiting that the State is free to regulate.'' And that is exactly what we are seeing here. Employers cannot pick or choose what laws they are going to follow. Employers cannot pick or choose if they want to follow this labor law or that labor law. They have to follow the law.

This extreme amendment Republicans are bringing up for a vote tomorrow makes it clear that this is a political and ideological overreach, not a religious issue. The fact that they want to exempt all businesses from providing any preventive care for a woman is outrageous and a clear, callous disregard for the health and well-being of America's women.

The Blunt amendment would allow any insurer or employer to refuse coverage for any health care service otherwise required under the Affordable Care Act, jeopardizing vital and necessary health care services for millions of Americans, services such as prenatal care that help our babies survive; fertility treatments; testing for HIV; mental health services; screening for cervical cancer; screening for type 2 diabetes; vaccinations.

Coverage for any or all of these services and countless others could be denied to any person under this radically broad amendment. This amendment is not just dangerous for women, it is also dangerous to our children, and children's health groups are opposing this amendment because vaccines could be denied on the basis of personal belief. Denying childhood preventive care could negatively influence their health as adults, adding billions of dollars in additional health care costs throughout the lives of these children as they grow.

We will not stand for these attempts to undermine the ability of a woman to make her own decision about what is best for her and what is best to protect her children. If our Republican colleagues want to continue to take this issue head on, we will stand here as often as necessary to draw a line in the sand and to make it known that in the Senate we oppose these attacks on women's rights and women's health. And even if House Republicans are not going to allow women's voices to be heard in their hearings, women's voices will surely be heard all across our country.

It is time to agree that women deserve access to preventive health care services regardless of where they work and who their boss is. It is time to agree to get back to work on legislation that can create jobs and get our economy moving. That is what the American people want us to be debating. That is what our mission should be here in Congress, and that is where our sole focus should be, not on undermining protection and well being for America's women.

I yield the floor.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

MOVING AHEAD FOR PROGRESS IN THE 21ST CENTURY ACT

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. 1813, which the clerk will report by title.

The legislative clerk read as follows:

A bill (S. 1813) to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes.

Pending:

Reid amendment No. 1730, of a perfecting nature.

Reid (for Blunt) amendment No. 1520 (to amendment No. 1730), to amend the Patient Protection and Affordable Care Act to protect rights of conscience with regard to requirements for coverage of specific items and services.

Mrs. BOXER. As the senior Senator from New York relinquishes the chair to his colleague from New York, I want to thank both of them for their amazing leadership in every issue we turn to today.

Senator SCHUMER's work to help us bring this transportation bill to the floor is exemplary. And Senator SCHUMER knows, as Senator GILLIBRAND

knows and every one of us knows, we cannot have a strong economy if we cannot move goods, if we cannot move people, if commerce comes to a halt. So we have to pass a transportation bill to make sure our highways are adequate, our bridges are safe, our commerce can move, and our transit systems can carry people from one place to another.

I want to say to my colleague who is now sitting in the chair, Senator GILLIBRAND, that I listened to her remarks. I am very touched by them. She talked about women's voices, and she is dedicated to ensuring they are heard. Let me assure my friend that her voice has been heard on this and so many other important issues. And it is an effective voice. She was the one who came to me when the Republicans started to say they did not think it was necessary for women to have access to birth control with no copay through their insurance, and said: BARBARA, do you understand that a full 15 percent of women are prescribed birth control pills because they want to avoid ovarian cancer, they want to make sure that a cyst on an ovary does not get out of control, they want to avoid debilitating monthly pain, and even it is used for terrible skin conditions?

So when we hear our colleagues talk about birth control as if it is some unnecessary prescription—although you never hear them say it when it comes to Viagra, I would note—let me point out it is necessary. We will be on our feet day after day, month after month, hour after hour, and minute after minute, because we are not going to let them take away medicine from women. Oh, no. They are not. They will not. And the women of this country will not have it. They are engaged in this debate. They understand it. My friend from New York has been an incredible voice.

So here we are. We are on the highway bill. You may wonder, why is it that the Senator from New York came and talked about the issue of birth control and women's health when we are on a highway bill? Well, here is the news: My Republican colleagues are so intent on taking away women's rights, rights to health care, that they insisted on having a vote to take away these rights before they would allow the highway bill to move forward. Can you imagine?

I think it appropriate that at this point I pay tribute to my colleague, Senator OLYMPIA SNOWE, who has been an amazing colleague, who has been a voice of reason, a voice of progress, over the many years she has served. I have served with her in the House and the Senate, I do not know, decades. I will miss OLYMPIA SNOWE. But let's listen to what she said. She said: This place has become so polarized, so partisan we cannot move forward.

I would submit to you that the situation we find ourselves in at this moment is exhibit A on why someone such as OLYMPIA SNOWE is saying this has been a privilege and a wonderful thing, but I think I am going to move on. Because here we have a highway bill that is completely bipartisan. And again, my colleague in the chair from New York, Senator GILLIBRAND, is a very important member of the Environment and Public Works Committee. We passed a bill out of our committee with a vote of 18 to 0. We had 100 percent support in a polarized time because everybody understands we have to make sure we have a No. 1 transportation system, a class A transportation system in this great country of ours, a vision that was first brought to us by Dwight Eisenhower in the 1950s when he said, we have to be able to have a network of national highways.

So here is a bill that comes out of the EPW Committee 100 percent bipartisan. The section that dealt with banking comes out of the Banking Committee 100 percent bipartisan. It comes out of the Finance Committee very bipartisan, not 100 percent but very. And in Commerce it had a problem, which we have rectified, and it is now bipartisan.

So four committees have done their work on the transportation highway bill, and all of them have been bipartisan. So we come to the floor—I think this is now the third week or the second week on the bill—the second week on the bill—and we have gone nowhere, because in order for us to move forward, the Republicans are insisting on a vote to take away women's health care. So Senator REID said to them: Fine. We will vote on it Thursday morning. But let it be known throughout this land what is going on.

Sometimes people tune in and they say: Oh, it is so complicated, I cannot follow it. It is not complicated. Here is where we are: We have a bipartisan bill, 2.8 million jobs are at stake. We have to do it. The transportation bill is going to expire, the authorization, so we will not have any program in place March 31. We have to do this work, and we cannot move forward unless we have a vote on a polarizing amendment—a polarizing amendment.

How did it come about, this polarizing amendment? It came about because we passed the health care law that made some incredible breakthroughs. Two of the biggest breakthroughs, I think, in that bill is that we for the first time said to insurance companies and employers: When you provide insurance for your people, it must include a list of essential health care benefits and preventive health care benefits.

Let me read you the list of essential health care benefits that people of America are going to have unless the Blunt amendment passes and takes this away. This is the list of essential benefits the Blunt amendment would take away: Emergency services, hospitalization, maternity and newborn care, mental health treatment, preventive and wellness services, pediatric services, prescription drugs, ambulatory patient services, rehabilitative services and devices, and laboratory services.

These are categories of services that health insurance plans must cover under health care reform. But if the Blunt amendment passes—and we know it started because of birth control, but it has reached beyond that to every single essential health benefit that any employer in this Nation, if Blunt passes, could say: I do not want to do any of these. I do not want to do some of these, because I have a moral objection.

So if you worked for an employer who believes that prayer is what we need to cure illness—and by the way, that is their right. I would fight for their right to believe that. They would be able, however, to tell you that that is your alternative, and they do not have to provide any of those essential health benefits in their insurance plan.

The other thing the Blunt amendment does is it says that no more preventive health benefits will be required. Under the law, these are the preventive health benefits that are required to be offered to you. You do not have to take them if you are an employee who has an objection to any of these things. You do not have to do it, but they have to be offered to you: Breast cancer screenings, cervical cancer screenings, hepatitis A and B vaccines, measles and mumps vaccine, colorectal cancer screening, diabetes screening, cholesterol screening, blood pressure screening, obesity screening, tobacco cessation, autism screening, hearing screening for newborns, sickle cell screening, fluoride supplements, tuberculosis testing for children, depression screening, osteoporosis screening, flu vaccines for children and the elderly, contraception.

Contraception is a preventive health benefit because we know it prevents unintended pregnancies and prevents abortion and prevents illness. Fifteen percent of people take it to prevent illness. Also, well-woman visits, HPV testing, STD screening, HIV screening, breast feeding support, domestic violence screening, and gestational diabetes screening—all of these have to be provided. But if you don't want to take contraception, you can say, no; I am not interested in that. If you don't want to have your child to have a vaccine—personally, I think that is terrible—but you don't have to. But that is what is required.

Under the Blunt amendment, let's be clear. Any employer who simply says they have a moral objection can say: Sorry, see this list. We are not going to do 6, 7, 8, 9, or 10 things here. For example, obesity screening, we believe that is your problem, and we have a moral objection to that. Colorectal cancer screening, I have an objection to that because, again, my religion says it doesn't do any good.

This is why Blunt is so dangerous. It is about denying women the absolute right to have contraception offered to them—it does that, but it does a lot

more than that. Again, we are on a highway transportation bill. It is 2.8 million jobs. It came out of four committees, and it is bipartisan. It will keep this country moving. It will keep this economy going.

Madam President, I want you to imagine one Super Bowl stadium filled with people. Think about what that looks like in your mind's eye. Every seat in that stadium is filled. Now imagine 15 of those stadiums filled. That is how many unemployed construction workers there are in this great country today.

Yes, we are making progress. Yes, President Obama took us out of the worst recession since the Great Depression that he inherited. Yes, he turned it around. But he and we say, we have to do more. We cannot just say, because we are creating jobs now, it is enough. The President knows it; we know it. We were bleeding 800,000 jobs when he took over, and now we have stemmed it and we are creating a couple hundred jobs a month—100,000, 200,000—thank goodness. We have created, in the last 6 months or so, hundreds and hundreds of thousands of jobs.

Here is the point: Why on Earth would we take a U-turn as we are on the road to economic recovery, as we are on the road to a bill that is absolutely necessary, and take up the issue of women's health? I am telling you, I believe it is radical. I believe it is taking us backward. I believe it is hurtful to women. I call on every woman, regardless of political party, to make your voice heard against the Blunt amendment. You are being attacked.

What the President did in dealing with the issue of contraception showed the wisdom of Solomon. He basically said: If you are a religious institution and you have an objection to offering contraception, you don't have to do it. So 335,000 churches are exempt. I feel sorry for the employees who may not agree with the church, but they work for the church and therefore that is the rule.

Religiously affiliated hospitals and universities raised a question—you know, they serve a broad array of people. They hire a broad array of people, not just people of one faith but of many faiths and of many points of view. They raised the question, saying: We don't feel comfortable. The President came up with a compromise that has been embraced by Catholic Charities, Catholics United, and the Catholic Health Association. The only group that doesn't support him are the bishops.

If I could respectfully say to them, they don't deliver the health care services; Catholic Charities does, and the Catholic Health Association does. They represent thousands of providers. So they have embraced the President's compromise. But not my Republican friends. They didn't. They want to cause trouble and take away the ability for women to have access to contraception, without a copay—while they support supplying Viagra to men. It is stunning.

I think this is rippling across the land. I don't know if we have the photo—I don't think we have it on the floor—of the last panel that was held in the House, and my friend from New York talked about it. We do have it.

This is a picture. A picture is worth 1,000 words. This is a panel on women's health focused on contraception. Where are the women? Where are the women? One, two, three, four, five men; they are talking about women's health care. Not one of them ever had a baby. Not one of them ever had a monthly cramp. They are talking about women's health care like they know all about it.

The chairman, Chairman ISSA, didn't see immediately that there was a problem. There was a woman sitting there, and she asked to be heard. She said, ''I have a story to tell this panel.'' Oh, no, he didn't want to hear from her. He said she wasn't qualified. Do you know what her story was? It was about how a friend of hers who was denied the contraceptive pill and instead developed a terrible tumor on her ovary. He didn't think that was worthy of discussion.

This issue is rippling through the land. It says everything to me. We women in the Senate are not going to allow this to go unnoticed. That is a symbol of what is happening to women in this country. In the very States that are passing legislation that some have dubbed ''State rape,'' because it would require a woman to be subjected to an invasive vaginal probe without her consent, now they are backing off. That was the bill that almost passed in the Virginia Legislature. Now they have said: OK, it is a sonogram. There is another way to do it. It took women crying out and saying: Wait a minute. Are you kidding? And they are backing off.

Well, they better back up overall because this is the 21st century. Women should be trusted and respected and honored and believed. When you tell a woman she needs to be lectured by some stranger on her own personal decisions, right away you are questioning her worth. So the issue goes so far beyond the ability to obtain birth control pills. The issue goes so far beyond that. It really does. You can stand up here and say it is not about women's health, it is really about religious freedom, but as PATTY MURRAY, my colleague from Washington, has said: When they say it is not about contraception, it is about contraception.

Others have said: When they say it is not really about the money, it is really about the money. When they say it is not really about politics, it is about politics.

This is about contraception, making it difficult for women who don't have the means to have some sense of control over their reproductive lives and to be able to access a pill that could help them live a healthier life and live longer and free of pain.

So they will come and say: Oh, Senator BOXER, this isn't about contraception; it is about religious freedom. The President has taken care of the religious objection. I described how he did it, and I will say it again. He said if you are a religious institution, you don't have to provide contraception. If you are a religiously affiliated institution, there will be a way for a third party to deal with it. The Catholic health organizations support it, Catholic Charities. He has come up with a compromise. There is no reason to have this polarizing debate. Everybody should have religious freedom, including the employees, including the boss, including everybody. So no one under the President's plan is forced to do something they don't want to do. We just want to make sure when the Institute of Medicine tells us that availability to contraception saves lives and protects health, women get a chance to get it if they want. If they don't want it, they don't have to get it. Of course not.

Again, I will end where I started, talking about my colleague OLYMPIA SNOWE, who is retiring, not running again, because she said we are so polarized. This is exhibit 1. We are on a transportation bill that is bipartisan, but the other side can't let it rest, cannot move forward on it, and cannot move to make sure our businesses and our workers have a brighter future. Oh, no, they have to delay it.

By the way, it is not only with this birth control amendment and women's health amendment but with other amendments that have nothing to do with the subject. It is what makes the American people wonder what we are doing here.

I want to show some charts that deal with transportation issues right now. I will continue talking about OLYMPIA SNOWE for a minute. I went through some of the issues that I worked on with her. I want to talk about them. She and I wrote the Airline Passenger Bill of Rights Act. We were very strong because we knew our constituents were getting stuck on aircraft hour after hour, stuck on the tarmac, with no food, kids screaming, nightmare scenarios, 9, 10 hours on the runway. We thought passengers deserved a bill of rights.

We worked with outside groups, some wonderful people. Lo and behold, it passed as part of the FAA bill that finally got enacted. We didn't get 100 percent of what we wanted, but we got 90 percent. I was proud to work with her.

In 2009, following a tragic Buffalo commuter plane crash, which I know the occupant of the chair remembers, Senator OLYMPIA SNOWE wrote a bill to implement the recommendations of the National Transportation Safety Board to make sure these pilots get enough rest and that they are well-trained. We were very pleased that moved forward. We worked together—OLYMPIA and I—on the Purple Heart for POWs to make

sure the Purple Heart included prisoners of war who died in captivity and they could get that to bless their memory.

We worked together against the global gag rule.

We worked together and wrote a letter to the President—President Obama—asking him to appoint a woman to replace Justice David Souter.

I ask unanimous consent to have printed in the RECORD this letter I will be quoting from.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, May 11, 2009.

The PRESIDENT,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: The announced retirement of United States Supreme Court Justice David Souter—an outstanding jurist—has left you with the crucial task of nominating someone for a lifetime appointment to our nation's highest bench.

The most important thing is to nominate an exceptionally well-qualified, intelligent person to replace Justice Souter—and we are convinced that person should be a woman.

Women make up more than half of our population, but right now hold only one seat out of nine on the United States Supreme Court. This is out of balance. In order for the Court to be relevant, it needs to be diverse and better reflect America.

Mr. President, we look forward with great anticipation to your choice for the Supreme Court vacancy.

Sincerely,

BARBARA BOXER,
U.S. Senator.
OLYMPIA J. SNOWE,
U.S. Senator.

Mrs. BOXER. I am so proud of this letter we wrote together. In the letter, we said:

The most important thing is to nominate an exceptionally well-qualified, intelligent person to replace Justice Souter. . . . Women make up more than half of our population, but right now hold only one seat out of nine. . . . This is out of balance. In order for the Court to be relevant, it needs to be diverse and better reflect America.

Then, of course, the President nominated Sonia Sotomayor and we were very excited about that.

So it was wonderful to work with her on that, and we worked together on respecting human rights in Tibet and led 27 Senators in a letter to Chinese leader Hu Jintao asking that Tibetans be respected. Regarding women in Afghanistan, we worked together to ask Afghan leaders to revise a law that would legalize marital rape and impose other Taliban restrictions on Shiite women in Afghanistan.

This is just a partial list of issues I have worked on with OLYMPIA SNOWE, and I will do a longer tribute for the record at a later time.

But, again, as I heard this news, I was first filled with worry about her health, and I hoped she was OK. But she has clarified she absolutely is. So I wish her nothing but the best. I know she will always work on issues because she is so good at looking at a problem and solving it and not thinking first whether it is Democratic or it is Republican or where it falls on the political scales. So I have appreciated working with her on so many of these important issues that have come before us.

I think the Senate should take a minute to think about this in relation to this bill. The whole world is watching us. When I say that, I don't mean the whole world literally, but I think the country is watching us. Why do I say that? Because 1,000 groups have endorsed our moving ahead with this bill—a coalition of 1,075 organizations from all 50 States. Here is what they said about this Transportation bill:

There are few Federal efforts that rival the potential of critical transportation infrastructure investments for sustaining and creating jobs and economic activity.

This is what they wrote. So they know this is the way to sustain and revive economic activity. This is what is at stake: Right now, 1.8 million jobs are created because we have a transportation bill. That bill ends March 31. So 1.8 million jobs are at stake if we don't act. Because of the way we wrote our bill, we leveraged funding, and this gained great bipartisan support. We have greatly increased the TIFIA Program, which is the transportation infrastructure financing program, which leverages funds by 30 times. Because of this, we believe we will see another 1 million jobs created. So we are talking 2.8 million jobs that are at stake. Yet we have an amendment on women's health. I just keep coming back to how insane that is.

I also wish to note again the many unemployed construction workers. Remember, I said 15 stadiums could be filled with unemployed construction workers. This is the number: 1.48 million construction industry workers unemployed. The unemployment rate is 17.7 percent among construction industry workers; whereas, the national unemployment rate is 8.3 percent. We know the housing sector is still having major problems getting out of the funk it is in. It is tough. So we have to do this bill.

I have a picture, just in case your mind's eye wasn't able to conjure it up. Here is a picture of a stadium filled with about 100,000 people. So 15 of these stadiums would basically reflect all the unemployed construction workers.

Which are the groups that are supporting us and are they bipartisan? Oh, my goodness. I don't think I could share with everyone a more bipartisan list of organizations than the AAA, the American Association of State Highway and Transit Officials, the American Bus Association, the American Concrete Pavement Association, the American Council of Engineering Companies, the American Highway Users Alliance, the American Moving & Storage Association, the American Public Transportation Association, the American Road and Transportation Builders Association, the American Society of Civil Engineers—and it goes on and on—the trucking association, the Metropolitan Transportation Organizations, Commercial Vehicle Safety Alliance, Governors Highway Safety Association, International Union of Operating Engineers, Motor & Equipment Manufacturers Association, National Asphalt Pavement Association, National Association of Development Organizations, U.S. Chamber of Commerce, National Stone, Sand & Gravel Association, National Construction Alliance.

Oh, it goes on. That is just a partial list of those 1,000-plus organizations.

When we started our bill the Presiding Officer will remember we made history because we had Richard Trumka, the head of the AFL–CIO, sitting next to Tom Donohue, the head of the U.S. Chamber of Commerce. Donohue and Trumka, the odd couple. They are fighting and arguing on everything. Yet they came together in front of our committee because they know we will all benefit. All of America benefits when we do a bill such as this.

I think I have shared a lot, but there is one more point. If we allow this bill to go away, and we are stuck with an extension because the transportation fund is not collecting enough gas tax revenues—and there is a good-news reason for that, which is we are getting better fuel economy and we are using public transit a lot more, so the gas tax is not coming in at the rate it normally does—we will be down 35 percent in the fund. So right away—right away—631,000 jobs are gone. But what is so great about our bill is that four committees, including the Finance Committee, filled the gap in a way that was bipartisan.

Our story is a great story to tell. If I had to tell my grandkids a story, I would say: Once upon a time in America, we didn't have a national road system. But a Republican President named Dwight Eisenhower had a vision. He was a general. He knew it was important to move things in a reliable way, and he had a vision of a national transportation system, and everybody in the country said: What a great idea. So we started to have a bill every few years to authorize a highway fund. Then somebody came up with the notion of it being funded by the users, so that the gas tax would go—part of it—to this fund and we would have enough in that fund to build our highways and our bridges, and then, later on, our transit systems. People said: We have a lot of wear and tear on the roads. What if a lot of people took public transit and got out of their cars? It would be better for the air quality. It would be better for everybody and for the state of the roads, and so they were married up, highways and transit and bridges.

Now we have to live up to that legacy and not bog this bill down with birth control amendments and women's health amendments and amendments

about Egypt or anything else. There is time for that. We don't mind those battles but not on this bill. Infrastructure is the name of the game. We all know it—Republicans and Democrats.

So I say, let's stop playing games with this bill, please. Let's dispose of this birth control amendment, this women's health amendment. It doesn't belong on here. But if that is what it takes to get us off dead center, fine, let's go. To coin OLYMPIA SNOWE's phrase, it will be polarizing. It will not be pretty, but we will dispose of that and then we will move on and dispose of this bill.

I hope we will not have to face 5, 10, 20, 30 unrelated amendments. I hope we can get it down to a small number and move on. Let's pass this bill, lift the workers and lift our businesses. Every dollar, almost—most of the dollars—goes straight to the private sector through our States, through our local entities.

Then let's hold our head up high when we go home. So when I go to the supermarket I don't have people coming to me and saying: What is going on over there? Birth control on a highway bill. What, are you kidding? I don't want to have those conversations every time I go to the supermarket. What are these guys thinking, they say. I say: I don't know. I can't speak for them. I think it is an agenda that appeals to the far right of this Nation. It is not a mainstream way to go.

In closing now, for those who say Republicans and Democrats never work together, that is not true. Senator INHOFE and I are as far away from each other politically as two human beings can get, but we teamed up and put aside our ideologies, put aside our pet peeves, put aside things that, perhaps in our hearts, we truly wanted to do on this bill, and we met in the middle. He was over here and I was over here and we ended up right in the middle. We said: We can do this, and we proved we could do it. It was a challenge that was put to us by the leadership of both our parties and we met that test and other committees met that test.

So here we are. Are we now to say to committee chairs and ranking members, Republicans and Democrats alike, forget about it? It is not worth it. Work your heart out.

I pay tribute to my staff, my Democratic staff, and to Senator INHOFE's Republican staff. They worked night after night after night to come together on this bill. Then we were given an assignment 2 weeks ago to resolve the germane amendments and they have come together and they have resolved I don't know how many but dozens of amendments. So is the message, work your little hearts out, have your staff give up their nights with their families and come up with a bipartisan bill and all of a sudden have it subjected to some polarizing amendments that have nothing to do with the subject?

Please, let's not see this bill go down. Because if this bill goes down, let me tell you, I, for one, will go to as many cities as I can and counties in this country and tell the truth about what happened. There is no reason for us not to get this done, especially when we have the Chamber of Commerce working with the AFL–CIO, we have Republican-leaning business organizations working with Democratic-leaning worker organizations all throughout this country—over 1,000 of them. I talk to them every week to say thank you to them for keeping the pressure on all of us to keep moving forward. When we have that kind of bipartisanship in our committees, when we have that type of bipartisan bill on the floor, when we have that type of bipartisan support in the country, it is time to move forward and get the job done for the American people.

I thank the Chair, and 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. BARRASSO. Madam President, I ask unanimous consent that the quorum calm be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

A SECOND OPINION

Mr. BARRASSO. Madam President, I come to the floor today as I do week after week to talk about the health care law and offer a doctor's second opinion about this health care law. I do that as someone who has practiced medicine in Wyoming, taking care of families across the Cowboy State for about a quarter of a century, and I do it today because we are now approaching the second anniversary of the President's health care law, and, as predicted by many on my side of the aisle, the negative results continue to roll in and billions of taxpayer dollars continue to roll out.

Each week we learn more about how this law is going to break another one of the President's promises. He made a lot of promises, one of which is he said it would not add a dime to the deficit. It is now clear that the White House and Democrats in Congress completely underestimated—possibly intentionally but certainly vocally underestimated—how much the President's new entitlement program is going to cost the American people.

I come week after week because NANCY PELOSI said, ''First you have to pass it before you get to find out what is in it.'' This past week a story came out that talks about the high-risk pools, designed and established to cover people who were not able to buy health insurance in the individual market prior to the health care law. The goal was admirable. The plan, though, they came out with was horrible.

First, the new Obama high-risk plans created more bureaucracy, more government, and undermined what States like mine, Wyoming, were already successfully doing.

Next, the White House and the Democrats who crammed this bill through Congress and down the throats of the American people set aside $5 billion for this program. The money was supposed to last, they said, until 2014—no problems. The bad news is that the Medicare's Chief Actuary, the official who actually tracks the spending that goes on as a result of this law, estimates now that the funding could run out much earlier than expected.

Last week the Washington Post explained how this could happen. It reported that ''medical costs for enrollees in the health-care law's high-risk insurance pools are expected to more than double initial predictions''—more than double the initial predictions by the Democrats who voted for this health care law. So the cost for enrollees are expected to be more than double what the White House and the Democrats predicted when they drafted the law, as the American people remember, behind closed doors.

The President promised this would be open—C–SPAN—people would be able to see the discussions and the debates. Everything was done behind closed doors. Yet our debt as a nation continues to skyrocket. It is completely unsustainable, and it is irresponsible. You know, it could have been prevented if the White House and Congress had just let the American people participate in the process.

So here we are, 2 years later, a second anniversary coming up of a health care law, a law that the American people are now learning what is in it because, as NANCY PELOSI said, ''First you have to pass it before you get to find out what is in it.''

The American people also know that this administration and this President and this Congress used about every budget trick and accounting gimmick in the book to turn it into law. They ignored the real costs, they ignored the red flags, and they ignored reality. Two years later, the American people understand that we cannot afford the high cost of the President's health care law and health care mandates. The longer it stays in place, the more expensive it will get.

That is one of the reasons Americans from both sides of the aisle are speaking out against this health care law. When I say both sides of the aisle, I want to talk about a recent USA TODAY/Gallup Poll. This was Monday's—Monday, February 27—USA TODAY, front-page story, right at the top: ''Health Care Law Hurts Obama.''

My concern is that the health care law is hurting the American people. That is what the impact of this law is. It is hurting the American people.

What the poll shows is that a clear majority of registered voters call the bill's passage ''a bad thing.'' They support its repeal if a Republican wins the White House in November.

Eleven percent of voters in battleground States have said the law has actually helped their families, but 15 percent say it has hurt them. Looking

ahead, they predict by a number of 42 percent to 20 percent, so two to one, that the law will make things worse rather than better for their families and for their lives.

Americans overwhelmingly believe the individual mandate, which is a key part of the Obama health care law, is unconstitutional, the mandate that every American must buy insurance. Americans believe it is unconstitutional by a margin of 72 percent to only 20 percent. An overwhelming number of Americans believe that what this Senate and the House, under Democratic control, and the President in the White House, Barack Obama, have forced on the American people—they believe, and I agree with them—is unconstitutional. Even a majority of Democrats and a majority of those who think the health care law is a good thing believe that provision—that people across the country be forced to buy health insurance or to buy any product—is unconstitutional.

Instead of heaping more debt on the backs of the American people, we need to repeal the law. We need to replace it with health care reform that allows Americans to have a bigger say, a patient-centered health care approach.

It is interesting. When you look at this USA TODAY article, there is a picture of a family, a father and mother and three children. Robert Hargrove of Sanford, NC, said: You have to have insurance or pay a penalty? ''That is not the way the country was set up.''

That tells the story I heard around the State of Wyoming last week as I traveled, as other Members traveled around their home communities, their home States. They remember the President's promises. He promised, No. 1, that the cost of insurance for families would go down. The President promised it would go down by $2,500 per family per year. That is not what the American people have seen in the last 2 years since it has been passed. They remember the President promising that if you like the care you have and the insurance you have, you can keep it. That is not what American families are finding. Broken promise after broken promise.

Now, with the Chief Actuary coming out this past week in the Washington Post, reporting that the high-risk pool is doubling the costs that were predicted—once again, the President promised that it would not add a dime to the deficit—another broken Obama promise.

Here we are. I go to townhall meetings, visit with people, and ask for a show of hands: How many of you believe that under the President's new health care law, your costs are going to go up? Every hand goes up. Obviously, they do not believe what the President has told them.

How many of you believe that as a result of the new health care law, actually the quality of your care and the availability of your care will go down? Again, every hand goes up.

It is not what the President promised the people of this country.

That is why, when the USA TODAY headline on Monday says ''Health Care Law Hurts Obama,'' my concern is that it is hurting the American people. People asked for health care reform in this country. What they asked for was the care they need, from the doctor they want, at a cost they can afford. This health care law has provided none of those things. This health care law is bad for patients, it is bad for providers—the nurses and the doctors who take care of those patients—and it is terrible for the American taxpayers. That is why I come to the floor week after week with a doctor's second opinion, saying it is time to replace this health care law with reforms that will put health care under the control of patients—not insurance companies, not government, but under the control of patients.

Madam President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. FRANKEN). The clerk will call the roll.

The bill clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. BROWN of Massachusetts. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CROWDFUNDING

Mr. BROWN of Massachusetts. Good morning to you, Mr. President, and everybody in the gallery. I wanted to thank Majority Leader REID for highlighting next week's Banking Committee hearing on small business growth. It is something all of us have a very dear and great concern with. One of the issues that will be discussed is a concept called crowdfunding. People may be saying: What is crowdfunding? Well, if you ever wished that you had the opportunity to invest in a Facebook or a Google or new idea before they hit it big, wouldn't that be nice? We would all be multibillionaires. My Democratizing Access to Capital bill, S. 1791, would expand entrepreneurs' access to capital by democratizing access to startup investing so they can have the funds to grow and create jobs.

The House passed a crowdfunding bill 407 to 17. So you know they must be on to something when they can pass something in such a bipartisan manner. The President referenced it in his State of the Union. He supports crowdfunding, and public support for crowdfunding is, in fact, exploding.

On Monday I hosted a roundtable in Boston at City Hall on small business access to capital, and I listened to small business owners and entrepreneurs and investors to get their thoughts and concerns about business growth, about investing, about the access to capital, and it was a very successful event. They all had one thing to say and that was: If we can't get behind the bipartisan, commonsense idea of crowdfunding, then what can we actually agree upon and how can we expect small businesses to grow?

With such strong support, I believe we should put, once again, partisan politics aside and focus on what we can do to help small businesses as we have done with the 1099 fix, the 3-percent withholding, the Hire a Hero Act, the most recent insider trading STOCK Act. All of my bills, all the things I have worked on, we did in a bipartisan manner. When the leader let them come to the floor and allowed us to work them through, they passed 96 to 3 and 100 to 0. It shows that the Senate can work together regardless of our political differences, our geographical locations, our belief on where we are because we are Americans first. These are things the business communities are looking at to move our country forward.

Next Monday I am hosting a roundtable with an entity called Wefunder, a group of innovators who started a petition for my bill to discuss crowdfunding. Their petition currently has 2,500 supporters who would invest over $6 million today if businesses had the opportunity to participate in crowdfunding, but right now it is illegal.

My bill is a commonsense bill, and I want to note that Senator MERKLEY has also introduced a different crowdfunding bill. It is a good start, but we can do a little bit more. I have reached out to his staff, and I have asked my staff to continue to do that. So I think we can work together as Senator GILLIBRAND and I have, and Senator COCHRAN and Senator COLLINS worked on the recent insider trading bill. We can do the same with Senator MERKLEY if he is willing and if the leader allows us to put those political party differences aside and actually work on something for the benefit of our country.

Today I am going to talk about some important principles that I believe are critical to making crowdfunding legislation a success. For crowdfunding to actually work, we need a national framework, which my bill creates. If we require entrepreneurs to comply with every separate State securities law mandate, filing the appropriate paperwork alone would cost over $15,000. That is the reason we don't have this type of situation. In my bill we don't have small business owners being able to give up to $1,000 per person, up to $1 million to invest in that next new idea with minimal SEC filings and minimal secretary of state filings. It is something that makes sense. We should not be burdening our startup businesses, which is where the largest growth is in this country right now, with costly quarterly reporting requirements. We might as well go through the whole process of the full SEC filings. It is not appropriate, especially until they are fully off the ground.

The point of crowdfunding is to allow entrepreneurs to flourish, not to bog

them down in an avalanche of paperwork and bureaucracy and redtape. That is why we are in this mess somewhat, because of the overregulation, the continued regulatory and tax uncertainty when it comes to planning and growing businesses.

In addition, I believe our existing fraud laws are solid; we just need to enforce them. Exposing startup founders to new personal liability is not going to work. It will create a real wet blanket on everything we are trying to do here from thousands of investors who are investing only a maximum of $500 to $1,000 and to have them also put in a personal guarantee for a $500 investment. How does that make any sense whatsoever, a quarterly filing, a personal liability guarantee for a $500 investment? This makes no sense at all. This will cause investors to use crowdfunding only when there is no other option available and will leave them to switch out crowdfunding investors for venture capital firms at the first opportunity, therefore, I believe, stifling that crowdfunding opportunity.

There was a recent article I read in which Canada's Government is deeply concerned about us actually doing this because they are fearful that Canadian money will be flowing into the United States. Wouldn't it be nice for once to have money flowing into the United States on something that will actually create small business growth in our great country? So recognizing that investors need protection, my bill does require entrepreneurs to offer their securities through regulated crowdfunding intermediaries.

In addition, my bill requires intermediaries to facilitate communication between investors and the offerors. I believe Senator MERKLEY and I have the same concerns in this regard which I believe can be addressed without creating a private right of action. It is not necessary especially for the amount of money we are talking about and the new business growth opportunities we can actually stimulate.

Crowdfunding depends on small investments by many, which is why we must exempt crowdfunding securities from the 500 shareholder cap so we don't create additional redtape for startups. It makes total sense. Everyone talks about overregulation of small business and how that is hurting their growth. I see it, you see it where you live, Mr. President, and in legalizing—let me repeat—in legalizing crowdfunding I believe we can still provide for the appropriate level of regulation but also give small businesses the access to capital they so desperately need.

This is a home run all over the place, and once again I am very pleased the majority leader has taken an additional step to call for the hearing on crowdfunding. When he talked about this issue, he referenced Senator MERKLEY's bill. I also have a bill. So why don't we do it as we did it with the insider trading bill, the Hire a Hero, the 3-percent withholding, the 1099, the Arlington Cemetery bill? All of those things, when we were allowed to work in a truly bipartisan manner, we were able to get done. With all due respect, there is no Republican bill that is going to pass right now, and I know that shocks some people. There is no Democratic bill that is going to pass either. It needs to be a bipartisan, bicameral bill that the President is going to sign. That is what I offer, is that olive branch, that one good deed that begets another good deed and moves us forward to addressing our very real problems in a truly bipartisan manner as Americans first and not as Republicans or Democrats.

I would ask the majority leader to also include my bill when he is moving forward because otherwise I am fearful nothing will move forward. So I am looking forward to not only working with Senator MERKLEY but working with the majority leader and his team. When I was working on the insider trading bill, which was my bill and Senator GILLIBRAND's bill that we combined, we found that common ground. We worked together, we managed the floor, we had an open amendment process. Everybody walked out of here saying: That was nice. When was the last time we did that? Remember? That was unbelievable. Everyone had a role. Even Senator KIRK, who is recovering, had a role to play and it was good to see him. We can even do it in this bill.

Mr. President, I thank you for the time. I yield the floor at this time. I see that we have a speaker all ready to go as well.

The PRESIDING OFFICER. The Senator from Virginia.

AMENDMENT NO. 1520

Mr. WEBB. Mr. President, I ask unanimous consent that the time from 2 to 4 p.m. be equally divided, with Senator BLUNT or his designee in control of the first hour and the majority side controlling the second hour.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WEBB. Mr. President, I wish to say a few words today about the amendment that is being called the Blunt amendment, the purpose of which I will read from the amendment, to amend the Patient Protection and Affordable Care Act, to provide rights of conscience with regard to requirements for coverage of specific items and services.

I oppose this amendment, and I wish to be very clear today as to why I oppose this amendment. This is not a bill that attempts to address the necessary divide between church and state.

Let me say that a little more specifically. This is not an amendment that addresses the necessary divide between the establishment of religion or the free exercise thereof as outlined in the first amendment of our Constitution, which is a concept I care deeply about.

This amendment, by definition, attempts to widen the restrictions on our laws from the necessary divide between church and state into the unknown and often indefinable provinces of an individual's personal definition of conscience. The amendment is clear on this point. It is a preamble in which it lists its findings, talks repeatedly about the rights of conscience, not the separation of church and state. It invokes Thomas Jefferson's view of the rights of conscience against the enterprise of civil authority. It addresses the purported flaws of the current health care law in terms of governmental infringement on the rights of conscience of insurers, purchasers of insurance, planned sponsors, beneficiaries, and other stakeholders. It then mandates that the right to provide, purchase, or enroll in health care coverage must be consistent with the religious beliefs or the moral convictions of these stakeholders.

Again, let me be clear: This language goes well beyond the constitutional requirement of separation of church and state into the area of legislative discretion. Quite frankly, it would be the same thing as Congress saying that not only should religious establishments be exempted from taxation under the doctrine of separation of church and state, but also that anyone who has a moral objection that they can define to paying taxes should not be required to pay them either. There is a place for this type of conduct in our legal framework. It has a long history. It is called civil disobedience. The act of civil disobedience is protected by our Constitution, but the ramifications are not. Unless there are clear constitutional protections, legal accountability remains.

The effect of this amendment on its face would be that any stakeholder could decide to deny health care benefits to any individual on the very loose definition that to provide such care somehow would violate a personal definition of one's moral convictions. In other words, any provider could potentially deny a wide range of benefits to anybody.

This is a vaguely drafted and potentially harmful amendment. It is not about protecting religious institutions or protecting the clear objective and understandable parameters of religious belief. It should not be approved.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. TESTER. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

FARM LABOR

Mr. TESTER. Mr. President, I thank the Presiding Officer. I also thank the floor managers of the highway bill for allowing me a couple minutes and to let them know how appreciative I am of their efforts to move forward on an important piece of legislation—the highway legislation. Nothing creates jobs and makes our economy stronger in the long run than responsibly investing in our infrastructure. So I thank Senator BOXER and Senator

INHOFE for their good work and, hopefully, that good work will come to fruition very soon.

Last September, the Department of Labor published new child labor regulations. They would have the effect of restricting how young folks are able to work on farms. I am deeply concerned about these new rules which will keep teenagers from working on farms and ranches.

As the Senate's only working farmer, I know how important it is for young people to have the opportunity to work on farms and ranches. I am not alone in that belief. There are many folks here who understand the value of family farm agriculture. Growing up on the same farm that my grandparents homesteaded nearly a century ago—well, it was a century ago this year—my brothers and I were expected to bail the hay, pick rocks, feed the livestock, do field work, and the list goes on and on. That work ethic that was instilled in us as youngsters is a big part of my success today. It was that work ethic that built this Nation and that work ethic which I think is critical to the future of America. The skills young people learn from working on a family farm translate into a healthy work ethic that will serve them their entire lives, whether they choose to be in agriculture or in some other business.

Family farm agriculture is one of the foundations of this country, and irresponsibly regulating the ability of young people to fully experience and grow from it will be detrimental to this country's future. I know firsthand that agriculture is uniquely a family industry in the United States, in Montana, and throughout rural America. Young people are expected to help out on the family farm or ranch. That is part of the economics of family agriculture. For smaller farms and ranches to survive, it has to be everybody pitching in. By participating in production agriculture, young people learn the value of a day's work. They also learn that grain doesn't come from a box or vegetables don't come from a bag or meat doesn't come from a package. They truly get educated about where our food comes from while they build that work ethic.

These new rules get in the way of that education. That is because these rules were not written with a solid understanding of how family production agriculture works today. We are losing family farms every day in my hometown of Big Sandy, for example. In that community, I went to school with about 40 kids or so in my high school class. Today there are about 60 kids in the entire high school. That is because family farms are getting bigger, and there are fewer folks living in rural America. We ought to encourage beginning farmers and ranchers, preparing them to be our next generation of food producers in this country.

The proposed rules would expand restrictions on what duties teenagers can perform on farms, limiting them. Under these new rules, all animal operations would be off limits until a person reaches 16 years of age. That is a sad day, a missed opportunity, and a loss of an opportunity for our young folks to learn.

I am calling on the Department of Labor to withdraw this proposal as it applies to family farm agriculture and allow this country's youth to learn a solid work ethic. The common sense that goes with that work ethic is so critically important to our Nation's future.

With that, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. VITTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. UDALL of New Mexico). Without objection, it is so ordered.

The Senator from Louisiana is recognized.

Mr. VITTER. I thank the Chair.

(The remarks of Mr. VITTER pertaining to the introduction of S. 2138 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, I would ask, what is the pending business before the Senate?

The PRESIDING OFFICER. The Blunt amendment No. 1520.

Mr. BAUCUS. Mr. President, I rise to object to the Blunt amendment. I believe this amendment is extreme and it would undermine the delicate balance between religious freedom and a woman's health. It would be a mistake. It goes too far. It would allow any employer to prevent a woman's access to mammograms, prenatal care, even vaccinations or any other form of preventive care. In Montana, my State, 62,000 women could lose access to preventive care. I am here to say that is wrong, and I am going to go to bat for them. I think a woman should decide for herself and her family what preventive care makes the most sense for her.

As Americans, we believe in individual liberties and equal access to health care. Current policy upholds those values. It preserves the integrity of a woman's freedom and the right to access all health care services. It protects the religious liberties that so many Americans, including myself, value. And that is why both faith-based and health communities support this policy—not the Blunt amendment but the current policy. The Blunt amendment would overturn this. It would allow any corporation or health plan to deny women and their families access to preventive health care for almost any reason. It is written so broadly that an employer or an insurance company could deny access to preventive care for virtually any reason. That is not right.

I urge my colleagues to vote against the Blunt amendment. I urge them to protect the health of all Americans. That includes our mothers, wives, sisters, and daughters in Montana and across the country.

In Montana, we are very proud to have sent the first woman to Congress—Ms. Jeannette Rankin—in 1916. We have a very strong tradition in our State of respecting women—women who are not only the hearts of our families but are also those providing the fabric of our communities. When we support women's health, we are supporting healthy communities that could be strong for our kids and our grandkids.

Let's uphold our values of liberty. Let women choose for themselves individually. It is their responsibility what preventive care they think makes the most sense for them. And let's treat all Americans fairly. Let's defend against discriminatory health insurance practices, and let's do so while protecting everyone's fundamental rights.

Mr. President, on another matter, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. In ''Common Sense,'' the American patriot Thomas Paine wrote in 1776 as follows:

> The landholder, the farmer, the manufacturer, the merchant, the tradesman, and every occupation, prospers by the aid which each receives from the other, and from the whole. Common interest regulates their concerns, and forms their law. Common interest produces common security.

In the 240 years since Paine's pamphlet helped define who we are as Americans, our transportation system has become the cornerstone of our common interest. There are few things under the Sun that are not impacted by our highways, our roads and bridges, and our transit systems, yet we can too easily take our network for granted.

A recent Rockefeller Foundation survey found that two-thirds of all respondents believe America should invest more in infrastructure. It is a common interest. That same survey found that two-thirds of all Americans believe they should not have to pay any more for this increase in infrastructure investment. That means we have to rise to the challenge in Congress to come up with a highway bill that invests in infrastructure without asking folks to pay more than their fair share.

According to the U.S. Chamber of Commerce Transportation Performance Index, we could lose nearly $340 billion in potential economic growth over the next 5 years if we do not pass a highway bill and provide the certainty our economy needs. Let me make that statement again. We could lose $340 billion in potential economic growth over the next 5 years if we do not pass a highway bill and provide the certainty our economy needs.

Our transportation system depends on substantial investments from the

Federal Government. This investment consistently yields a big return for American jobs. In my home State of Montana, the last highway bill created or sustained more than 18,000 good-paying jobs, and nationwide it put approximately 35,000 people to work for every $1 billion invested. So for every $1 billion invested, it created 35,000 jobs. These are not just statistics, these numbers represent families able to put food on the table. They are good jobs. These numbers represent small businesses able to attract new customers.

I know these types of investments work because I spent a day working alongside a road construction crew on Amsterdam Road in Bozeman. They showed me the ropes of running a road grader, a paver, and an excavator. I might say, the grader was really up to date. All I had to do was get in the grader, move forward, and it was guided by a GPS system that raised the blade, turned the blade, tilted the blade at exactly the right location, and it was a perfect line I made down that road, whereas if I had had to do it by myself, it would have been a mess. The GPS made it work. During the workday, I talked to about a dozen workers who said their families depended on the project for their livelihood. It was very impressive. Their work also had a major impact on the community because Amsterdam Road is one of the most traveled roads in the area.

Investing in our transportation infrastructure is investing in our families and our economy. It is an investment. It yields great returns. It pays dividends. This bill seeks to maintain that investment through 2013; that is, the underlying bill that is before us—not the Blunt amendment but the underlying bill. I would prefer a longer period of time in the underlying bill to provide greater certainty. We are already 2 years past due. We have had lots of extensions. We must work together now to get something done at least until the end of next year, and a 2-year bill provides the compromise we need to get there.

I have worked on this bill for about 4 years from the leadership perspective of two different Senate committees: the Environment and Public Works Committee, which provided the authorization for roads, highways, bridges, and various forms of nonmotorized transportation, and the Finance Committee, which provided the money so we can have the proceeds and the resources to pay for these highways.

From the perspective of investment, I can tell you firsthand that this bill specifically focuses on those programs that are truly in our shared national interest. It consolidates nearly 90 road programs down to approximately 30. Consolidating 90—lots of individual, separate programs that kind of divide our country, didn't bring us together—to 30—30 programs that rely on the highway trust fund.

This bill also focuses on dramatically improving our national capacity for data-gathering and data-sharing—desperately needed. We sought to enable States to address safety and mobility difficulties by seeing what solutions have worked in other States. More data will help them better answer those questions. For example, why in some States—my State of Montana—is the highway fatality rate 2½ times the national average? There are a lot of ideas, but what are the real reasons? We need data to find out.

This bill creates for the first time a dedicated freight program to address interstate commerce.

The bill extends a program called TIFIA. That is a lending program that leverages private sector investment, good investment, building roads and bridges. History tells us that every $1 we put in can leverage $30 in private sector investment.

This bill has no earmarks—no earmarks. Senators BOXER, INHOFE, VITTER, and I worked hard to achieve agreements, and I thank my colleagues who serve on the Environment and Public Works Committee for unanimously approving this bill and its reforms—unanimously.

I especially would like to applaud Chairman BOXER and Ranking Member INHOFE for their leadership. They worked very hard, and they worked together. Sometimes people think Washington can't work together. Let me tell you, I have watched these two people work very closely together. They were a team to get a highway bill here before the Senate.

Next, from the perspective of the Finance Committee, the bill provides the highway trust fund with sufficient funding to last at least until the end of fiscal year 2013. The highway trust fund simply does not bring in enough revenue from traditional funding sources, such as the fuel tax, to meet our national needs. As a result, Democrats and Republicans on the committee had to look elsewhere to ensure for the short term that we could maintain current levels of Federal investment. In the long term, we should use the opportunity to decide what we want for a transportation network in the 21st century. So we are going to pass this short-term bill, and while we are passing this short-term bill, we have to give a lot of thought to what we want to do for the long term. We should use that opportunity to decide what makes the most sense for the 21st century. Where we could apply unused fuel tax money that currently goes to the leaking underground storage tank trust fund surplus, the Finance Committee did so with support from Democrats and Republicans. And where we transferred money from the general fund to the highway trust fund, we sought to backfill the general fund by closing tax gaps or focusing on tax scofflaws.

It is important that we make sure the highway bill stays focused on supporting the economy. In Montana, our highways are our lifeblood. We are a highway State. We log a lot of hours at the wheel. It is a part of who we are. We are the fourth largest State in the Nation for land mass, but we have fewer residents than Rhode Island, the smallest State in size.

My friend the former Senator Mike Mansfield said in 1967:

> Montanans are formed by the vastness of a state whose mountains rise to 12,000 feet in granite massives, piled one upon another as though by some giant hand. To drive across the state is to journey, in distances, from Washington, DC, north to Toronto, or south to Florida. In area, we can accommodate Virginia, Maryland, Delaware, Pennsylvania and New York, and still have room for the District of Columbia. Yet, in all this vastness, we are . . . less than a million people.

A few weeks ago, we just tipped the needle on 1 million residents. I might say, I am not sure we are happy about that. Some of us want to be under 1 million in population and some kind of like 1 million. It is a big debate in our State: Should we be 1 million or less than 1 million? Nonetheless, we lack the population to make the necessary investments in Federal aid roads and interstates by ourselves, and we shouldn't have to do so. Montana alone could not support the Interstate Highway System—we couldn't do it—or the other national highways in our State. We don't have the people. With more than 10 million visitors annually and with the majority of our truck traffic originating and ending out of State, we rely on the Federal program with good reason: It is in our common interest—in the interest of Montana, in the interest of all those folks who transport freight across our State, and in the interest of people who want to visit Glacier Park or Yellowstone Park. It is in our common interest.

I am here to say that the more we keep our eye on the ball, with a transportation bill that keeps our common interests in mind, the more successful we will be.

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 assistant majority leader.

Mr. DURBIN. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

MIDWEST STORMS

Mr. DURBIN. Mr. President, overnight and early this morning parts of my home State of Illinois and our adjoining State of Missouri were pummeled by severe storms and tornadoes. While the total extent of the damage is not yet known, it is clear that southeastern Illinois was hit hard by at least one tornado and heavy storms. The

towns of Harrisburg in Saline County and Ridgway in Gallatin County have suffered terrible damage. Several people in Harrisburg have died as a result of these tornadoes. The earliest reports suggest 10 deaths. The exact number will not be known for some time. More than 100 other people in this area are reported to have suffered serious injury.

This is an indication of some of the damage and devastation in Harrisburg. Between 250 and 300 homes in nearby Gallatin County have also been damaged. An estimated 25 Harrisburg-area businesses are damaged or destroyed, including a Walmart and a strip mall that were hit by the tornado.

This next photograph is an indication of some of the terrible devastation that took place. Three bodies have been recovered from the field behind the Walmart, and survivors are still being pulled from the wreckage of the building. Most roads in Harrisburg have been closed. People are going door to door to check. The reports are positive in terms of the accountability.

The Harrisburg Hospital has received damage itself. Yet the personnel have done a heroic job in setting up triage stations throughout the hospital after this devastation. Hospital officials are asking that all nonemergency cases that are unrelated to the severe weather go to other hospitals. The hospitals are only taking in those who are injured and asking family members to wait outside because of the limited facilities available. Patients in the hospital's B wing, which suffered heavy damage, are being evacuated to Evansville, Indiana's Deaconess Hospital, which has called in all available staff.

The First Baptist Church in Harrisburg is being used as a shelter, and I am sure everyone in that community—a wonderful community in southern Illinois—is pitching in to give a helping hand. Harrisburg schools, obviously, are canceled for the week. Ridgway is nearby, and no one is being allowed to visit the town at this point. Between 50 and 60 homes in Gallatin County have been destroyed.

I have an early photograph of some of the scenes there that show the damage to this historic church. Historic St. Joseph Church, and at least one business, the Gallatin County Tin Shoppe, have been leveled by this tornado.

This last photograph is of the same church before the storm, which is an indication of what happened. This is an historic church which many of us are well aware of. It has served the Catholics in this community for many years.

Between 9,000 and 13,000 people are without electricity because of the storm damage. The Illinois Emergency Management Agency is hard at work clearing debris and roads. Governor Pat Quinn has activated a state emergency operations center to help with the damage, and he and Jonathan Monken of the Illinois Emergency Management Agency are on their way to the scene this afternoon.

My heart goes out to all of the people in Harrisburg who have lost loved ones. We are keeping in close contact with the people on the ground, working together with my colleague Senator MARK KIRK's office here in Washington. They share our concern for the devastation, damage, suffering, and death associated with this, and both Senator KIRK and I have extended to the State of Illinois our willingness to help in any way possible.

My thoughts are with the residents of these hard-hit towns, with the first responders, and the Red Cross volunteers who are always on the scene and who are working to assess the damage and help those who have been injured. Jonathan Monken had a conference call with many members of the Illinois congressional delegation a short time ago. He assures us that all requests for State and FEMA assistance are being met at this moment. We will continue to make the promise that that will be true in the future as well.

My staff and I are in contact with local officials, including Harrisburg Mayor Eric Gregg; the mayor of Ridgway, Becky Mitchell; State Senator Gary Forby; and State Representative Brandon Phelps. I, along with Senator MARK KIRK, am committed to help do everything possible to help communities respond to and help with this disaster.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. CARDIN). The Senator from Missouri.

Mr. BLUNT. Mr. President, my colleague, the Senator from Illinois, and I live in a part of the country where these terrible weather events—tornadoes and other things—are not unusual for us. But as Senator DURBIN has pointed out, we did have them last night in a number of places in southern Missouri, including Branson, the tourism strip, at one theater and one tourism location after another, as well as in Branson, Lebanon, Dallas County, and other places in southern Missouri. We had way too much experience with this last year.

As my friend has pointed out, the Federal Emergency Management people are quickly there. We had a year of experience with this, particularly after the Joplin tornado. They were terrific. We want to remember too the first responders are always our neighbors, and neighbors are coming forward to help families whose houses were lost and possessions were scattered, and even in this particular case where there are occasions where people are injured and lives have been lost as well.

Senator MCCASKILL and I join with Senator KIRK and Senator DURBIN in their efforts in this regard.

AMENDMENT NO. 1520

Mr. President, I ask unanimous consent to engage in a colloquy with my Republican colleagues for 60 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BLUNT. Mr. President, I wish to talk about an amendment that has had lots of attention. It is an amendment that I offered on the floor a couple of weeks ago. We weren't able—the leader didn't want to get to it at the time, but the majority leader brought it up for me yesterday, and I am glad he did. I am glad we are able to talk about it.

This is an amendment that would allow religious belief or moral conviction to be an important factor in whether people comply with new health care mandates. We have long had this exemption for hiring mandates. In fact, when I served in the House of Representatives, I had been the president of a Southern Baptist university and I understood the importance of these institutions, I thought, in maintaining their faith distinctions as part of why they provide education and health care and daycare and other things. So I have long been an advocate of the principle that the Supreme Court upheld a few weeks ago 9 to 0 that there is a difference in these faith-based institutions. Now that we have health care mandates being complied with by these institutions, all this amendment does is extend the same privilege to them and others who have a religious belief or a moral conviction so that they would be able to defend their moral conviction.

We don't do anything about the mandate itself. It is important to understand that the administration—this one or any other—if the Affordable Health Care Act is still in force, can issue all the mandates that the act would allow. In fact, if a person doesn't comply with those mandates, they would have the penalties that the act would allow. But the difference is if the government wouldn't recognize a person's religious belief or moral conviction, as I think they would likely do. For example, the archdiocese in Washington, DC, is saying this is something we have long held as a tenet of our faith that we don't believe should happen, we shouldn't be a part of, and we don't want it to be a part of the insurance policies of our schools, our hospitals. My guess is if we pass this amendment, without any question, the Justice Department would say, Well, you are certainly going to be able to defend that because that has been your belief for centuries, the belief of your faith.

This amendment doesn't mention any procedure of any kind. In fact, this morning we had a reporter call the office who said we can't find the word ''contraception'' in this amendment anywhere. How is this a vote on contraception? Of course we were able to say, as we have said for 4 days, the word ''contraception'' is not in there because this is not about a specific procedure, it is about a faith principle that the first amendment guarantees.

This exact language of religious belief or moral conviction was first used in 1973 in the Public Health Services Act. It was brought to the Senate floor by Senator Church from Idaho, who I

believe was considered one of the liberals of the Senate at the time, protecting health care providers from having to be involved in procedures they didn't agree with. It is part of the Legal Services Corporation limitation in 1974, the foreign aid funding limitation in 1986, the refusal to participate in executions or prosecutions of capital crimes in 1994, the vaccination bill wherein a person comes to this country as a nonresident and they don't want to have vaccinations that are otherwise required, they don't have to have them if they have a religious belief or moral conviction against them.

The list goes on and on: The Medicare and Medicaid Counseling Act, the Federal Employees Health Benefits Plan of 1998, the contraception coverage for federal employees in 1999, the DC contraception mandate in 2000, the United States Leadership Against AIDS Act in 2003.

Then this exact same language even more specifically has been in bills that weren't passed. In 1994, Senator Moynihan from New York brought a bill to the floor that Mrs. Clinton—later Senator Clinton, now Secretary Clinton—was very involved in, this 1994 health discussion. That bill said: Nothing in this title shall be construed to prevent any employer from contributing to the purchase of a standard benefits package which excludes coverage for abortion or other services if the employer objects to such services on the basis of religious belief or moral conviction.

This is Senator Moynihan less than 20 years ago in what was considered a liberal piece of legislation, putting what the country had thought since the beginning of government-paid health care was a natural part of every health care bill. In fact, the bill we are talking about that this amendment would impact is the first time the Federal Government has passed a health care bill that didn't include this language—the first time it didn't include this language. If one is not offended by the current mandate that some religions are, I think it is important to think of what one would be offended by. What in one's faith would be an offensive thing to be told one had to be a part of, and then imagine the government saying, no, a person has to be a part of that? Even if a person doesn't do it themselves, they have to pay for it, or they have to be sure that a person's employees, their associates, are a part of this thing that is offensive to that person because of religious belief or moral conviction.

Before I yield to my good friend Senator JOHANNS, who understands this issue so well, let me also say that, as I said, we didn't eliminate a mandate, so we can still have a mandate. The Federal Government can still come in and say: You are not offering these services so you have to pay a penalty, and then you have to go to court and prove that you have a long-held belief that this is wrong. The Court, in 1965, when this particular phrase became the boilerplate language for the law, said, You can't become a conscientious objector the day you get your draft notice, in essence; you have to have these two principles. You have to have a religious belief, a strong moral conviction, and you have to be able to go to court and prove that.

All of the fiction writers out there, in fundraising letters and otherwise, saying things such as women who have contraceptive services today wouldn't have them, of course that is not true. Of course that is not true. The women who have those services today either have them because they have found a way to pay for them themselves or they have an employer who is providing that as part of health care. That employer is not going to be able to turn around and say, I am not for that anymore because I object for some religious reason that I didn't have all the time I was providing it.

This is an important issue. It is a first amendment issue. It is an issue that group after group after group thinks violates the Religious Freedom Act—RFRA. There are six lawsuits already. I suspect they have a good chance of prevailing because it does exactly what the religious freedom law says you can't do and it needlessly forces people to participate in activities that are against their moral principles, their religious principles.

The circumstance in the country is we have 220 years of history on this. We have almost 50 years of history of government-paid health care for one group or another that always included an exemption such as this exemption. To not do this assumes that the government can make people do things that Thomas Jefferson and George Washington and others specifically said were among the rights we should defend the most vigorously; that we should hold the most dear; that we should not let a government interfere in these basic rights of conscience, a phrase of Thomas Jefferson when he wrote the New London Methodist in 1809. These rights of conscience are an area that we should not let the government get between the American people and their religious beliefs. Our laws since then, whether it is for hiring or in the case of any health care discussion, have always anticipated the protection of this first amendment right—not a specific thing but, again, if you are not offended by the things that some people are concerned about today, it is important to think about what you would be offended by, what your religious belief leads you to believe would be wrong and how you would feel if the government says now you have to be a part of that activity.

I wish to turn to my good friend from Nebraska who has been a real advocate in understanding the importance of the first amendment and the role it plays in our society.

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

Mr. JOHANNS. Mr. President, let me start this afternoon by thanking my colleague from Missouri for taking on this issue and putting this legislation together. Let me also thank my colleague for telling the real story of this legislation. It is critically important we understand the history that brings us here this afternoon and, ultimately, to a vote on this legislation I am proud to cosponsor.

My colleague just so ably pointed out that what has changed is, the Obama administration, working with our colleagues on the other side of the aisle, took this important language out of this health care legislation. For decades—for decades—this important protection was in legislation, and it was supported by Democrats, Republicans, Independents, liberals, conservatives. That was the history of our country until all of a sudden this change came about where that conscience protection was taken out of the health care legislation that was passed a couple years ago.

But let's look back even further in our history. The first freedom in our Bill of Rights is the liberty to exercise any religion we might choose, or for that matter not participate in any religion whatsoever. That is what this United States of America is based upon, this concept that we have the freedom to choose what faith we will belong to, what teachings we will follow, and, as I said, we have the choice to not participate at all, if we choose, in this country.

Yet the President and my colleagues from across the aisle want to force—want to force—religious institutions, for the first time in the history of our country, to violate their strong moral convictions. And they go even further. They want to somehow shroud this and veil it as a woman's health issue.

Let me set the record straight. This debate is not about that, as some would have us believe. It certainly is not about contraceptives. What this debate is about is fundamental to our freedom as citizens of this great country. It is religious liberty we are talking about.

It is an American issue that dates back to our very Founders who looked at the war they had just fought and said to themselves: We are never going to allow our country to force us to attend a certain church or to participate in a certain faith—not at all. And it was written in one of our most sacred documents, the Bill of Rights. Yet the President of the United States is trampling on this religious freedom and attempting to convince Americans that it is something else.

His power grab is forcing religious institutions to go against their deeply held beliefs. If they stay true to their beliefs, the Congressional Research Service reports these religious insurers and employers may face Federal fines of $100 per day per plan.

So let me give an example of how that will work in my State. For a self-insured institution such as Creighton University in Nebraska, a Jesuit institution—I happen to have graduated

from there—they have about 6,000 health care plans. So the cost to Creighton University in Omaha, NE, to exercise their religious liberty will be an annual pricetag of $24 million. That is the price of exercising their religious liberty in the President's world. Unbelievable.

Well, I went on the Internet. I ask unanimous consent to have printed in the RECORD an open letter to the President that is being signed by women all over this country.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

OPEN LETTER TO PRESIDENT OBAMA, SECRETARY SEBELIUS AND MEMBERS OF CONGRESS

DON'T CLAIM TO SPEAK FOR ALL WOMEN

We are women who support the competing voice offered by Catholic institutions on matters of sex, marriage and family life. Most of us are Catholic, but some are not. We are Democrats, Republicans and Independents. Many, at some point in our careers, have worked for a Catholic institution. We are proud to have been part of the religious mission of that school, or hospital, or social service organization. We are proud to have been associated not only with the work Catholic institutions perform in the community—particularly for the most vulnerable—but also with the shared sense of purpose found among colleagues who chose their job because, in a religious institution, a job is always also a vocation.

Those currently invoking ''women's health'' in an attempt to shout down anyone who disagrees with forcing religious institutions or individuals to violate deeply held beliefs are more than a little mistaken, and more than a little dishonest Even setting aside their simplistic equation of ''costless'' birth control with ''equality,'' note that they have never responded to the large body of scholarly research indicating that many forms of contraception have serious side effects, or that some forms act at some times to destroy embryos, or that government contraceptive programs inevitably change the sex, dating and marriage markets in ways that lead to more empty sex, more non-marital births and more abortions. It is women who suffer disproportionately when these things happen.

No one speaks for all women on these issues. Those who purport to do so are simply attempting to deflect attention from the serious religious liberty issues currently at stake. Each of us, Catholic or not, is proud to stand with the Catholic Church and its rich, life-affirming teachings on sex, marriage and family life. We call on President Obama and our Representatives in Congress to allow religious institutions and individuals to continue to witness to their faiths in all their fullness.

HELEN M. ALVARÉ, JD,
Associate Professor of Law,
George Mason University (VA).
KIM DANIELS, JD,
Former Counsel,
Thomas More Law Center (MD).

Mr. JOHANNS. Women have signed this, and one of the things they say is, they are proud to work for institutions that contribute to their community.

Let me quote from that letter. They value ''the shared sense of purpose found among colleagues who choose their job because, in a religious institution, a job is . . . also a vocation.''

These women are Americans who believe this mandate by the Federal Government, interfering with religious liberty, is wrong.

I will wrap up my piece of this colloquy by again thanking the Senator from Missouri for his leadership in this area. The President has said he offered an accommodation. The accommodation is, woe, lo and behold, this is going to be free.

Now, I would like to know what legal authority he relies upon that the President could ever order anyone to offer a service or an item for free. He has no such authority. This is not the Soviet Union; this is the United States of America. We do not believe that for a moment. Of course we are going to be paying for this through our insurance premiums.

Well, my hope is we will read our Constitution and we will stand as a united front upholding religious freedom, which is being violated by this mandate.

I thank the Chair.

Mr. BLUNT. Mr. President, I thank my friend for those good additions to what we are talking about.

I might say, also, even if there is some accounting issue that makes this appear that maybe someone you are hiring is paying for it instead of you, if this is something you are opposed to for religious grounds, it is not about the cost; it is about the fact that this is something you do not believe you should be part of.

In my particular faith, the contraception part of this is not troublesome for me. But it does not mean I should be less troubled that it bothers others or that I should care less about their religious freedom than I do mine or that I should not care about the government using the heavy hand of these fines to force people to do something.

The other point I would like to make, before I go to my friend from Idaho, is, if the government chooses to fine people, people actually have to go to court and prove they have a deep religious belief. I do not think that would be very hard for Creighton University. The entire history of the university is founded on the principles of faith that would say: This is something we do not want to be part of. If that is the case, maybe that Justice Department would not take them to court or would not make them go to court rather than pay the fine. But they could. We are not saying that anybody can do anything they want to do. We are just creating a way that we can assert your first amendment rights if we choose to do that.

As the Governor of Idaho, Senator RISCH was responsible for lots of people who worked for the State of Idaho. He knows about this both from a faith perspective and an employer's perspective, and I am glad he came down to the floor.

Mr. RISCH. Mr. President, I thank the Senator very much.

Fellow Senators, I am going to speak briefly on this issue, and I thank those who have actually put this on the table for us to talk about.

Every single American should watch the debate on this issue. This debate strikes to the heart of the freedoms we as Americans enjoy. Why do we have these freedoms? We have them because in 1776 the people decided they were sick and tired of the King telling them they had to do this and they had to do that and had totally wiped out a number of freedoms they had—not the least of which was speech and religion.

We will remember, these people operated under a King who was so powerful—the Monarchy was so powerful, it established a religion and said: You must belong to this religion if you are a citizen of this country.

When we fought to be free of that, when we fought to be a free people, the Founding Fathers put together a document that specified very clearly the freedoms we would have.

We have come many years since then, but we will lose these freedoms if we do not guard them when even a little chip comes out of it. That is what they are doing here. Think about this for a minute. We have gotten to the point where this government has gotten so big and so powerful that it has said: Look, we do not care about what you believe in your religion because what we are doing is a good thing and, therefore, you must do what we are telling you because the ends justify the means—the means is to chip away at the religious freedoms we as Americans enjoy.

It is wrong. It is the way we lose our freedoms. If we turn our back and let a government do this to us, this is how we lose our freedoms.

This government is big. It is getting bigger by the day. It is getting more powerful by the day. When they sat around the table in 1776, they had just fought with a government that had been terribly oppressive. They argued amongst themselves: Well, what are we going to do? We are going to create a government.

They knew from a historical perspective, and they knew from their recent experience, that any government they create needed to be distrusted, needed to be watched, needed to have shackles on it because if they did not, that government would abuse them—just as every government had throughout history.

So that is why they drew the document we live under today, the Constitution we have. They not only gave us one government, they gave us three governments. They gave us a legislative branch, an executive branch, and a judicial branch—each with the duty to watch the other and beat the other over the head if, indeed, they got out of line. They were so afraid of a government that they did everything they possibly could to see that government did not abuse them.

Well, we learn frequently that their fears were well founded. Today we see, once again, their fears were well founded. What we have is a government that is saying: We do not care what your religious beliefs are; you must do what

we are telling you to do because we think it is the right thing to do regardless of your religious beliefs.

It is wrong. It has to be fought. It must be reversed.

I thank the Senator for bringing this issue to the attention of everyone.

I yield the floor.

Mr. BLUNT. Mr. President, I thank the Senator.

There are a number of waivers on this. The administration has given over 1,700 waivers to 4 million people. If you have a plan that is better than the government plan, if you have a plan that might be taxed under the law because it has been negotiated as part of collective bargaining, if you are a fast food institution that has insurance but, apparently, with high deductibles—those were all reasons to create a waiver. You would think that a faith-based belief would also be a reason that a waiver could have been granted.

This amendment just assures that we can have the same kind of opportunity to exercise our religious beliefs going forward as every American has in health care, in labor, in hiring, and other areas up until right now.

I would like to turn to my friend, the Senator from Texas.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Mr. President, I want to express my gratitude to the Senator from Missouri for his leadership on this issue.

This used to be a topic that was a bipartisan issue dating back to the passage of the Religious Freedom Restoration Act of 1993.

But just so people can refresh their memories, there have been a number of allusions made to the language of the Constitution. But let me just read the first amendment to the Constitution, part of our Bill of Rights, the fundamental law of the land that cannot be abridged or changed by a mere act of Congress, which is what we are concerned about; that the President's health care bill, the Affordable Care Act, so-called, purports to change the Constitution, which it cannot do. When there is a conflict between the Constitution and a law passed by Congress, that law falls as unconstitutional.

But the first amendment to the Constitution says:

> Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof . . .

Let me repeat that:

> Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof . . .

That is what we are talking about is the free exercise of religion. I agree with Senator RISCH that one of the biggest problems with this legislation, the President's health care bill, the so-called affordable care act, which we have came to learn is not so affordable, is that it forces each individual in this country to buy a government-approved product according to the dictates of Congress. That is one of the issues the Supreme Court will be ruling on, whether that is even within the scope of congressional power under the commerce clause.

But Senator RISCH makes a very good point; that is, the basic problem with this legislation generally is it is too big, it is too expensive, and it is too intrusive on the individual choices and freedoms of American citizens.

As I said, it used to be that religious freedom was a bipartisan issue. That is why I am so concerned this has turned into a purely partisan issue. It is very obvious to me that some of our colleagues on the floor believe they can make political hay by scaring people, by misleading people; that this is somehow about denying women access to contraception when that is not the issue.

This is about protecting our sacred constitutional freedoms. When I said religious freedom used to be a bipartisan issue, I was referring to the Religious Freedom Restoration Act of 1993. I think it is interesting to see who the sponsors were and people who were some of the principal proponents of the bill. That demonstrates it was bipartisan.

The lead sponsor in the House was Senator CHUCK SCHUMER, now a Member of the Senate. Cosponsors included then-Representative MARIA CANTWELL, now in the Senate; then-Representative BEN CARDIN, who is presiding today; and former Speaker NANCY PELOSI.

In the Senate it had 60 cosponsors. Ted Kennedy was the lead sponsor. We have heard Senator BROWN from Massachusetts saying the position he is taking on this issue of religious freedom is exactly the same position Senator Kennedy took during his lifetime. But 60 other Members of the Senate cosponsored this, including Senator BOXER, Senator FEINSTEIN, Senator KERRY, Senator LAUTENBERG, Senator LEAHY, Senator LEVIN, Senator MURRAY, and Senator REID, the majority leader of the Senate today.

It was signed into law by then-President Clinton, demonstrating that religious freedom was not a partisan issue, it was a bipartisan concern of Congress and the reason why this bipartisan legislation passed to protect religious freedom.

So similar to members of the Catholic Church who are concerned about being forced to provide coverage for surgical sterilization or drugs that induce abortions or other forms of contraception, members of the Muslim faith, if they are a woman, need not be concerned about restrictions on their ability or desire to wear a head scarf in public or in government buildings or dietary rules practiced by observant Jews or that Christians would not be somehow interfered with when it came to wearing religious symbols such as crosses or rosaries. This is not about those rules or those items of clothing or religious symbols, this is about religious freedom, over which Congress shall pass no law, under the words of our Constitution.

I am somewhat disappointed we now find ourselves—that the lines seem to have been drawn so sharply in a partisan way on an issue that used to enjoy such broad bipartisan support. It is my hope our colleagues will reconsider because it is not good for the country, it is not good for our Constitution, it is not good for the preservation of our liberties, for the very fundamental law of our land, the Bill of Rights, to become a partisan issue.

But if there is a fight, if there is a disagreement, I believe it is our responsibility to speak in defense of religious freedom and to remind our colleagues that Congress shall pass no law restricting religious freedom. That is what we are talking about.

I thank my colleague from Missouri for being the leader on this important amendment. I am pleased to have had the opportunity to voice the reasons for my support, and I hope our colleagues who are opposed to the amendment or have already publicly stated their opposition will reconsider.

Mr. BLUNT. I do too. I hope we find out now that while we do not have as much bipartisan support as we would like to have, we will have some. Senator BEN NELSON from Nebraska, along with Senator AYOTTE from New Hampshire and Senator RUBIO from Florida and I introduced this bill in August of last year. This is not just something we came up with recently.

Members who were in the Senate when the health care act, the affordable health care act passed, said they believed if it had passed in a more normal way, this would have been in the final bill, that would have been an understanding, as it was in the Patients' Bill of Rights draft and legislation that was introduced in 1994 or the health care bill in 1999. This same language was an accepted and bipartisan part of who we are as a country enforcing the first amendment.

In fact, in the Religious Freedom Restoration Act, it says: ''Government shall not substantially burden a person's exercise of religion even if the burden results from a rule of general applicability.'' Even a rule that would generally apply, the government should not burden a person's exercise of religion unless it demonstrates a burden that it is in the furtherance of a compelling government interest.

I cannot imagine—nobody has had to do this ever before. Why would suddenly defining insurance policies beyond the faith beliefs of individuals and groups that were long held, why is that a sudden compelling government interest or it is the least restrictive means of furthering that government interest? Surely not.

Again, I am going to repeat for what may be the third or fourth time: We do not do anything in this amendment that would end the mandate. That is for another debate at another time. The government can still have a mandate. The government can still say: Here is what we are telling you a

health care plan has to look like. But this allows people who have a faith-based first amendment right to object to that to have a way to do it.

One of the original cosponsors of the bill; that is, the amendment we are debating today, has joined us and that is Senator AYOTTE from New Hampshire. She is an advocate of the first amendment, as a former attorney general. I am glad she is here.

Ms. AYOTTE. I thank the Senator. I appreciate the opportunity to be here to rise in support of the pending amendment that is based upon, as Senator BLUNT mentioned, a piece of legislation that was introduced on a bipartisan basis earlier in the year called the Respect for Rights of Conscience Act, which I was proud to cosponsor.

During the past few weeks, we have heard certainly impassioned arguments from both sides of the aisle about this issue. Certainly, it has been a robust and important exchange of views, which I have appreciated. However, I think it is regrettable that similar to so much else that happens around here, this issue has been used as an election-year tactic to score political points, and in some cases there have been the facts of what this amendment and our bill hope to accomplish have been supplanted by mischaracterizations and distortions.

That is unfortunate because what we are here to talk about is incredibly important. This is a fundamental matter of religious freedom and the proper role of our Federal Government. It is about who we are as Americans and renewing our commitment to the principles upon which this Nation was founded.

This debate comes down to the legacy left behind by our Founding Fathers and over 200 years of American history. We have a choice between being responsible stewards of their legacy, as reflected in the first amendment to the Constitution, or allowing the Federal Government to interfere in religious life in an unprecedented way. The first amendment to the Constitution starts with: ''Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof.''

Just last month, we saw our Supreme Court unanimously uphold, under the establishment and free exercise clauses of our Constitution, a ruling in the Hosanna-Tabor case that the Federal Government may not infringe on the rights of religious institutions in their hiring practices. To do so, they ruled on a unanimous basis, would interfere with the internal governance of the church.

Protecting religious freedom and conscience rights has in the past been, as was mentioned here, a bipartisan issue. No less than Ted Kennedy himself, a liberal icon of the Senate, wrote in 2009 to the Pope: ''I believe in a conscience protection for Catholics in the health care field and will continue to advocate for it.''

Senator Kennedy had previously pushed for the inclusion of conscience protections in legislation he proposed in 1997 as well as in his Affordable Health Care for all Americans Act proposed in 1995. These are the same protections our amendment seeks to restore.

In 1994, provisions aimed at protecting conscience rights were included in the recommendations made by the Task Force on National Health Care Reform, led by then-First Lady Hillary Clinton. In 1993, when President Bill Clinton signed the bipartisan Religious Freedom Restoration Act into law, he said: ''The government should be held to a very high level of proof before it interferes with someone's free exercise of religion.''

Protecting religious freedoms was once an issue that bound Americans together. It certainly is a very important issue as we take the oath of office here to uphold the Constitution of the United States. I believe this effort which is so fundamental to our national character must bring us together once more on a bipartisan basis.

I would like to make one very important point about this amendment. Unfortunately, many have tried to characterize this amendment as denying women access to contraception. That is a red herring, and it is false. We are talking about government mandates that are interfering with conscience protections that have long been engrained in our law.

To be clear, women had access to these services before the President passed the Affordable Care Act, and after this amendment would be passed, they would still have access to these important services. Contrary to what some of my friends on the other side of the aisle have asserted, this measure simply allows health care providers and companies to have the same conscience rights they had before the President's health care bill took effect.

We are not breaking any new ground. In fact, we are respecting what is contained within our first amendment to the Constitution and what has long been a bipartisan effort to respect the conscience rights of all Americans, whatever their religious views are.

This vote goes to the heart of who we are. If we allow the government to dictate the coverage and plans paid for by religious institutions, that is the first step down a slippery slope. When religious liberty has been threatened in the past, Members of both sides of the aisle of Congress have taken action to preserve our country's cherished freedoms. We must do so again now or risk compromising a foundational American principle.

I hope my colleagues on both sides of the aisle will give this amendment careful consideration and appreciate that it is an amendment that will respect the conscience rights of all religions and will certainly not deny women access to services they need and deserve.

I appreciate the Senator having me here today. I hope my colleagues will support this important amendment.

Mr. BLUNT. I thank the Senator for her leadership and from the beginning of this discussion back in August when Senator AYOTTE, Senator RUBIO, Senator NELSON from Nebraska and I introduced this bill, we have been joined in this amendment by three dozen or more other sponsors, one of whom actually I mentioned a piece of legislation he was involved in the first time he was in the Senate. It protected the religious rights of people who were temporarily in the country, with exactly this same language, who might have some religious belief or moral conviction that meant they didn't want to get the vaccines we would require a visitor to have. In 1996 Senator COATS put this in a law that virtually every Member of the Senate serving today, in both parties, voted for, as they have time after time when this issue was brought up. This language was understood to be an important defense of the first amendment in a health care piece of legislation.

I am glad Senator COATS has joined us today. Whenever I researched this, I saw that he had used this very language 15 years ago in a piece of legislation. I know the Senator is an important advocate of religious freedom.

Mr. COATS. Mr. President, I thank the Senator from Missouri. I thank him also for his willingness to engage with this amendment, to put it in play here for us to debate and discuss. It is a very fundamental principle of our Constitution that is at stake, and it deserves debate, and it deserves this body putting their yea or nay on the line relative to how we are going to go forward. I commend him for his leadership, and I am pleased to join him, as well as many others, in this colloquy.

This is an issue that is as old as this Nation. We are all blessed to live in this Nation and are blessed by the wisdom of our Founding Fathers, guaranteeing our rights. The very first right they guaranteed in the Constitution was the right to religious freedom. Many of the earliest settlers came here because of that right and their desire to come to a country where their religious beliefs, tenets, and principles would be respected and honored, where they would not be dictated to by a government like they lived under before they came here, but it would be protected and preserved as a basic fundamental right. It was a transformational idea at the time. Yet, now for well more than 220 years or so, it has been maintained throughout the history of this country. It stands as a bulwark against government interference with personal beliefs and government trying to dictate how we exercise the religious freedoms we are all so privileged to have.

It has been said—and I want to repeat it—that the debate today is not about access to contraception. This is not about whether it is appropriate to use contraception. It is not about a woman's right to contraception. As a pro-life Christian and a Protestant, I am

not against contraception, but I also believe it is a decision individuals must make in accordance with their own faith and beliefs, not a decision to be made by the Federal Government.

What this is about is whether Congress is going to sit by and idly allow this administration to trample our freedom of religion—that core American principle—or whether we will stand and protect what our Founding Fathers put their lives on the line for and what millions of Americans today will defend. We cannot pick and choose when to adhere to the Constitution and when to cast it aside in order to achieve political prerogatives. We must consistently stand for our timeless constitutional principles. The debate that is taking place is a stand to protect an inalienable right, the right of conscience established in our Nation's founding days and sustained for over 200 years.

I regret that this issue has been reframed for political purposes into a woman's right to choose, to deny women the opportunity to exercise their right to make a choice. That is not what this is about at all. Yet some have said it has been so successfully reframed that, politically, those who defend this as a matter of religious conscience and freedom are on the losing side of the political argument. Well, we may be or we may not be. I think it is up to this body to decide that with a thorough debate and vote that puts our yeas and nays on the line.

Nevertheless, whether it is a winner or a loser politically, it is irrelevant to the argument. It should be irrelevant to the debate because this clearly is a fundamental principle of religious freedom that needs to be protected regardless of the political consequences. So those of us standing up to debate this are setting aside any kind of political risks, any advice that basically says: You don't want to touch this because it has been reframed in a way that the American people don't understand it. We are here to say that we stand to protect the liberties that are granted to us by our Constitution and, regardless of political consequences, we will continue to do that.

Mr. President, I again thank Senator BLUNT and all those who are willing to address this issue and trust that our colleagues will see this as a fundamental breach of a constitutional provision provided to us by the people who sacrificed their lives to do so.

I yield the floor.

Mr. BLUNT. I thank the Senator.

Mr. President, I want to go next to my neighbor in the Congress, and now my neighbor in the Senate, and my neighbor in real life from northwest Arkansas. I am from southwest Missouri. I am glad Senator BOOZMAN came down to discuss this issue.

Mr. BOOZMAN. Mr. President, I thank the Senator from Missouri, and I appreciate his hard work and his leadership in bringing this amendment forward.

President Obama's accommodation of religious liberty in his revised health care mandate covering contraceptives, sterilizations, and medicines causing abortion raises more questions than it answers. Perhaps the most troublesome part is that even with this revision, the President's mandate refuses to acknowledge that the Constitution guarantees conscience protections. He instead tries to run around them. You don't ''accommodate'' religious liberties, you respect them. That is why they are enshrined in the Constitution.

Those constitutional protections should prevent the President from trampling the conscience rights of Americans and religious institutions that hold a strong belief that contraceptives, sterilizations, and drugs causing abortion are wrong. Clearly, however, these constitutional protections are not enough. President Obama's ''accommodation'' shows that he considers conscience rights to be an inconvenience in his effort to remake America in his vision. That is why we need the Respect for Rights of Conscience Act. The Respect for Rights of Conscience Act—introduced by my colleague from Missouri, Senator ROY BLUNT—seeks to restore conscience protections that existed before President Obama's health care law. These are the same protections—and I think this is important—that have existed for more than 220 years, since the first amendment was ratified.

The amendment of the Senator from Missouri has been offered to the surface transportation act, and we expect to vote on it as early as tomorrow. The amendment's goal is commendable, and I look forward to supporting it. It is simply asking the President to respect the religious liberties of Americans.

Many longstanding Federal health care conscience laws protect conscientious objections to certain types of medical services. The President could have just as easily followed that course when he issued a mandate requiring almost all private health insurance policies—including those issued by religious institutions, such as hospitals, schools, and nonprofits—to cover sterilizations and contraceptives, including emergency contraceptives at no cost to policyholders, but he did not.

Now Congress must step up and protect the religious liberties of all Americans. We can do this by passing Senator BLUNT's amendment. I certainly encourage all of my colleagues to take a close look at this—this is so important—and restore the conscience protections we have always stood for as a nation. I commend the Senator from Missouri and look forward to supporting his amendment.

Mr. BLUNT. I thank the Senator.

Mr. President, let me conclude in the next few minutes by first saying that a growing list of groups support this amendment: Home School Legal Defense Association, Family Research Council, Southern Baptist Convention, Americans United for Life, American Center for Law and Justice, Susan B. Anthony List, Becket Fund for Religious Liberty, U.S. Conference of Catholic Bishops, Focus on the Family, Christian Medical Association, National Right to Life, National Association of Evangelicals, Orthodox Union of Jewish Congregations, Concerned Women for America, Eagle Forum, Religious Freedom Coalition, CatholicVote.org, American Family Association, Catholic Advocate, Traditional Values Coalition, Christus Medicus Foundation, Alliance Defense Fund, Christian Coalition, Advanced USA, American Association of Christian Schools, American Principles Project, Wallbuilders, Let Freedom Ring Liberty Consulting, Liberty Counsel Action, Free Congress Foundation, Council for Christian Colleges and Universities, Students for Life of America, Heritage Action, and there are others that are supporting this amendment.

We can go back to 1965 and a Supreme Court case where the determination of how a conscientious objection would be defined was clearly established in ways that led to this religious belief and moral conviction becoming the standard. It is not just something we came up with for this amendment, it has been the standard since that 1965 case. It said: These are the elements you have to have. You cannot suddenly decide you have a religious conviction. This is a conviction that has to be a provable part of who you are.

The Public Health Service Act in 1973, where Senator Church brought this language into the public health arena, is really the first major legislation after Medicare and the Medicaid discussion. There was also the Legal Services Corporation limitation, the foreign aid funding limitation, and the refusal to participate in executions or in prosecutions of capital crimes limitation. This language was good enough for those things, and almost every Member of the current Senate, if they were there then, voted for these, and since, including the action Senator COATS talked about earlier. The Medicare and Medicaid Counseling and Referral Act, the Federal Employees Health Benefits Plan, contraceptive coverage for Federal employees in 1999, the DC contraceptive mandate in 2000, and the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act in 2003 all included this language. We had to get to the affordable health care act, which passed the Senate, and then suddenly it wasn't possible to go through the final process of legislating here. There was no conference committee, no House bill. My belief is that almost nobody who voted for that act originally thought that would be the final bill.

Frankly, I think that if we had ever had a more normal process, this normal element of protecting the first amendment would have been added, as it was every other time. This is about the first amendment. I understand the

fundraising ability to make it about something else. I understand the PR ability to make it about something else. But it is not about anything else.

A minute ago, we had three Protestants on the floor on the contraception issue who probably have no religious problem at all. There may be other elements I have problems with, but it doesn't matter if I have a problem. What matters is that I represent lots of people who do have a problem with it, and the Constitution is specifically designed to protect those strongly held religious views.

As Senator COATS said, it was the first thing in the first amendment. It was exact in its duplication in 1994 in the great health care effort made then, whether it was the protection of religious freedom or the Patients' Bill of Rights or the effort First Lady Clinton worked hard to do. This wasn't even really a debatable item then because everybody understood this was a necessary part of protecting the first amendment to the Constitution.

Again, I would say if these two or three things that are most objectionable to the Catholic community right now—and many of the people who are opposed to this are opposed to this because they wonder what they could be opposed to that the government would decide they had to participate in, they had to be a provider of, they had to pay the bill for. I would ask my colleagues to think of something in their religious view that they would not want to be forced by the government to be part of, and let's give all Americans that same capacity who have these strongly held religious beliefs.

I would encourage my colleagues to support the first amendment. I am grateful for those groups around the country that have rallied around the first amendment. Freedom of religion defines who we are and has defined who we are since the very beginning of constitutional government, where the first thing added to the Constitution was the Bill of Rights. And the first thing in the Bill of Rights is respect for religion. We need to not give that away just to prove that everybody has to do what the government says because the government knows best rather than our conscience and our personal views.

This is not about whether people provide health care or not, it is about whether they are required to provide elements of health care they believe are fundamentally wrong, and how the government can force people to do things they believe and have a provable religious conviction are fundamentally wrong.

Mr. President, I think we have used the hour we had, but this debate will go on. There will be a vote tomorrow, but this debate will go on until this important freedom is soundly protected in health care, in hiring, in all of the elements that create that faith distinctive in our individuals and institutions that make us uniquely who we are.

I yield the floor.

The PRESIDING OFFICER (Mr. MERKLEY). The Senator from Maryland.

Mr. CARDIN. Mr. President, I had the opportunity to listen to my colleague from Missouri as he talked about his amendment. I know he is very sincere in his efforts to protect the first amendment, and if that is what this amendment was about, he would have my support. But let me try to go over the amendment and put in context how it is drafted, because this amendment goes well beyond that.

I would agree with my colleague that the genesis of this amendment was because of contraceptive services and the request from religious institutions not to have to provide coverage for those services. The amendment we have before us, however, would allow an employer—any employer—or any insurance company to deny essential medical services coverage based upon a religious or moral objection. So the concern with this amendment is that it would allow any employer in this country to deny coverage of essential medical services in the plan that employer provides. And that could cover women's health care issues; it could cover contraceptive issues, mammography screenings, prenatal screenings, cervical cancer screenings. An employer could very well say, I am against the moral issue concerning providing that coverage.

I don't believe the historical interpretations my colleague went through apply to those types of circumstances. This amendment would go well beyond one particular service and would cover any medical service. In fact, it says if an employer or insurance plan had any religious or moral objection to a service it can choose to exclude that service from the essential benefit package or the preventive services provisions of the Affordable Care Act. Yes, it would affect women's health care. There is no question about that. It would also affect the health care of men and of children.

The Affordable Care Act guarantees that all plans offered in the individual small group market must cover a minimum set of essential health benefits, including maternity and newborn care; pediatric services, including oral and vision care; rehabilitative services and devices; and mental health and substance use disorder services, including behavioral health treatment.

Under the Blunt amendment, any employer could say, look, I don't want to cover rehabilitative services, for whatever reason—I have a moral objection to it—and they could exclude that service. Preventive care would be at risk, prenatal care would be at risk, life-saving immunization could be at risk, developmental screening, mental health assessments, and hearing and vision tests. Any employer could make it a judgment not to cover any one of those services. Any insurance company could, based upon a ''moral objection.'' That is a very broad standard.

That is why pediatricians and advocates for children across the Nation oppose it. The American Academy of Pediatrics, the American Congress of Obstetricians oppose it, the Association of Maternal and Child Health Programs, the Children's Dental Health Project, Easter Seals, Genetic Alliance, the March of Dimes, and the National Association of Pediatric Nurse Practitioners oppose it. These are not political groups, these are health care groups. They know this amendment could put at risk what we were attempting to achieve in the Affordable Care Act, and that is to make sure we have coverage for essential health services for all the people in this country.

Well, what if an employer could say, I don't want to cover preventive services based on a moral objection? That could happen. This amendment would allow employers to decline to offer life-saving screenings for prostate cancer screenings by simply citing a moral objection, even though one in six men in the United States will be diagnosed with prostate cancer during their lifetime. Last year, 33,000 Americans died from prostate cancer.

An employer who claims a moral objection to cigarette smoking could, under the Blunt amendment, deny employees coverage for smoking cessation programs or treatment for lung cancer. I have a moral objection to smoking; I am not going to cover in my health care plans treatment for lung cancer. More people die from lung cancer than any other type of cancer. More than 200,000 people are diagnosed with lung cancer each year and more than 150,000 die from it. Last year, 85,000 were men.

An employer who claims a moral objection to alcohol consumption could, under the Blunt amendment, deny coverage for substance abuse or rehabilitation or for medical treatment for liver disease, if it is found to be the result of alcohol abuse.

Nowhere in the Affordable Care Act does it stipulate any American must take advantage of the expanded preventive health services. Here is where we have an agreement. We have an agreement that we are not trying to tell anyone what they have to do. I have been a defender of the first amendment my entire legislative career. If you have a religious objection to this, then don't use the services. Nowhere in the Affordable Care Act does it require a woman to use contraception or a man to have cancer screening or a child to receive well-baby visits. What the Affordable Care Act requires is that every American have access to these services so they can decide for themselves, with the advice of their physician, whether they are appropriate and healthy to utilize. If the Blunt amendment were used by employers to deny access to care, we are denying the people in this country the right to make that choice themselves.

I agree it is not just contraceptive services, it is the choice to be able to have preventive services—to take care

of your children, to have the screenings for early detection of cancer or to have treatment for serious diseases. All that could be put at risk. The Affordable Care Act views health care as a right, not a privilege, and it expands the freedoms available to American workers and their families rather than limits them.

I understand the intentions may be very pure. And if we want to have a resolution saying we support the first amendment, you will have all of us in agreement on that. But when you say you are using that to remove from the Affordable Care Act the essential health coverage for services that I think all of us agree should be available to every person in this country, to make a decision whether he or she wants that health care, then this amendment could be used to deny them that ability to get that health care. Whether it is women's health care issues, which was the genesis of this amendment originally, in the debate we had a couple of weeks ago, or whether it is the care of our children or the care of each American, this amendment puts that at risk by allowing an individual employer or insurance company to make a decision to eliminate essential health service coverage. I don't believe we want to do that, and I urge my colleagues to reject the Blunt amendment.

With that, 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.

Mr. MERKLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CARDIN). Without objection, it is so ordered.

Mr. MERKLEY. Mr. President, I rise today to talk about the attack on women's health care that has been taking place over the last few weeks. There has been a heated debate in Washington about access to contraception for all women, regardless of her employer. There is a fundamental question here: Do women get control over their health care or do a small handful of people—the presidents of companies and the presidents of insurance companies—get to choose for a woman whether she has access to birth control?

First, I think it is important to note that 98 percent of all women have relied on contraception at some point in their lives. The nonpartisan scientists and experts at the Institute of Medicine who first recommended covering contraception without a copay did so because there are tremendous health benefits that come from use. But now some in this Chamber are holding up this transportation bill, a bill that would create more than 1 million jobs across the country and 7,000 jobs in Oregon, because, apparently, it is a higher priority to take away women's health choices, to come between a woman and her doctor.

How is this relevant to a transportation bill? The answer: It is not. But regardless, we are going to vote on an amendment to this bill that would allow those CEOs of companies and insurance companies the right to refuse coverage not just of contraception but of any health care service they consider in violation of their personal convictions. So the personal convictions of one will be imposed on the dozens or hundreds of thousands of employees of that company. That is an incredible philosophy.

I wish one of my Republican colleagues was on the floor to have a little conversation about it, because I would simply ask the question: Please explain why you think that the CEO of a company should get to come between a woman and her doctor and choose what health care she has access to.

We talk a lot about big government. Well, this is big government. This is big government, giving power to an individual who runs a company, making choices for dozens or hundreds or thousands of their employees. Not only are we talking about contraception but any health care service.

A company CEO could deny access to HIV or AIDS treatment, to mammograms, to cancer screenings, to maternity care, to blood transfusions. The list goes on and on.

The Blunt amendment would allow an employer who objected to premarital sex to deny an unmarried pregnant woman maternity care. Is that right, that an employer should make that choice for all the employees who work for him or her? The Blunt amendment would allow an employer to deny children of employees access to vaccines because the CEO has a conviction that the vaccine poses a risk. Is that right, that the leader of a company should make that decision for Americans, coming between them and their doctors? The Blunt amendment would deny all health coverage if a CEO believes that physical health problems are simply God's will. That is the imposition of one's religion on those who work for you, making it their religious requirement. That is not the way the Constitution is designed. The Constitution is designed to allow us to all follow our own course, not to impose our course on everyone else through an employment relationship.

The Blunt amendment would allow a CEO to say we are not going to cover end-of-life care because, in that conviction of that CEO—whether it be a man or a woman, the CEO believes that such end-of-life care is interfering with God's will. The Blunt amendment would allow an employer to deny access of folks who suffer from obesity to health care-related obesity programs because they believe that obesity comes from a moral failing.

I think we can all understand with these examples that this is simply wrong—simply wrong—that a CEO should be able to take their personal convictions and impose them on their employees.

This amendment is just the latest in a litany of extraordinary and extreme efforts by my Republican colleagues to curtail women's access to health care services. In the last year alone, Republicans nearly shut down the government over Planned Parenthood, tried to eliminate title X funding for low-income women's health, and tried to take away preventive services such as cancer screenings for women because of ideological objections.

What this amendment is all about is that a few powerful CEOs dictate health coverage for the rest of America. If this, giving the powerful few the ability to dictate coverage for everyone else, isn't an overreach by an overly intrusive government, I don't know what is.

Some have said that blocking women's coverage of contraception through their insurance doesn't affect access. They say that contraception doesn't cost that much; that, in the words of one Republican House Member, there is not one person who has not ever been able to afford contraception because of the price. Well, tell that to our young women between age 18 and age 34 who actually know what contraception costs. More than half of women struggle to afford it at some point. Tell that to a young couple struggling to figure out how they can afford to buy their birth control and put food on the table for their children. Tell that to a college student deciding whether to buy textbooks or fill her prescription. The truth is, contraception is hugely expensive without insurance. Based on information compiled by the Center for American Progress, the cost to an average woman using birth control pills continuously between age 18 and menopause would be more than $66,000 over the course of her lifetime if she had to pay out of pocket.

I think this point bears reinforcement, because I would never have imagined that that is the price of birth control. I think the House Member I was quoting probably had no idea of what contraception costs, $66,000 for a woman between the age of 18 and menopause. Where I come from, that is a lot of money. A lot of money. That is 5.5 years of groceries for a family of four. That is putting two kids through the University of Oregon with 4-year degrees, not including the cost of room and board. That is a downpayment on a nice family home. In fact, where I come from, that is a third of the price of a nice family home. I think a lot of families would wish they had extra cash in their pockets right now. And I certainly have heard from many women in Oregon who are extremely concerned about the impact this amendment would have on their pocketbooks and on their health.

Therese from Washington County writes to me:

> As one of your constituents, and a practicing Catholic woman on birth control, I am urging you to please back up the President on this most recent decision requiring contraception coverage for all of their employees . . .

There are many, many reasons women use the pill in addition to preventing pregnancy. I have issues with pre-menopause. There are lots of women I know who have heavy periods, horrible acne, endometriosis, debilitating cramps . . . the list goes on. And to not treat these ailments because the treatment also prevents pregnancy is to allow women to suffer.

Bridget from Multnomah County writes:

This amendment does not protect religious freedom. Rather, it empowers insurance companies and businesses to impose their religious views on their employees and the insured. It is an example of government intrusion into the personal lives of millions of women who would prefer to privately make their own choice about family planning, without politicians interfering.

It is incredibly, vitally important to me that you do not support this amendment. I happily attended a Catholic college and cannot imagine what I would have done had I found out that my health insurance did not cover birth control. . . . This would be a disastrous decision.

It is not Congress's job, it is not an employer's job, to impose our beliefs on others. Let's let women and families make their own health care decisions without the heavy hand of government intrusion being provided from my colleagues across the aisle. Let's not put government between women and their doctors or between men and their doctors or between families and their doctors.

I am committed to fighting for women's health and will do whatever I can to defeat this amendment—this amendment, which is so wrong on health care and so wrong on imposing religious views of one or personal convictions of one on the many.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mrs. SHAHEEN. Mr. President, I am pleased to join Senator MERKLEY, the Presiding Officer, and the others of my colleagues who will come to the floor this afternoon to speak out against the Blunt amendment.

Over the past year, we have come to the floor many times to speak out against the attacks on women's health. Since this Congress began, we have seen assaults on Planned Parenthood, on Federal funding for family planning and on contraception. But now we are facing the Blunt amendment which is even more extreme and far reaching than we have seen in all those other attempts to politicize women's health.

This proposal would affect health care not just for women but for all Americans. It will affect the care of our children, of our husbands, and our wives. In short, the Blunt amendment would let your boss make your health care decisions instead of you and your doctor. The amendment would empower corporations or any other employer to deny virtually any preventive or essential health service to any American based on any religious or moral objection. I would point out that in the bill, religious and moral objections are not defined. So it can be whatever anybody interprets it to mean.

Under the amendment, an employer could claim a moral or religious basis in order to deny things such as coverage for HIV/AIDS screenings or counseling, prenatal care for single mothers, mammograms, vaccinations for children, or even screenings for diabetes if the employer claims a moral objection to a perceived unhealthy lifestyle.

While this amendment could affect men, women, and children, make no mistake; at the most fundamental level, this debate is about a woman's access to contraception. Supporters of the amendment want to turn back the clock on women's health. They want to deny women access to preventive health services.

Birth control is something most women use sometime in their lifetime, and it is something that the medical community believes is essential to the health of a woman and her family. I would point out the decision that the Blunt amendment claims to be addressing is one that was made not for political reasons but for medical reasons by the Institute of Medicine, and it was made because contraception is important to women's health. It prevents unintended pregnancies. The United States has the highest rate of unintended pregnancy in the developed world. Approximately one-half of all pregnancies here in America are unintended. Contraception can help women and families address this.

Access to birth control is directly linked to declines in maternal and infant mortality. In fact, the National Commission to Prevent Infant Mortality has estimated that 10 percent of infant deaths could be prevented if all pregnancies were planned.

For some 1.5 million women, birth control pills are not used for contraception but for medical reasons. As the Presiding Officer pointed out in that poignant letter from your constituents who pointed out all of the reasons that women could take contraceptives, it could reduce the risk of some cancers, and it is linked to overall good health outcomes.

As Governor of New Hampshire, I was proud to sign a law back in 1999 that requires health care plans to cover contraception. At that time, we heard little controversy, little uproar, virtually no concerns about religious exemptions to the law. The bill in New Hampshire back in 1999 passed the Republican-led State legislature with overwhelming bipartisan support. In fact, in the House, almost as many Republicans voted for the bill as Democrats. I think that was because it was understood by people on both sides of the aisle of all religious faiths that requiring contraceptive coverage was about women's health and it was about basic health care coverage.

For 12 years, that law in New Hampshire has been in place with little opposition because it has worked. And it is particularly unfortunate, as we are having this debate about women's health, thinking about what happened back in New Hampshire, to see this debate become so politicized. It is not right. It is not what is the best interest of women's health, and I urge my colleagues to oppose the Blunt amendment.

The decision about a woman's health care should be between her, her doctor, her family, and her faith. Let's not turn back the clock on women's access to health care.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. MERKLEY). The Senator from California.

Mrs. BOXER. Mr. President, do we have a specific order here for speaking?

The PRESIDING OFFICER. The Democrats currently have 30 minutes of time.

Mrs. BOXER. Mr. President, I am on the floor here today, as I was earlier, to talk about the dangers of this Blunt amendment.

Senator BLUNT says it has nothing to do with providing health care to women; it has nothing to do with that. It is just about freedom of religion, he says. Well, as many people say, when someone comes up to you and says it is not about the money, it is about the money. And when someone says it is not about access to women's health, it is about religious freedom, it is about access to women's health care. Why do I say that? Because that is what this debate is all about. And we see it all over the country with rightwing Republicans trying to take away women's health care. Why are they trying to do this? You would have to ask them. But we are here to say no.

The thing about the Blunt amendment is, it would not only say that any insurer or any employer for any reason could stop women from getting access to contraception; it could also stop all of our families from getting access to essential health care services and preventive health care services.

Why do I say that? Let's take a look at the Blunt amendment. Enough of this chatter. Let's take a look at it. Here is what it says: A health care plan shall not be considered to have failed to provide the essential health care benefits package described in our law or preventive health care services described in our law if they exercise what they call a moral objection.

So say someone has a moral objection to someone who has smoked, and the person wants to give up smoking and they want to get a smoking cessation program as part of their insurance. If the insurer says, That is your fault, you are not getting it; or someone may have diabetes and the employer or the insurer says, You know what? That was your problem. You ate too much sugar as a kid. Too bad.

That is what the Blunt amendment does and that is a fact. Here it is. I placed it here because this is the amendment. That is what it says.

I wish to show a list of preventive services and essential health care services that the Blunt amendment threatens. Remember, the Blunt amendment says there is a new clause that now says any insurer or any employer can deny any one of these benefits: emergency services, hospitalization, maternity and newborn care, mental health treatment, pediatric services, rehabilitative services—that is just some.

Here is the list of the preventive health care benefits that any insurer or any employer could deny: breast cancer screenings, cervical cancer, hepatitis A and B vaccines, yes—contraception, HIV screening, autism screening, hearing screening for newborns.

This is the list. Why do I show this list? Particularly because I know the Senator served on the HELP Committee and helped put this together. This is the list of services that was put together by the expert physicians in the Institute of Medicine, this list, preventive health care, and this list, essential health benefits.

I was stunned to come on the floor and hear Senator AYOTTE invoke the name of our dear colleague and our dearly missed colleague, Ted Kennedy. She tried to imply that he would support the Blunt amendment.

She is not the first Republican to do it. I am calling on my Republican friends to stop right now because there are several reasons why they are wrong to do that. First of all, Ted Kennedy, in one of his last acts, voted for the health care bill. He voted for the health care bill that came out of the HELP Committee. He helped to write the preventive section. He helped to write the essential health benefits section. He would never ever—as his son has said—support the Blunt amendment that would say to every employer in this country if they don't feel like offering any of these, they don't have to.

He fought hard for these. He wouldn't give an exception to an insurance company or a nonreligious employer, never.

How else do I know that to be the case? I ask unanimous consent to have printed in the RECORD a list of bills that Senator Kennedy cosponsored.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 766, Equity in Prescription Insurance and Contraceptive Coverage Act of 1997.

S. 1200, Equity in Prescription Insurance and Contraceptive Coverage Act of 1999.

S. 104, Equity in Prescription Insurance and Contraceptive Coverage Act of 2001.

S. 1396, Equity in Prescription Insurance and Contraceptive Coverage Act of 2003.

S. 1214, Equity in Prescription Insurance and Contraceptive Coverage Act of 2005.

S. 21, Prevention First Act (110th Congress).

S. 21, Prevention First Act (111th Congress).

Mrs. BOXER. What are these bills? These are bills that called for equity for women to get contraceptive coverage. If they were given other coverage, they had the right to get contraceptive coverage. Ted Kennedy was a leader. He is a cosponsor on all these bills. Do you know for how many years? Thirteen years. For thirteen years, Ted Kennedy fought for women to get access to contraceptive coverage in their insurance.

I say to my Republican friends, don't come to the floor and invoke the name of our dear colleague. I was so proud that the first thing I did when I came to the Senate, he asked me if I would help him work on a bill to protect people who were going to clinics, women's clinics, who were being harassed at the clinic door. You know what. I worked it for him. I helped him on the floor, and I was so proud we won that. Now there is a safety zone for women when they go to a clinic for their health care, their reproductive health care. That was Ted Kennedy.

Yes, Ted Kennedy supported a conscience clause—we all do, and President Obama has taken care of that. He has stated clearly in his compromise that if you are a religious institution, you do not have to offer birth control coverage. If you are a religiously affiliated institution, you don't have to cover it directly but you do indirectly. That was a Solomon-like decision by our President. But that is not enough for my Republican colleagues. They have to fight about everything.

I ask unanimous consent also to have printed in the RECORD the letter Patrick Kennedy wrote to Senator BROWN.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

FEBRUARY 26, 2012.

Hon. SCOTT BROWN,
Suite 100, 337 Summer Street,
Boston, Massachusetts.

DEAR SENATOR BROWN: In your current radio ad and in many news reports, I hear you claim my father would have joined you in supporting an extreme proposal now before the U.S. Senate that threatens health care coverage for women and everyone. Your claims are misleading and untrue.

Providing health care to every American was the work of my father's life. The Blunt Amendment you are supporting is an attack on that cause.

My father believed that health care providers should be allowed a conscience exemption from performing any service that conflicted with their faith. That's what was in his 1995 law and what he referenced to the Pope. That is completely different than the broad language of the Blunt Amendment that will allow any employer, or even an insurance company, to use vague moral objections as an excuse to refuse to provide health care coverage. My father never would have supported this extreme legislation.

You are entitled to your own opinions, of course, but I ask that, moving forward, you do not confuse my father's positions with your own. I appreciate the past respect you have expressed for his legacy, but misstating his positions is no way to honor his life's work.

I respectfully request that you immediately stop broadcast of this radio ad and from citing my father any further.

Sincerely,

PATRICK J. KENNEDY.

Mrs. BOXER. In that letter, he said: ''You are entitled to your own opinions but I ask that, moving forward, you do not confuse my father's position with your own.''

He said: ''I appreciate the past respect you have expressed for his legacy, but misstating his positions is no way to honor his life's work.''

I ask my colleagues in this debate, come and state their own views, but don't misstate the views of a dear departed colleague who for 13 years supported a woman's right to have access to contraception.

I think people watching this today have to be a bit confused because when they look up at the screen it says we are on a transportation bill. Indeed we are. Indeed we have been on it for almost 3 weeks now. I say to my colleagues who know the importance of this bill: Please, let us get to it. Let us get to the heart of the matter. We have a huge unemployment rate among construction workers. The unemployed construction workers could fill 15 Super Bowl stadiums. That is how many are unemployed. We need to get to this bill.

It is important to our businesses. It is important to our workers. It is important to our communities. It is important for our safety. It is important to fix the bridges and the highways. It is important to carry out the vision of Republican President Dwight Eisenhower, who said it was key that we be able to move people and goods through our great Nation.

When OLYMPIA SNOWE, our very respected colleague from Maine, told us yesterday she would not seek reelection, she said it was because there is so much polarization here. I said this morning, this bill is exhibit 1. Here we have an underlying bill that came out of four committees in a bipartisan way. It means we can save 1.8 million jobs, create up to 1 million new jobs, and guess what. The first amendment is birth control, women's health, an attack on women's health. We have to come to the floor and stand on our feet and fight back.

You know what. I am proud to do it. I am proud of the men and women who have stood on this floor and have come to press conferences and been on conference calls fighting for women's rights. But this issue was decided a long time ago. We know access to contraception is critical for people. A full 15 percent of women who use it use it to fight debilitating monthly pain or to make sure tumors do not grow any larger or for severe skin conditions, and the rest use it to plan their families.

When families are planned do you know what happens? The babies are healthier. The families are ready. Abortions go down in number. It is a win-win. We all know that and I always thought we could reach across the aisle and work together to make sure there was family planning. But today just proves the opposite, our colleagues on the other side, the Republicans, are bound and determined to go after women's health.

I stand opposing the Blunt amendment, thanking my colleagues for their eloquence, and hoping we can dispose of it, defeat it, and get back to our Transportation bill.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. MENENDEZ. Mr. President, I rise to oppose the Blunt amendment which simply goes way too far. The President has struck the right balance in his decision to address religious institutions' concerns when it comes to providing women's health services, but this amendment gives all employers shockingly broad discretion to make moral decisions for their employees, fundamental decisions about some of the most personal issues an individual faces—the health care needs of themselves and their families, a woman's decision about contraception and family planning, decisions about whether their child gets a blood transfusion for deadly disease, decisions regarding the use of prescription drugs, decisions on who to treat and how to treat them—based entirely on an employer's moral views, not an individual's moral beliefs.

The bottom line is health services should not be provided at the moral discretion of an employer but on the medical determination of the employee and their doctor. According to the Department of Health and Human Services, 1.7 million New Jerseyans, almost 500,000 children, over 600,000 women and over 600,000 men benefit from the expanded preventive service coverage from their private insurers that we created under the law: screenings for colon cancer, mammograms for women, well child visits, flu shots, a host of other routine procedures. All these could be taken away under this proposed amendment should their employer determine it is against their personal beliefs or convictions.

Every day, millions of Americans who are worried about a health condition go to see their doctor. Millions of women go for necessary screening and access to legal medical procedures. Their doctor evaluates their condition and recommends a course of treatment and that can range from simple preventive measures, such as exercise and diet, to a prescription drug regimen, to major surgery. The last thing a woman or her doctor should have to concern themselves with is whether their employer will deem their medical treatment to be immoral based on their employer's personal beliefs, regardless of their own beliefs or needs. The last thing they need is to be denied coverage by an employer who would be allowed, under this amendment, to effectively practice a form of morality medicine that has nothing to do with accepted medical science or the affected individual's personal beliefs.

Under the language of this amendment, that is exactly what would happen. It would allow employers simply to deny coverage based on a particular religious doctrine or moral belief, regardless of the science, medical evidence or the legality of the prescribed treatment. Put simply, we expect our health insurers, no matter where we work, no matter what our faith, to cover basic benefits and necessary medical procedures recommended by our doctor and then we as individuals should have the right to decide which of those benefits we use based on our own personal beliefs, our medical diagnosis, and our treatment options. Just because one person makes one decision or holds one belief doesn't mean someone else will do the same. That is what freedom is all about.

The arbitrary denial of coverage based on anything other than good science and rational medical therapy was the driving force behind the need for health care reforms that ensured that if one paid their premiums, they would be covered, freeing families from having to choose between putting food on the table, paying their mortgage or using their savings to pay for medical treatment because an insurer, based on their own rules, refused to cover them.

With this amendment, we are turning back the clock and allowing the arbitrary denial of coverage based on someone else's sense of morality. That is not what America is about. It is not what freedom of religion is about.

In a system predicated on employer-based health insurance coverage, in which workers often forgo other benefits such as wage increases in exchange for coverage, it is vitally important to ensure families can count on their coverage to provide the treatments and benefits they need. We can continue doing so, as we have for many years, while respecting people's personal moral beliefs.

Supporters of this amendment claim it is about protecting religious freedom. They are wrong. Supporters of this amendment claim that recent regulations guaranteeing a woman's access to preventive health care services is a governmental overreach. They are wrong. What supporters of this amendment are actually trying to accomplish has nothing to do with either of those issues. It has to do with trying to dismantle heath care reform to score cheap political points and throw America's mothers, daughters, and sisters under the bus in the process.

This amendment is not about religious freedom. The President rightly addressed that concern with a recent compromise he announced for religious institutions. No, it is about allowing morality-based medicine to deny coverage for neonatal care for unwed women, to deny access to lifesaving vaccines for children, to refuse to cover medications for HIV and other sexually transmitted diseases or even deny coverage for diabetes or hypertension because of an unhealthy lifestyle. The scope of this amendment is unlimited.

If it were truly about religious freedom or about contraceptives, then why have so many nationally respected organizations that have nothing to do with birth control, reproductive issues or religion, such as the Easter Seals, the March of Dimes, the Spina Bifida Association, come out in such strong opposition? The answer is simple, because the amendment isn't about birth control and it isn't about religious freedom. The amendment is about fundamentally undermining our system of patient protections, especially for women, and leads us backward to a time when insurance companies and employers could play life-or-death games with insurance coverage. Supporters of this amendment will stop at nothing to undermine the progress made thanks to health care reform, progress that says insurance companies can no longer deny coverage because of a preexisting condition, can no longer impose arbitrary caps on the coverage you can receive or cancel a policy because of a diagnosis they deem too expensive to cover. In my view, it is shameful that they are using women's health and access to vital preventive services as a scapegoat for a larger anti-health agenda. Any attempt to say otherwise is wrong.

Let me close by saying to allow any employer the ability to deny any service for any reason is doing a disservice to the people we represent. We would be turning the Constitution on its head to favor a morality-based medical decision over good science and over the relationship between a patient and their doctor. This is an incredibly overreaching amendment with radical consequences, and I urge my colleagues to oppose it and preserve the progress we made on trying to level the playing field for workers and patients in this country.

I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I rise to thank the distinguished Senator from New Jersey for his remarks, and most particularly for the remarks of my friend and colleague from California. She has fought this fight along with the dean of our women, Senator MIKULSKI, year after year and time after time.

Before I speak about the Blunt amendment, I wanted to express that the retirement or announced perspective retirement of Senator OLYMPIA SNOWE is, for me, a heartbreak. I have regarded her as one of the most impressive Senators in our body. She still has many good years ahead of her. I have had the pleasure of working with her on a number of bills. Most importantly, we did really the only fuel economy improvement that had been done in 20 years in the 10-over-10 bill. What is interesting about it is it was a bipartisan bill and it got passed thanks to Senator Ted Stevens who was Vice-Chairman of the Commerce Committee at the time and it was put in his bill. So it was really quite wonderful to see that happen.

This is my 20th year here, along with my friend and colleague Senator

BOXER, and over the last 10 years what I have seen is more and more attacks on women and women's health, stemming largely from the abortion debates, but not only that. We have fought—and Senator MIKULSKI has led the way—for equal pay, we have fought against discrimination, attacks on Title X Family Planning grants, attempts to defund Planned Parenthood, and attempts to limit access to preventive health care such as contraception. These attacks to limit a woman's right to make her own reproductive health care choices have now escalated to an unprecedented level. I am not going to go into the specifics of some of them, but trust me, I never thought I would see people in public office put forward some of the bills out there. I believe strongly that all women should have access to comprehensive reproductive care, and should be able to decide for themselves how to use that care regardless of where they work or what insurance they have.

The other side of the aisle has tried to take away access not only to contraception but also primary and preventive screenings for low-income women that are provided by the Title X Family Planning program and by Planned Parenthood. Title X programs serve over 5 million Americans nationwide, Planned Parenthood almost 3 million. They are not minor, they are major, and for many individuals it is their only source of care. And now here we are defending not just women's rights but the rights of all Americans to have access to essential and preventive health care benefits.

I strongly oppose this latest attack in the form of the Blunt amendment, and I join my colleagues on the floor to speak about the harm that this amendment will do.

I think it was stated by Senator MENENDEZ that the amendment is vague. In its vagueness it becomes a predicate for any provider, employer, or insurer to decline to provide to cover a myriad of health care benefits simply on the basis of religious beliefs or moral conviction. There is no statement in the legislation as to what the religious belief or moral conviction has to be, when it begins, or when it ends. It is an excuse as to why they do not want to do something.

What does this mean? Well, what it means in reality is 20 million women could be denied any preventive health care benefits, including contraception, mammograms, prenatal screenings, and cervical cancer screenings. In addition, 14 million children—and this is right—could be denied, under this Blunt amendment, access to recommended preventive services including routine immunizations, necessary preventive health screenings for infants, and developmental screenings.

In my State alone an estimated 6.2 million individuals—2.3 women, 1.6 million children, and 2 million men—could be denied access to the preventive health services afforded to them by the health reform law, which incidentally is four typewritten pages, single spaced, a list of preventive health services. This debate is not about religious freedom. It is about allowing providers and employers the right to deny access to care for autism screening, STD and cancer screenings, and well-baby exams for any reason. All they have to say is they have a moral concern with it, that their conscience bothers them.

For instance, any employer could refuse to cover screening for type 2 diabetes because of moral objections to a perceived unhealthy lifestyle. A health plan could refuse to cover maternity coverage for an interracial couple because they have a religious or moral objection to such a relationship. The only thing this amendment does is protect the right to deny. It doesn't give anything. It allows denial. It does nothing to protect the rights of employees to access fundamental health care.

The radical wing of the Republican Party does not speak for most of the women in this country. About 100 organizations nationwide oppose this amendment, including the National Partnership for Women and Families, National Physicians Alliance, Human Rights Campaign, and the American Public Health Association.

Earlier we heard from an intensive care nurse who had worked 37 years in intensive care in a Boston hospital who said people get the best care essentially when the politicians stay away, and I believe that. I have heard to date—and I am sure Senator BOXER has heard from a similar number—from 11,500 constituents in my State, Senator BOXER's State, who oppose this amendment and have grave concerns about its implications. I don't need to tell the women in this body that we have had to fight for our rights. No one has given women anything without a fight. We had to fight for our right to inherit property, our right to go to college, our right to vote, and for the last 10 years, the right to control our own reproductive systems. We will continue to fight the Blunt amendment and other attempts to roll back the clock.

I urge my colleagues to think carefully about the long-reaching implications of this amendment and oppose it. Senator BOXER shared with me a letter, and she indicated that she had read one part of it. I wish to read another part of it. This is a letter from Patrick Kennedy to SCOTT BROWN, and I want to read this paragraph because it involves someone everybody on this floor knows sat right over there at that desk for years and was known as the lion of the Senate. When he stood on his feet, everyone listened. Here is what Patrick Kennedy said:

> My father believed that health care providers should be allowed a conscience exemption from performing any service that conflicted with their faith. That's what was in his 1995 law and what he referenced to the Pope. That is completely different than the broad language of the Blunt amendment that will allow any employer, or even an insurance company, to use vague moral objections as an excuse to refuse to provide health care coverage. My father never would have supported this extreme legislation.

It is signed Patrick Kennedy, and I believe Senator BOXER put the letter in the RECORD so anyone who wishes to see the whole letter has access to it. But I hope this amendment is defeated on the floor.

I see the distinguished Senator from the neighboring State, Maryland, the dean of the women, is on the floor.

I will yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Thank you very much, Mr. President.

Mr. President, what is the parliamentary situation?

The PRESIDING OFFICER. The majority has 1½ minutes remaining.

Ms. MIKULSKI. Mr. President, I ask unanimous consent to extend the time on the Democratic side for 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. MIKULSKI. Thank you very much. I want to thank my colleagues who have spoken on this amendment, particularly those who oppose the amendment.

I come to the floor today with sadness in my heart. I come because over the weekend one of our Maryland National Guards was killed in Afghanistan. He was one of two men working in a building in which he was attacked by someone he trusted at the Interior Service, and it appears that he was assassinated. I talked to his widow. We are sad. We are sad that somebody who went to defend freedom was killed in such a terrible way.

I am sad because last night I spoke to a dear friend of mine whose husband is very ill from the ravages of brain cancer, and we remembered so many good times we had together, but those good times don't seem possible in the future. I want so much for her to be with her husband and not think about the consequences of costs and so on.

Last night we learned that our very dear friend and colleague, Senator OLYMPIA SNOWE, is going to retire not because she is tired but because she is sick and tired of the partisanship. Senator SNOWE is not tired. She is sick and tired of the partisanship. And you know what. So am I.

We have a highway bill here. We have an unemployment problem. We could solve America's problems and get it rolling again, and if we pass the highway bill—with the appropriate debate on amendments germane to the bill—we could do it. So I am really sad.

I am sad that I have to come to the floor to debate an amendment that has no relevance to the highway bill. And I am sad because we are so tied up in partisan politics and scoring political points that we don't look at how we can get our troops out of Afghanistan. How can we make sure we have a budget that can fund the cure for cancer and at the same time make sure any

family hit by that dreaded C word doesn't go bankrupt during care?

I am devastated that a dear friend and extraordinary public servant is so fed up with how toxic we have become that she chooses not to run for office again. So I want to be serious, and therefore you need to know I am really sad about this, but I also am frustrated about this. So I want to talk about this Blunt amendment because we have heard nothing but mythology, smokescreens, and politics masquerading as morality all day long.

Let me tell you what the Blunt amendment is not. It is not about religious organizations providing health care and the government saying what the benefits should be. It is not about affiliated religious organizations and the government saying what the service is to be. This amendment is about nonreligious insurance companies and nonreligious employers. It is about secular insurance companies and it is about secular employers. The Blunt amendment allows that any—any—health insurer or employer can deny coverage for any health service they choose based on something called religious beliefs and moral convictions.

Now, there is a body of knowledge that defines religious beliefs, but what is a moral conviction? That is not doctrine. That is a person's personal opinion. A moral conviction, no matter how heartfelt, no matter how sincere, no matter how fully based upon ethical principles, is still a person's personal opinion. So we are going to allow the personal opinions of insurance companies and the personal opinions of employers to determine what health care a person gets. What happened to doctors? What happened to the definition of essential health care? So this is not about religious freedom; this is not about religious liberty because it is not even about religious institutions. So let's get real clear on this Blunt amendment.

This amendment is politics masquerading as morality. Make no mistake. The politics is rooted in wanting to derail and dismember the Affordable Care Act and our preventive health care amendment.

So what the Blunt amendment does, as I said, is allow any insurer or any employer to deny coverage based on religious beliefs or moral convictions. Well, what that essentially means is this: Let's look at examples. If an employer has a conviction, a personal opinion, against smoking, they can refuse to cover treatment for lung cancer or emphysema. If an employer has a personal opinion that they call a moral conviction that doesn't approve of drinking alcohol, they can refuse to cover any program for alcohol treatment or substance abuse.

Let's say there is an employer who doesn't believe in divorce and they say: I will not cover health care for anybody who is divorced because I have a moral conviction against that. Suppose a person says—there are some schools of thought that say: I have a moral conviction that a woman can only see a woman doctor, and I will not cover anything where she is seen by a male physician. Where are we heading? These are not ridiculous examples. It puts the personal opinion of employers and insurers over the practice of medicine.

This is outrageous. This is vague. It is going to end up with all kinds of lawsuits—let's speak about lawsuits. While some have been pounding their chests talking about religious freedom and the Constitution, what is also in the Blunt amendment is this whole idea that gives employers access to Federal courts if they believe they can't exercise the amendment. This is a new lawyers full employment bill.

I am shocked because the other party is always trashing lawyers. They are always trashing the trial lawyers associations. Now they have created a whole new right—or an opportunity—for Federal court action, clogging the courts on this particular issue.

This is why Americans are so fed up. They want us to focus on health care. They want us to focus on how to lead better lives.

Let me talk about how we got here in the first place. Do my colleagues remember why we had health reform legislation? I remember because it still exists: 42 million Americans are uninsured; 42 million Americans are uninsured for health care.

This is the fifth anniversary of a little boy in Prince George's County who died because he could not have access to dental care. His infection was so bad, so severe, and there was nobody to see him. His mother was too poor to be able to pay for it. That little boy, in the shadow of the Capitol of the United States, died.

Now, that is why we work for the Affordable Care Act. People can call it ObamaCare. I don't care what people call it. I call it an opportunity for the American people to get what a great democratic society should provide.

Then, we not only looked at what was uninsured, we also looked at the issues around women. Senator STABENOW held a hearing, and I held a hearing, and guess what we found. Women pay more for their health insurance than men of equal age and equal health status. Nobody said that is a social justice issue. Well, I have a moral conviction about that. I have a really deeply felt moral conviction that if you are a woman, you shouldn't be discriminated against by your insurance company.

We also found that women were denied health care because of preexisting conditions. We found that in eight States, if a person was a victim of domestic violence, they were doubly abused—not only by their spouse, but they couldn't get insurance coverage because they said the cost of physical and mental health care would be too much. Well, I had a moral conviction. I had a moral conviction that if you are a victim of domestic violence, you shouldn't be denied health care. I had a real strong moral conviction about that.

Then, during my hearing, I heard a bone-chilling story. It wasn't just me; it was all who attended. There was a woman who testified that she had a medically mandated C-section. Then she was told by her insurance company, in writing, that she had to get sterilized in order to receive health insurance. The insurance company was mandating sterilization for her to get coverage. I nearly went off my chair.

At that hearing there was a representative of the insurance company. They had no moral reaction to that. They had no moral reaction to that. I had a reaction. I had a really big one. That is why we got the amendments we did, where you could not deny health care on the basis of preexisting conditions. So I have a lot of moral convictions about this: that in the United States of America no child should die because of the absence of health care; no woman should be discriminated against in the health care system; and, at the same time, a person needs to be able to have the opportunity to get the services their doctor says they need.

The other thing on our agenda was to not only save lives, but to save money, and we knew that prevention was the way to go. I came to the floor and offered the preventive health amendment. It was a great day. Many women spoke for it. It was primarily oriented toward women, but it was going to cover men as well. It was going to make sure that early detection and early screening would save lives. We spoke about the necessity for mammograms. We spoke about the necessity for screening for diabetes and heart disease and the kinds of things that, if detected early, could save lives. That bipartisan amendment passed.

Then, after it was passed, and after the bill passed, the Secretary of Health and Human Services said: Preventive benefits should be defined not by politicians and not by a bureaucrat at HHS but by the medical community. So she requested the Institute of Medicine to define the preventive health care benefit. The preventive benefits we are talking about that Senator BLUNT says an employer doesn't have to provide came from the Institute of Medicine. It didn't come from the Congress. It didn't come from bureaucracy at HHS. It came from a learned, prestigious society that we turn to—the Institute of Medicine. This is what they said are the essential preventive services that would save lives as well as save money.

So this is where this came from. Now, some are on the floor saying: If you have a moral conviction against what the Institute of Medicine says is an essential benefit, you could go ahead and do it. Again, we are not talking about religious institutions who are employers; we are not talking about religious-affiliated institutions; we are talking about nonreligious institutions.

Ordinarily I would call this amendment folly, but this is a masquerade. I think it is just one more excuse to opt out of the Affordable Care Act. It is one more excuse to opt out of ObamaCare. They want to opt out, but I think it is a cop-out, and we have to stop masquerading that this is about morality or the first amendment or someone's religious beliefs.

So I hope we defeat this Blunt amendment. Most of all, I wish we could get back to talking about the serious issues affecting the American people. I am going to bring those troops home. I sure want to find that cure for cancer and help come up with the resources so we can do it. I am going to be sure that no little boy ever goes through what Deamonte Driver and his family had to suffer.

Let's defeat the Blunt amendment. Let's get back to the highway bill. Let's get America rolling—and how about let's start functioning as an institution that focuses on civility and finding the sensible center that America has been known for in other years when we had the ability to govern.

I yield the floor.

The PRESIDING OFFICER (Ms. KLOBUCHAR). The Senator from California.

Mrs. BOXER. Madam President, before the Senator from Maryland leaves the floor, I think it is an opportunity to thank her so much for speaking the truth today on the floor of the Senate—just the facts—and what the Blunt amendment is about and isn't about. Also, I watched her recite the history of trying to bring preventive care and essential health care benefits to our people, realizing that she was in that pivotal position in the HELP Committee.

I remember her looking at me one day—because we are very close friends; we are not on that particular committee together—and she said to me: Senator Kennedy asked me—I just get the chills when I think of it—to take on this issue of prevention and work with TOM HARKIN and Chris Dodd and step to the plate on these essential benefits and on preventive benefits. She literally raised this issue, particularly on the prevention side—I don't know if the Presiding Officer remembers—in caucuses, on the floor, in the committee, at press conferences, that we could have a new day in health care in this country because although we spend more than any country in the world, we are not getting the same results because we haven't invested in prevention.

As she said, it is not up to politicians to decide what prevention should look like; it is up to the doctors. Under the Senator's leadership and that of Senators HARKIN and Dodd and all the wonderful members of the HELP Committee, as well as the Finance Committee—and, yes, Ted Kennedy in the background because he was quite ill, but he sent his messages, and his staff helped—they came up with a list of essential health care services that nobody could ever quarrel with. They also came up with a list of preventive health care services that were so critical to all of us, particularly to women. The great news: Proving to us that when we invest in prevention, we save so much down the line. We all know this is a fact.

Access to contraception, by the way, was put on the list not by politicians but by the Institute of Medicine because it is known that if the individual chooses that route to plan their families, that means we have fewer abortions and it means we will have healthier families, healthier babies. And many people take the birth control pill as medicine to prevent debilitating monthly pain. It is prescribed for skin diseases. It is prescribed to make sure cysts on ovaries do not keep growing and growing and possibly lose an ovary.

But what has happened—and I guess I want to ask my friend one question before she leaves—is that the Blunt amendment would say that anybody, for any reason, any day, could cancel out that whole list of preventive and essential health care services that she fought so hard for.

So when they say this is about religious freedom, no, no, no; that has been taken care of by our President. In terms of any provider that is religious or religiously affiliated, they do not have to provide contraception directly. Even Catholic Charities' response was ''We are hopeful that this is a step in the right direction . . . '', the Catholic Health Association supports the compromise, and so on. So I want to ask my friend, is she aware that when Congressman ISSA held a hearing on women's health care, there was not one woman on the panel, on that first panel? Did she see those photos of that panel that was called to speak on women's health?

Ms. MIKULSKI. Oh, I sure did, and it was deja vu all over again, I say to my colleague from California, because it was like the Anita Hill hearings. The Senator remembers what happened there.

Mrs. BOXER. Yes, I do.

Ms. MIKULSKI. During that time, there was not one woman on the Judiciary Committee.

Mrs. BOXER. Absolutely.

Ms. MIKULSKI. This is not new. The discrimination against women has been around a long time. I consider discrimination against women one of the great social justice issues, whether you are a secular humanist or you have core beliefs in an organized religion.

I found not only the picture appalling, but I want to reiterate what we have been saying here: There is a systematic war against women. We do not get equal pay for equal work. We are often devalued in the workplace. We worry more about parking lot slots for our cars than childcare slots for our children. Then, when it comes to health care, what was so great about the preventive amendment was, first of all, we talked not only about family planning, where women could have the children they knew they could care for, but we talked about prenatal care. We talked about making sure our children had the opportunity for viability and survivability at birth.

So, yes, it was both a picture of us not being included, but it shows we need to be able to fight to be heard. The issue is, women's voices are not being heard, and I am saying today the voices of women are being heard and the voices of good men who support us. I am telling you—not you, Senator BOXER, but I am saying out loud—if this Blunt amendment passes, I believe the voices of women will be heard. They will be heard on the Internet. They will be heard in streets and communities. Most of all, they will be heard in the voting booth.

Mrs. BOXER. Madam President, I just want to thank my colleague from Maryland for her eloquence and for her fighting spirit. The year I came here was following on the Anita Hill issue, when the world saw and this country saw we had no women on the Judiciary Committee. Now, our Presiding Officer sits on that committee. Senator FEINSTEIN and Senator Moseley-Braun were the two women to serve on that committee after we saw there were no women, and they paved the way for my good friend to bring her fabulous background and expertise to the table.

But when Congressman ISSA, the chairman of the committee that had no women on a panel talking about women's health—imagine, no women. Do we have that photo, Cerin? Do we have the photo of the five men testifying about women's health, talking about women's access to contraception, talking about birth control? Not one of those men ever gave birth as far as I know, unless they are a medical miracle. This photo I have in the Chamber I think is changing this country this year because a picture is worth thousands of words. Look at this picture, and we see over on the House side on that Republican side, that is who they want to hear from. When a woman in the audience said to the chair of that committee: Can I speak? I think I have some important information, he said she was not qualified. So I suppose if a person wants to be qualified to speak about women's health, they have to be a man. Her story she wanted to share was of a friend who was unable to get access to birth control because her employer did not offer it, and she was too financially strapped to purchase it. As a result, a cyst on an ovary became so large and so complicated she lost her ovary.

Now, I just want to say to my colleagues, we are on a highway bill. We have to be kidding that we have now wasted 3 weeks because we are so consumed with attacking women's health. Get over it. We are not going to go back. The women of this country will not allow it.

Look what happened in Virginia. They had a plan. They were going to

mandate an invasive procedure, a humiliating procedure, a medically unnecessary procedure to women. In Virginia the women said: What? And the Governor said: Whoops, I have some ambitions to do more than this. I better change.

I just want to say to my colleagues: Vote this down. Table this amendment, this Blunt amendment. This is not going to get us anywhere. What does it do to create one job—except new jobs for attorneys, as it sets up a whole no right of action. I am sure the trial lawyers are going to love the Republicans for this bill. It sets up a whole new right of action because somebody is going to say: I have a moral objection against giving cancer treatment to a child because I think prayer is the answer. Somebody will sue, and that employer will sue, and they will sue and they will sue and there will be money, money, money going to lawyers. Great. What did that do to help one child? What did that do to make somebody feel better? What did that do to create one job?

I know the leaders on both sides are trying to figure out a pathway forward on this highway bill. I am just saying, we better have a pathway forward. I want to say to the Presiding Officer sitting in the chair, who was a proud member of the Environment and Public Works Committee—and I hated to lose her, but everybody wanted her on their committee, so I lost her—she knows how it is. She lives in a State where a bridge collapsed. She fought hard to get that bridge rebuilt in record time. She knows how important it is to protect people by making sure our bridges are safe, that we have safe roads to schools, that we have good transit alternatives, that we fix our roads and our highways.

Madam President, 70,000 of our bridges are deficient, 50 percent of our roads are not up to standard, and we are voting on birth control? Come on. What is next? Egypt? They have a whole list of things that have nothing to do with the highway bill. Bring it on. Let the people see who is stopping progress, who is stopping this bill because at the end of March do you know what happens. We run out on the authorization of the highway bill. We run out on the authorization of the Transportation bill. We run out, and we will lose 630,000 jobs right then and there.

Instead, we can get this bill done. It is terrifically bipartisan. It came out of the committee 18 to 0. It came out of other committees with a bipartisan vote. We can get on with it, protect 1.8 million jobs, and create up to another 1 million jobs. Madam President, 2.8 million jobs are at stake, and we are debating birth control.

I think this is resonating in the country. All of a sudden, people wake up and they say: What are they doing there? What is happening there? When they see this, it is going to be very clear we have a bill that has been stuck on the floor for 3 weeks because the Republicans are demanding votes on matters that have nothing to do with the highway bill. The first one is on birth control. They are talking about something on Egypt. They are talking about something on—oh, this is a good one—repealing an environmental law that is keeping arsenic, lead, and mercury out of the air. They want to repeal that law. Great. That is great. That will really do something to make us safe.

So I am ready for these amendments. Come on to the floor. Give us a time agreement. Let's get on with it. Let's then allow the germane amendments to be offered.

The last comment I will close with is this because it is haunting me: The picture of 15 football stadiums, with every seat filled, would equal the number of unemployed construction workers we have out there today. Well over 1 million suffering because they cannot find construction work.

So I can only say, it is time to get this birth control amendment behind us. Let's beat it. Let's beat the Blunt amendment. It is a disaster. It is dangerous. It is hurtful. It is irrelevant to this bill, and it is dangerous for the country. Stop invoking the name of a departed colleague. Respect his family. Respect his memory. Let's get this vote over with. Let's go to the business at hand and create the jobs the American people are crying for.

I am very pleased to see a colleague has arrived, so I yield the floor.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

Mr. KOHL. Madam President, I come here today to speak about my amendment No. 1591, which is a bipartisan amendment to repeal the freight railroad industry's undeserved exemptions to the antitrust laws, exemptions that result in higher prices to hundreds of businesses and millions of consumers every day. These outmoded exemptions do damage to numerous industries across our country—industries that are vital to our economy and to the job market.

From power companies that rely on coal shipped by rail, to farmers shipping grain, to chemical companies that rely on rail to transport raw materials, to paper companies that ship their finished products via rail, the railroad's antitrust exemption leads to higher prices and renders rail shippers at the mercy of rail monopolies engaged in anticompetitive practices.

The railroads enjoy these antitrust immunities despite the industry's very high levels of concentration—with four freight railroads controlling nearly 90 percent of the market as measured by revenue and dividing up the country so that they face very little, if any, rail competition in many areas of our country.

This amendment is very simple. Wherever the law provides freight railroads with an antitrust exemption, this amendment repeals it. In this way, the railroads will have to abide by the same rules of free competition as virtually every other industry. This amendment is identical to the Railroad Antitrust Enforcement Act, bipartisan legislation that has passed the Judiciary Committee by overwhelming margins in this Congress as well as in the past two.

Virtually no industry—other than baseball and insurance—enjoys the sweeping nature of the antitrust exemptions as does the freight railroad industry. Yet, paradoxically, the consolidated nature of the freight railroad industry makes full application of antitrust law even more necessary.

Just three decades ago there were more than 40 class I freight railroads in the United States. But today, after massive waves of consolidation, nearly 90 percent of industry revenues are controlled by just four railroads. Many areas of the country are served by only one, leaving their shippers captive to rate increases and anticompetitive measures.

The effects of these antitrust exemptions protecting monopoly behavior are easy to see. Increased concentration, combined with a lack of antitrust scrutiny, have had clear price effects. A September 2010 staff report of the Senate Commerce Committee stated:

> The four Class I railroads that today dominate the U.S. rail shipping market are achieving returns on revenue and operating ratios that rank them among the most profitable businesses in the U.S. economy.

Since 2004, this report found ''Class I railroads have been raising prices by an average of 5% a year above inflation.''

The four largest railroads nearly doubled their collective profit margins in the last decade to 13 percent, ranking the railroad industry the fifth most profitable industry as ranked by Fortune Magazine. A 2006 GAO report furthermore found that shippers in many geographical areas ''may be paying excessive rates due to a lack of competition in these markets.'' Given the industry's concentration and pricing power, the case for full-fledged application of the antitrust laws is plain.

It is more than just railroad shippers who pay the price of a railroad industry unchecked by antitrust oversight. These unjustified cost increases cause consumers to suffer higher electricity bills because a utility must pay for the high cost of transporting coal, higher prices for goods produced by manufacturers who rely on railroads to transport raw materials, as well as higher food prices for everyone.

Railroad monopoly conduct ripples through the economy, causing pain in countless corners of commerce. The current antitrust exemptions protect a wide range of railroad industry conduct from antitrust scrutiny. Unlike virtually every other regulated industry, the Justice Department cannot bring suit to block anticompetitive mergers—a fact that has greatly aided the sharp industry consolidation I have already described.

Private parties and State attorneys general cannot bring private antitrust

lawsuits to obtain injunctive relief, leaving pernicious industry practices such as bottlenecks and paper barriers exempt from antitrust review. Railroad practices subject to the jurisdiction of the Surface Transportation Board are effectively immunized from antitrust remedies. Our amendment will eliminate these exemptions once and for all. Railroads will be fully subject to antitrust law and will have to play by the same rules of free competition that all other businesses do.

The rail industry's widespread grant of antitrust exemptions has its origin decades ago when the industry was subject to extensive regulation by the long-ago abolished Interstate Commerce Commission. But no good reason exists today for these exemptions to continue.

While railroad legislation in recent decades, including, most notably, the Staggers Rail Act of 1980, deregulated much railroad rate-setting from the oversight of the Surface Transportation Board, these obsolete antitrust exemptions remained in place, insulating a consolidating industry from obeying the rules of fair competition. There is no reason to treat railroads any differently than dozens of other regulated industries in our economy that are fully subject to antitrust.

When this amendment was filed a couple of weeks ago, the railroad industry responded by claiming this amendment ''goes way beyond antitrust laws and looks to create new regulatory law on matters unrelated to antitrust, and in so doing treats [railroads] differently than other regulated industries.''

These arguments are completely without merit. Nothing in this amendment goes ''way beyond antitrust law'' or ''looks to create new regulatory law.'' In fact, this amendment creates absolutely no new regulatory law whatsoever. It simply repeals all of the antitrust exemptions enjoyed by the freight railroad industry.

This amendment would not treat railroads any differently than other regulated industries. The mere fact that an industry is regulated does not exempt it from antitrust law. Many other regulated industries, including the telecommunications sector regulated by the FCC and the aviation and trucking industries regulated by the Department of Transportation, are fully subject to antitrust law.

This amendment simply seeks to end the special exemption from antitrust law enjoyed by freight railroads—an exemption which is both wholly unwarranted and raises prices to shippers and consumers every day.

Dozens of organizations and trade groups representing industries affected by monopolistic railroad conduct have endorsed the Railroad Antitrust Enforcement Act, which is identical to this amendment. Supporters of the legislation have included 20 State attorneys general in 2009; the leading trade associations for the electrical, agricultural, chemical, and paper industries; the National Industrial Transportation League; and the Nation's leading consumer groups.

In sum, by clearing out this thicket of outmoded antitrust exemptions, this amendment will cause railroads to be subject to the same laws as the rest of our economy. Government antitrust enforcers will finally have the tools to prevent anticompetitive transactions and practices by railroads. Likewise, private parties will be able to utilize the antitrust laws to deter anticompetitive conduct and to seek redress for their injuries.

In the antitrust subcommittee, we have seen that in industry after industry vigorous application of our Nation's antitrust laws is the best way to eliminate barriers to competition, to end monopolistic behavior, and to keep prices low and quality of service high. The railroad industry is no different. All those who rely on railroads to ship their products, whether it is an electric utility for its coal, a farmer to ship grain, or a factory to acquire its raw materials or ship out its finished product, deserve the full application of the antitrust laws to end the anticompetitive abuses all too prevalent in this industry today.

I urge my colleagues to support this amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Madam President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO WILBUR K. HOFFMAN

Mr. ALEXANDER. Madam President, my late friend, the late Alex Haley, the author of ''Roots,'' lived his life by these six words: Find the Good and Praise it.

I am here today to praise a remarkable hero who served in one of the most difficult battles in our Nation's history and who today at 90 years old lives a quiet life in Memphis with his family.

Wilbur K. Hoffman, or ''Bill'' to his fellow Rangers, was a member of the Dog Company of the 2nd Ranger Battalion, which in 1944 was among the select few companies that stormed the cliffs at Pointe du Hoc on D-day and turned the war around for the Allies.

Forty years after Bill Hoffman and his fellow 2nd Battalion Rangers clambered up the rocky cliffs on the shoreline of France, President Reagan returned to the windswept spot to pay tribute. President Reagan called them ''the boys of Pointe du Hoc.'' The President said:

> These are the men who took the cliffs. These are the champions who helped free a continent. These are the heroes who helped end a war.

This is Bill Hoffman, a hero who helped free a continent and end a war.

Bill volunteered to join the Army in 1942. A year later he volunteered to join the Rangers, a select group that were charged with special missions. Bill says that because of all of their special training, they would simply ''get the mission done.''

Bill got out of the Army in 1945, after the war, but took a look at the job market and said, ''I think I'll go back in.'' Bill served in the Army for 24 years. Bill likes to say, ''Everything that happened, I volunteered for.'' And if you happen to ask how he feels when he looks back, he will say just as plainly, ''No regrets.''

This year the Army has awarded Bill a Purple Heart. But not for the first time. During World War II, the Army tried. But Bill, in an Army ward surrounded by soldiers who had lost arms and legs in fighting, believed his wounds did not measure up, and so he said, ''I don't think so.''

Bill's son David, more than 60 years after his father first declined the Purple Heart, contacted the Army about trying again. Capturing his father's humility in declining the medal decades ago, David calls his dad ''the nicest guy you'll ever meet. Friendly and outgoing but by the same token, he doesn't like to talk about himself'' says the son.

Bill is the father of seven children, and nearly all of them who could join the service did or married someone who did.

Bill is not a native Tennessean. He was born in Newark, NJ. He came to Tennessee first as a Ranger in training. The Rangers came from all over the country and assembled in Camp Forrest in Tullahoma for training. Bill's wife came down to visit him there for a couple of days during training, and it must have had a real effect on her, because more than 30 years later, after Bill was out of the Army after 24 years of service, and they were living in New York State, Bill's wife said to him, ''I want to go to Tennessee. I like it down there.'' So they packed up the U-Haul and moved to Ashland City, along the Cumberland River.

Today Bill is one of only three Rangers left from the original 2nd Battalion Dog Company. While the Ranger reunions used to occur once every 2 years, the guys are getting old, Bill says, and now they are doing them every year. ''Good bunch of guys,'' Bill calls his fellow heroes. ''They say Ranger friendships are forever. It's true.''

Bill turns 91 on Friday. It is an honor for me to wish this American hero a happy birthday.

Congratulations, Bill Hoffman. We're proud of you. Your Nation is proud of you. ''Find the good and praise it.''

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. Madam President, I rise today to speak in support of the Transportation reauthorization bill that is currently before the Senate. It is called the Moving Ahead for Progress in the 21st Century Act, so we call it by its acronym, MAP–21. It is a

critical piece of legislation that will put Americans back to work and lay the foundation for future economic growth.

Our transportation infrastructure has long been at the heart of America's success, from the transcontinental railroad to the interstate highway. Yet, across the country, the infrastructure that helped build our great economy has been allowed to fall into disrepair.

For evidence of our Nation's crumbling infrastructure, one need look no further than my home State of Rhode Island. Anyone who drives to work or school in our State sees the problems—bridges that are subject to weight restrictions, highways with lane closures, and roads everywhere marked with potholes. Only one-third of our highway miles are rated in fair or good condition; the majority are poor or mediocre. According to a recent report, one in five bridges in Rhode Island is structurally deficient—the fourth highest figure for any State. You look nationwide, and the picture does not improve.

The American Society of Civil Engineers rates our national transportation systems as near failing. They give our roads and highways a D-minus, our bridges a C, our freight and passenger rail a C-minus, and our transit systems a D. This is not the kind of report card you want to post at home on your refrigerator, and it is not one our great Nation should tolerate.

Instead of committing ourselves to solving our infrastructure deficit, however, we continue to fall short. The civil engineers estimate that we would need to dedicate $250 billion each year to bring our transportation systems into a state of good repair. At current levels, the United States spends only 2.4 percent of GDP on infrastructure, compared with European nations at 5 percent and China and India at about 9 percent.

Let's recall why it is so important that we invest in transportation. Our economy relies on the ability to get goods and services to where they are needed. An entrepreneur cannot start a business if his employees cannot get to work. A manufacturer cannot stay in business if its products cannot reach its customers. A free market can only operate if supply can actually get to demand. Our roads, trains, and buses are what allow this to happen.

If we don't make the necessary investment, our global competitors nevertheless will. MAP–21 represents a downpayment that will fund important highway, transit, and rail projects to repair our aging transportation infrastructure and help ensure that America can succeed, as it has since we first broke ground on the Interstate Highway System.

As important as this bill is to our long-term prosperity and our global economic position, MAP–21 also provides immediate support to local construction projects and the quality jobs that go along with them.

It is estimated that MAP–21 will protect 1.8 million existing jobs around the country, with the potential to create up to a million more new jobs. This is particularly important given the high level of unemployment in the construction industry. In my home State of Rhode Island, this bill would support an estimated 8,100 jobs. At a time when our State's unemployment rate hovers stubbornly around 10 percent, those jobs are absolutely crucial.

Given the decrepit state of our transportation systems, it should be obvious that we will have to address our infrastructure needs at some point. We need to do this work sooner or later, and there is no better time to make that investment than now, with so many workers ready to get to work and so many projects ready to get underway. I know that in Rhode Island there is no shortage of workers or worthwhile transportation projects. In fact, Secretary of Transportation LaHood was in Providence today, and I invited him to tour one of the most significant of Rhode Island's transportation projects, and that is the Providence viaduct. That viaduct is an overland highway bridge that carries Interstate 95 for nearly a quarter mile through downtown Providence, our capital city. It is one of the busiest stretches of the entire I–95 corridor.

The viaduct runs north and south over U.S. Route 6 and State Route 10, the Amtrak northeast corridor, commuter, and freight rail lines, and over the Woonasquatucket River. It provides access to downtown Providence, four universities, Rhode Island Hospital, our convention center and arena, and the Providence Place Mall, not to mention the north-south traffic along the eastern seaboard that traffics through this area.

What Secretary LaHood saw on his tour today is a bridge that is quite literally crumbling. The viaduct was built in 1964, and it is showing its age. Its deck is badly deteriorated, steel girders are cracked and don't meet minimum specifications for brittleness, and our State department of transportation has installed these wooden planks under the I-beams to keep concrete from falling through onto the cars, pedestrians, and even the trains that travel underneath the highway. You can also see here where a section of the concrete has fallen through the supports, exposing the steel reinforcement, which is now rusting out in the open.

While the viaduct remains safe for travel today, it is a weak link in the critical I–95 corridor. It is a potential safety hazard for the 160,000 vehicles that travel on it each and every day, as well as to the cars and trains that pass underneath. The bridge is inspected on a regular basis, just as a precaution. If the viaduct were to fail or simply require posted weight limits, it would cause substantial regional disruptions to traffic and commerce and trade.

Clearly, this is a problem that needs to be addressed. The cost of repairing the Providence viaduct is estimated at roughly $140 million. This is a reasonable investment to help ensure the flow of commerce through the entire Northeast, but it represents a very significant financial burden for a small State such as Rhode Island. Fixing the viaduct would take out almost two-thirds of the money that Rhode Island would get from this bill. Rhode Island simply isn't big enough and doesn't have the resources to tackle this important project and still meet our other transportation obligations.

I have filed an amendment to MAP–21 to fund the program for the Projects of National and Regional Significance Program. The Projects of National and Regional Significance Program is a competitive grant program that is designed to support critical, high-cost transportation projects that are difficult to complete with existing funding sources. This program can help us address those big infrastructure projects around the country—ones such as the viaduct—that are currently being kicked down the road because the State DOTs cannot scrape enough money together to get them underway.

The Projects of National and Regional Significance Program is authorized in MAP–21. We got that done in the Environment and Public Works Committee. Now we need to get that authorized program funded. I am pleased to have the support of my senior Senator, JACK REED, and Senator MERKLEY on this amendment. I look forward to working with them and other Senators so that we can start the important work of rebuilding critical infrastructure projects, such as the viaduct, that are so important to our economy.

While I am thanking other Senators, let me recognize Senator OLYMPIA SNOWE for her work on another amendment that would grant States limited flexibility to use congestion mitigation and air quality funds toward their transit systems. This is an important issue for Rhode Island, as we begin to scale up our new South County commuter rail.

I introduced a version of this amendment in committee and continue to believe that increased flexibility in the Congested Mitigation and Air Quality Program, or CMAQ, would promote State-level transit options that we so critically need.

Let me thank our chairwoman, Senator BOXER, and her ranking member, Senator INHOFE, for their consideration of our amendment and, more important, for their hard work on this bill overall. As a member of the Environment and Public Works Committee, I can testify that the leadership of Chairman BOXER and Ranking Member INHOFE, working together, is what has made the difference for this transportation reauthorization. Through their efforts, we were able to unanimously vote the bill out of committee, making the important statement that investment in our Nation's infrastructure

has strong, bipartisan support. They have set an example that I hope ultimately will be followed by the handful of Senators who are obstructing progress on this transportation bill, and our colleagues on the other side of this building. The American people deserve better than efforts to gut transportation jobs and slash infrastructure programs, or to slow down progress on this bill with irrelevant amendments.

With our economy struggling to get back on its feet, with our roads and bridges in desperate need of repair, now is not the time to be debating unpopular and misguided efforts to roll back protections for women's health. Now is not the time, and this is not the bill, to debate whether we should undermine rules that protect our environment or fast track a pipeline project that is clearly not ready for prime time. We have a bipartisan bill before us. We have a bill that will create jobs. We have a bill that will get our economy moving forward. That should be our priority. We should get to the business of legislating on this bill.

This is a country that does big things. We built highways and rail systems connecting Americans from coast to coast. We built skyscrapers and airplanes and rockets to take us to the Moon and back. Big things are part of America's national identity. Just as important, they are a vital source of jobs during this trying economic time.

Let's keep doing big things. Let's give the people in Rhode Island and across the country a transportation infrastructure they can be proud of, and let's not cut funding and retreat. We cannot afford to go backward. The infrastructure is what supports our economy. We need to refocus on the job of getting America moving ahead, and MAP–21 is a step forward.

I thank the Chair and yield the floor.

Mrs. BOXER. Madam President, I thank Senator WHITEHOUSE of Rhode Island for his words. Also, he is an exceptional member of the Environment and Public Works committee. First and foremost, he brings us the point of view of his State and he fights on every issue every day. He brings national leadership to the floor on the issue of infrastructure and the need to keep up with our incredible failing infrastructure—the fact that we have to fix these bridges, 70,000 of which are insufficient, and 50 percent of the roads that are not up to par. In Rhode Island, we have serious problems, and the Senator has brought those to the floor. He is a leader on a clean and healthy environment, protecting the air and water for his people.

The Senator could not be more eloquent. He is making a point that we could come up with very difficult amendments and slow things up and gum up the works, et cetera, but doesn't my friend think that with so many construction workers out of work—they have well over 15 percent unemployment in the construction industry, which is about twice the national rate, which is too high as it is—we have a chance to protect 1.8 million jobs and create another million jobs, and isn't it time to say that birth control was an issue that was resolved decades ago and let's move on to the task at hand and put people back to work?

Mr. WHITEHOUSE. It doesn't make sense. I thank her for getting us to this point. I know how much frustration she must feel, having worked so hard and in such a bipartisan way to get us to this point and to now have a process that would get this bill moving forward and get funding out there, get infrastructure repaired, put men and women to work in good, solid, high-paying jobs, only to be all snarled up so that a small group of people can score points with a political issue that has nothing to do with transportation, infrastructure, or highways.

If people want to have a fight about whether women should get access to contraceptive medicine, I suppose that is their right in the Senate. But the idea to stop a highway bill to forge that fight is what to me is irresponsible.

Mrs. BOXER. I know my colleague worked very hard on the health care bill, am I right on that?

Mr. WHITEHOUSE. Yes.

Mrs. BOXER. I remember him being so proud of the prevention piece he brought to us. He made the case to us publicly, and privately in caucus, that it would save so much money for the American people. Right now, we know, for example—and I just read this—if you have colorectal screening, you are 50 percent less likely to die of colorectal cancer. This is a screening test.

We certainly know about mammography and all of this. Is my colleague aware that what the Blunt amendment says is that any employer, religious or not, any insurance company, religious or not, can withhold any one of those preventive services from being offered to employees if they had some kind of vague moral objection? Is my colleague aware that all the work he put in on making sure that insurers cover our people for preventive services, such as mammography, colorectal screening, HIV screening, and all of these important benefits, plus a list of essential benefits just as important, that all of that could come to nothing if the Blunt amendment passed and an employer woke up and said: I know how to save money, I will have a moral objection and not offer anything? Is my friend aware of how deep this Blunt amendment reaches into health care reform?

Mr. WHITEHOUSE. I thank my chairman, and yes, it is kind of astonishing, the breadth and the scope of this amendment. As if CEOs don't have enough power over their workforce, as if they haven't done enough to send jobs from American factories offshore to factories overseas, now they would be able to dictate what kind of health care their employees can receive, and not based on marketplace considerations, not based even on health considerations, but based on their own unchecked moral or religious beliefs.

Mrs. BOXER. Exactly.

Mr. WHITEHOUSE. I think it is a terrible mistake to go down that road, but I think it is a double mistake: it is wrong to go down that road in the first instance, but it is also wrong while we need jobs so urgently, while our highways crumble and our bridges deteriorate and water works continue to fail and we have the ability to put people to work in America at good jobs. You can't offshore a job building an American highway; you have to do it right here in this country. These are important jobs and this is important work. We should be getting about this.

I think it sends a terrible signal to the American people when the Senate, taking up this piece of legislation, has to be led off into all these other battles that have nothing to do with highways, that have nothing to do with infrastructure, that have nothing to do with jobs, but are simply an exercise in political gamesmanship.

Mrs. BOXER. Right.

Mr. WHITEHOUSE. It is unfortunate, when there are real stakes for real families on the table and real time slipping by, that we don't get this done. We get jacked up enough around here, but as hard as the chairman has worked to bring this to the floor and to be ready, here we are, stopped again, dealing with irrelevant issues again, and all for the entertainment and distraction of people. It is not about jobs, it is not about the economy, it is not about our infrastructure, it is not about laying the foundation for future prosperity, and so it is frustrating that we have to go through this exercise.

Mrs. BOXER. I thank my friend. When I looked at him, I thought, He is one of the few people who have such a personal stake in two issues that have been merged together, unfortunately: the Blunt amendment, which would allow anyone to opt out from providing so many of the services my friend worked to make sure the American people have, plus 3 weeks we are now delayed on a bill my friend helped me with so strongly and so powerfully. So I wanted to make sure people in his State understood that he has worked so hard to make sure people have access to health care, and the Blunt amendment would drive a big Mack truck through this—not to use a kind of funny analogy on the highway bill, but that is what it would do, in the meantime stopping us from getting on to our work in creating all these jobs.

My feeling is we will defeat the Blunt amendment tomorrow. I am very hopeful. But with that in mind, Madam President, I ask unanimous consent to have printed in the RECORD a number of letters speaking to the Blunt amendment.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

AMERICAN CANCER SOCIETY,
CANCER ACTION NETWORK,
Washington, DC, February 29, 2012.

DEAR SENATOR: On behalf of millions of cancer patients, survivors and their families, we write to express our opposition to the amendment proposed by Senator Roy Blunt to the Moving Ahead for Progress in the 21st Century Act that would permit employers to refuse employee insurance coverage for any health benefit guaranteed by the Affordable Care Act if the employer raises a religious or moral objection to those benefits.

Annually, seven out of ten deaths among Americans are attributed to chronic diseases such as cancer, diabetes, heart disease and stroke. The Affordable Care Act made significant strides to stem this epidemic by ensuring patients would have access to essential care that could address prevention, early detection, and treatment—all necessary elements to improve the health and well-being of our nation.

Unfortunately, the expansive nature of the proposed Blunt amendment would directly undercut this progress. Specifically, it would allow any health insurance plan or employer, with a religious affiliation or not, to exclude any service required by the Affordable Care Act if they object based on undefined ''religious beliefs or moral convictions.'' The implications of this provision could result in coverage denials of lifesaving preventive services such as mammograms or tobacco cessation based on employer discretion. Consider the reality that under the amendment a tobacco manufacturer could refuse coverage of tobacco cessation benefits for its employees.

We urge all members of the Senate to consider the undefined impact this amendment could have on employee health care coverage, and to please vote against it. Thank you for your consideration of this request.

Sincerely,

CHRISTOPHER W. HANSEN,
President.

TRUST FOR AMERICA'S HEALTH,
Washington, DC, February 14, 2012.

SENATOR BARBARA BOXER,
Chairman, Committee on Environment & Public Works, Hart Senate Office Building, Washington, DC.

DEAR CHAIRMAN BOXER, I am writing to express my deep concern over the Blunt Amendment, which is expected to be offered during the debate over S. 1813, Moving Ahead for Progress in the 21st Century (MAP–21). This amendment would undermine the Affordable Care Act's guarantee that all insurance plans cover preventive services and would do serious harm to our efforts to reduce the rate of chronic disease in this country.

One of the most important provisions in the Affordable Care Act (ACA) was the requirement that preventive services be covered with no cost-sharing. Chronic diseases—such as heart disease, cancer, stroke, and diabetes—are responsible for 7 out of 10 deaths among Americans each year and account for 75 percent of the nation's health spending. Including preventive services within essential health benefits represents a critical opportunity to ensure that millions of Americans have access to prevention-focused health care and community-based preventive services. This is essential if we are to address risk factors for chronic diseases—such as tobacco use, poor diet, and physical inactivity—which will allow us to improve the health of Americans and reduce health costs over the long term.

The Blunt Amendment would allow any health insurance plan or employer, religious or not, to exclude any preventive service if they object based on undefined ''religious beliefs or moral convictions.'' This is an extraordinarily broad provision which could result in coverage denials for virtually any preventive service. Americans should be able to count on a minimum level of coverage no matter where they work, and this amendment sets a dangerous precedent.

Transportation legislation is an opportunity to expand access to healthy transportation choices, such as walking and cycling, which will keep our communities moving by providing healthy, safe, and accessible transportation options. It should not be a forum for re-opening the ACA and reversing gains we have made in prevention and public health. I hope the Senate will defeat the Blunt Amendment and instead focus on amendments to MAP–21 that would promote good health and 21st century transportation policy.

Sincerely,

JEFFREY LEVI, PH.D.
Executive Director.

FEBURARY 13, 2012.

DEAR SENATOR, on behalf of the more than 2.1 million members of the Service Employees International Union (SEIU), I urge you to oppose an amendment offered by Senator Blunt (S. Amdt. 1520) to the surface transportation, reauthorization bill (S. 1813) that would allow employers to deny coverage for contraception and other critical health care services.

The Affordable Care Act, in an enormous step forward for working women and their families, requires all new health insurance plans to cover certain preventive healthcare services with no cost-sharing or co-pays, including mammograms, pap smears, and well-woman yearly exams. Starting this August, most health insurance plans will be required to cover women's preventive services, including contraception. This is a tremendous milestone for women's health and equality in our country.

Unfortunately, the Blunt Amendment is an extreme proposal that turns back the clock on this important advance, allowing employers to impose their beliefs on their employees and take away the health care benefits their employees would otherwise be entitled to receive. The Blunt Amendment allows any employer to deny insurance coverage for any essential health benefit or preventive service to which the employer has a religious or moral objection, including contraception, as well as many other health services.

As the nation's largest union of nurses, doctors, and healthcare workers, we know that women's healthcare choices are too often driven by the reality that the cost for gas and groceries comes first. Contraceptive use is the rule, not the exception, for women who can afford it. In fact, 99 percent of women overall and 98 percent of Catholic women use contraception at some point in their lives. Women should have the freedom to make personal, private decisions about their families and their future with their doctor and their loved ones. An employer has no place in that decision-making process.

We urge you to oppose the Blunt Amendment when it comes up for a vote on the Senate floor. SEIU may add votes on this amendment to our scorecard, located at www.seiu.org. Should you have any questions or concerns, contact Steph Sterling, Legislative Director, at steph.sterling @seiu.org or at 202–730–7232.

Sincerely,

MARY KAY HENRY,
International President.

FEBRUARY 29, 2011.

FRIENDS, this week the Senate may consider an amendment by Senator Blunt (R–MO) that would eliminate access to essential health benefits for millions of Americans. The Human Rights Campaign (HRC) strongly urges your boss to vote no on the Blunt Amendment. HRC will consider this a key vote.

When Congress passed the Affordable Care Act in March of 2010, the intent was to ensure that all Americans had access to health insurance. More specifically, it required that a core set of benefits be covered, including preventive care specially designed for women and children. The essential health benefits package was carefully crafted to respect religious interests and individual conscience. To that end the ACA includes a strong exemption, allowing approximately 335,000 churches/houses of worship to refuse to provide birth control for their employees. In response to concerns raised by religiously-affiliated hospitals, universities and other facilities, the President has proposed additional protections that would allow those entities—which operate as businesses and serve and employ the broader public—not to provide birth control coverage, but still ensure that their employees have access to that benefit.

HRC respects the right of religious groups to maintain their beliefs and the important role religious organizations play in providing important health, education and social services. The ACA and the President's proposed compromise strike a respectful balance between religious interests and the health needs of women. However, HRC is particularly concerned by efforts to go even further and permit the religious or moral beliefs of individuals or private businesses to limit nondiscrimination protections and equal access to services and benefits. When the balance shifts too far in that direction, all too often, lesbian, gay, bisexual and transgender (LGBT) individuals are negatively impacted.

The Blunt Amendment would go far beyond the President's reasonable step and dramatically expand the ACA's religious exemption, permitting any employer to opt-out of providing coverage for an essential health benefit or preventive service by asserting it violates its ''religious beliefs or moral convictions,'' regardless of whether that employer is in any way a religious organization. This language would undermine the entire healthcare law by allowing employers to cherry-pick what is covered by their health insurance. While the amendment comes in response to recent debate over the coverage of birth control, it would be all too easy for employers to decide to drop other benefits, like HIV testing, or limit coverage for specific medical conditions, based on a purported religious or moral objection. If enacted, the Blunt Amendment would place the moral objections of any employer over the health of millions of Americans, including members of the LGBT community. For these reasons, HRC strongly urges you to oppose the Blunt Amendment.

Should you have any questions at all please feel free to contact me at (202) 216–1515 or allison.herwitta@hrc.org or Andrea Levario at (202) 216–1520 or andrea.levario@ahrc.org.

ALLISON HERWITT,
Legislative Director.

TO MEMBERS OF THE UNITED STATES SENATE: The undersigned organizations are opposed to the amendment introduced by Senator Roy Blunt (R–MO) that would jeopardize quality health insurance coverage for millions of people in this country.

The Blunt Amendment #1520 to S. 1813, the Surface Transportation bill, allows any employer or insurance company, religious or not, to deny health insurance coverage for any essential or preventive health care law, service that they object to on the basis of religious beliefs or moral convictions. That

means employers and insurance companies can not only deny access to birth control, they can deny access to any health care service required under the new health care law including maternity care for unmarried women, vaccines for children, blood transfusions, HIV/AIDS treatment, or type II diabetes screenings. This expansive control over employees' coverage will have a harmful impact on all people, and it will discriminate against those who need access to essential health services the most.

In short, the Blunt amendment would eviscerate critical protections in the Affordable Care Act and completely undermine a fundamental principle of the health care law—that everyone in this country deserves a basic standard of health insurance coverage.

We urge you to reject the Blunt amendment and oppose all efforts to undermine peoples' access to health care.

Sincerely,

Advocates for Youth; The AIDS Institute; AIDS United; America Votes; American Academy of Pediatrics; American Association of University Women; American Civil Liberties Union; American College of Nurse-Midwives; American Congress of Obstetricians and Gynecologists; American Federation of State, County and Municipal Employees; American Medical Student Association; American Medical Women's Association; American Nurses Association; American Public Health Association; Asian Communities for Reproductive Justice; Association of Reproductive Health Professionals; Black Women's Health Imperative; Catholics for Choice; Center for Health and Gender Equity; Center for Reproductive Rights.

Center for Women Policy Studies; Coalition of Labor Union Women; Choice USA; Concerned Clergy for Choice; Doctors for America; EQUAL Health Network; Feminist Majority; Gay Men's Health Crisis (GMHC); Hadassah, The Women's Zionist Organization of America, Inc.; Health Care for America Now; Healthy Teen Network; HIV Medicine Association; Human Rights Campaign; International Union, United Automobile, Aerospace & Agricultural Implement Workers of America, UAW; International Women's Health Coalition; Jewish Women International; Justice and Witness Ministries of the United Church of Christ; Law Students for Reproductive Justice; MergerWatch; Methodist Federation for Social Action.

MoveOn.org Political Action; NARAL Pro Choice America; National Abortion Federation; National Alliance on Mental Illness; National Asian Pacific American Women's Forum; National Center for Transgender Equality; National Coalition for LGBT Health; National Coalition of STD Directors; National Council of Jewish Women; National Council of Women's Organizations; National Education Association; National Family Planning & Reproductive Health Association; National Gay and Lesbian Task Force Action Fund; National Health Law Program; National Immigration Law Center; National Latina Institute for Reproductive Health; National Organization for Women; National Partnership for Women & Families; National Physicians Alliance; National Women's Law Center.

New Evangelical Partnership for the Common Good; Physicians for Reproductive Choice and Health; Planned Parenthood Federation of America; Population Connection; Progressive Majority; Raising Women's Voices for the Health Care We Need; Religious Coalition for Reproductive Choice; Religious Institute; Reproductive Health Technologies Project; Service Employees International Union; Sexuality Information and Education Council of the United States; SisterSong NYC; Society for Adolescent Health and Medicine; The National Alliance to Advance Adolescent Health; The National Campaign to Prevent Teen and Unplanned Pregnancy; Trust Women/Silver Ribbon Campaign; Union for Reform Judaism; Unitarian Universalist Association of Congregations; United Methodist Church, General Board of Church & Society; U.S. Positive Women's Network and Women Organized to Respond to Life-threatening Diseases; Women Donors Network.

FEBRUARY 27, 2012.

DEAR SENATOR: As organizations dedicated to the health, safety, and well-being of infants, children, adolescents, and young adults, we strongly urge you to oppose Sen. Blunt's amendment, S. Amdt. 1520, to the Moving Ahead for Progress in the 21st Century Act, S. 1813. Our organizations oppose this amendment that will hinder access to necessary preventive health screenings for infants, children, and their families.

The Affordable Care Act made significant progress in prioritizing preventive care, health promotion, and disease prevention in our health care system. The law includes a number of provisions that safeguard children's access to and remove disincentives from accessing preventive health care services. Specifically, the ACA establishes Sec. 2713 of the Public Health Services Act, which requires that individual and group health plans cover preventive health services without any cost-sharing to the patient, including evidence-based services recommended by the United States Preventive Services Task Force; immunizations recommended by the CDC's Advisory Committee on Immunization Practices; and preventive care and screenings supported by the Health Resources and Services Administration (HRSA), which are outlined in the American Academy of Pediatrics' Bright Futures handbook.

Children's health is the foundation of health across the lifespan and preventive health services are the bedrock of pediatric care. All adults once were children, and their health is significantly influenced by preventive care during their early years. Denying childhood preventive care could result in billions of dollars of extra expenditures in adult health care, as we continue the unsustainable system of paying for adult conditions that could have been inexpensively prevented during childhood. Life-saving immunizations, developmental screenings, autism screenings, other behavioral and mental health assessments, hearing and vision testing, body mass index (BMI) measurements, oral health risk assessments, identification of special health care needs, solicitation of parental and child health concerns, and anticipatory guidance are all essential components of a pediatric well-child visit and are all required to be covered without cost-sharing under the ACA. This amendment would undermine efforts to promote pediatric preventive health and would jeopardize the health of infants, children, adolescents and young adults by denying them access to these clinically appropriate services and treatments.

Before the law's passage, pediatricians reported that their patients were often required to provide co-pays or provide other cost sharing for preventive health screenings. Co-pays and other cost sharing are often imposed by insurers to decrease health service utilization, even though families already pay a monthly premium. Our organizations have argued that imposing cost sharing is completely inappropriate in the context of pediatric preventive services, as cost sharing has the aggregate effect of limiting clinically appropriate interactions between children and their health providers. Indeed, one of the main reasons that the Academy cautions families to seriously consider alternatives to Consumer-Directed Health Plans is that these plans often do not provide ''first dollar'' coverage for preventive services.

Unfortunately, S. Amdt. 1520 would create a substantial loophole in the requirements for preventive health services because insurance plans would not be required to offer the appropriate array of pediatric preventive services and due to the cost sharing disincentive discussed above. Specifically, S. Amdt. 1520 would allow any employer or insurance company to deny health insurance coverage for any service that it finds objectionable on the basis of personal beliefs. The amendment would not only allow employers and insurance companies to deny access to contraception, but would include all preventive health services covered by Sec. 2713 of the Public Health Service Act. For instance, if an employer objects to childhood vaccines on the basis of personal beliefs, he or she could purchase insurance that would not be required to cover these life-saving medical interventions. Our organizations are seriously concerned that if this amendment passes, children will not receive the preventive services they need as a result of the personal beliefs of a single individual, employer, or insurance company.

Our organizations urge Congress to oppose S. Amdt. 1520 to the Moving Ahead for Progress in the 21st Century Act and protect children's access to preventive services, including vaccines, well-child check-ups, and other essential health benefits that help children grow to be healthy, productive adults. If you have questions or concerns, please contact Kristen Mizzi with the American Academy of Pediatrics at 202/347–8600 or kmizzi@aap.org.

Sincerely,

Academic Pediatric Association; American Academy of Pediatrics; American Pediatric Society; Association of Medical School Pediatric Department Chairs; The Society for Adolescent Health and Medicine; Society for Pediatric Research.

DEAR SENATOR BOXER: As organizations committed to the health and wellbeing of infants, children, adolescents, and pregnant women, we urge you to oppose the amendment offered by Senator Roy Blunt (R–MO), Senate Amendment 1520, to the Moving Ahead for Progress in the 21st Century Act (S. 1813).

Senate Amendment 1520 threatens to undermine crucial clinical and preventive health services by allowing plans, employers, providers, and beneficiaries to refuse coverage for any service currently required under Section 2713 of the Public Health Service Act and Section 1302 of the Public Health Service Act, if deemed objectionable to them on moral or religious grounds. The Amendment would give expansive and explicit license to any employer, health plan, provider, or beneficiary to exclude any health service from insurance coverage. For instance, a small employer or health plan could ban maternity care for women due to religious convictions regarding out-of-wedlock pregnancies. Likewise, a health plan or small

employer that objects to childhood immunizations, newborn screening for life-threatening genetic disorders, other components of well-child visits, or prenatal care would be fully within the law to deny coverage for any and all of these vital services.

The Affordable Care Act has made significant gains toward providing critical health services for infants, children, adolescents, and women of childbearing age. Section 1302 of the Affordable Care Act guarantees that all plans offered in the individual and small group markets must cover a minimum set of ''essential health benefits,'' including maternity and newborn care, pediatric services, including oral and vision care, rehabilitative and habilitative services and devices, and mental health and substance use disorder services, including behavioral health treatment. Section 2713 of the Public Health Service Act requires that all new health plans cover, without cost-sharing, certain preventive services, including evidence-based services recommended by the United States Preventive Services Task Force; immunizations recommended by the Advisory Committee on Immunization Practices; preventative care and screening services for children contained in Bright Futures: Guidelines for Health Supervision of Infants, Children and Adolescents; and preventive health care services for women developed by the Institute of Medicine and promulgated by the U.S. Health Resources and Services Administration, such as prenatal care, well woman visits, and breast cancer screening.

If passed, Senate Amendment 1520 could limit access to necessary health services well beyond contraceptive coverage, putting infants, children, adolescents, and pregnant women in danger of not receiving even the most basic health care and preventive services. We urge you to oppose Senate Amendment 1520 to the Moving Ahead for Progress in the 21st Century Act. If you have any questions, please contact Michelle Sternthal at msternthal@marchofdimes.com.

Sincerely,

American Academy of Pediatrics; American Congress of Obstetricians and Gynecologists; American Federation of State, County and Municipal Employees; Asian Pacific Islander American Health Forum; Association of Maternal & Child Health Programs.

Association of University Centers on Disabilities; CHILD Inc.; Children's Dental Health Project; Children's Healthcare Is a Legal Duty; Easter Seals; Families USA; Family Voices; First Focus Campaign for Children; Genetic Alliance; National Association for Children's Behavioral Health.

National Association of Pediatric Nurse Practitioners; National Association of Social Workers; National Alliance on Mental Illness; Planned Parenthood Federation of America; Service Employees International Union; Society for Adolescent Health and Medicine; Spina Bifida Association; Voices for America's Children.

Mrs. BOXER. Madam President, the first letter is from the Cancer Action Network asking us to vote no on the Blunt amendment.

On behalf of millions of cancer patients, survivors and their families, we write to express our opposition to the amendment proposed by Senator ROY BLUNT.

They talk about the fact that it would permit employers to refuse employees insurance coverage for any health care benefit guaranteed by health reform. And they are very strong on this issue. They say:

The implications of this provision could result in coverage denials of lifesaving preventive services such as mammograms or tobacco cessation based on employer discretion.

That is a new letter, dated today.

Then we got a letter from the Trust for America's Health. They say:

The Blunt amendment would allow any health insurance plan or employer, religious or not, to exclude any preventive service. . . .

The SEIU—Service Employees International—calls the Blunt amendment ''an extreme proposal that turns back the clock.''

The Human Rights Campaign Letter:

. . . The Blunt amendment would place the moral objections of any employer over the health of millions of Americans. . . .

Eighty organizations signed a letter, and, referring to the Blunt amendment, part of that letter says:

That means employers and insurance companies can not only deny access to birth control, they can deny access to health care service. . . .

That is signed by Advocates for Youth, America Votes, the AIDS Institute, American Association of University Women, American College of Nurses and Midwives, American Congress of Obstetricians and Gynecologists, American Medical Students, Black Women's Health Imperative, Catholics for Choice, Reproductive Rights Center, Center for Women Policy Studies, Coalition of Labor Union Women, Choice USA, Concerned Clergy for Choice, Doctors for America, EQUAL Health Network—I mean, this goes on and on—the National Latina Institute for Reproductive Health, Planned Parenthood, Population Connection, Progressive Majority, Society of Adolescent Health and Medicine, National Alliance to Advance Adolescent Health, National Campaign to Prevent Teen and Unplanned Pregnancy, Trust Women/Silver Ribbon Campaign, Union for Reformed Judaism, Unitarian Universalist Association of Congregations. This is a long list of organizations that oppose the Blunt amendment.

This letter came in from the Academic Pediatric Association and a number of other youth organizations. They urge us to oppose the Blunt amendment because it doesn't protect children's access to preventive services.

This is another letter signed by many more organizations, including the Spina Bifida Association, Voices for America's Children, Children's Healthcare Is a Legal Duty, Easter Seals, Family Voices, First Focus Campaign for Children—it goes on and on—American Federation of State, County and Municipal Employees, American Association of Maternal and Child Health Programs, Association of University Centers on Disabilities, CHILD, Inc. All these organizations have come together, and they say:

As organizations committed to the health and well-being of infants, children, adolescents, and pregnant women, we urge you to oppose the amendment offered by Senator Roy Blunt. . . .

So all you are going to hear from the other side is misstatements about how the Blunt amendment is nothing more than what we have always done. Then why are you doing it? It is because it reaches so far.

We all support an exemption for religious providers. We all support that. We do not support the ability of any insurance company, nonreligious, or any employer, nonreligious, to stand up and say: You know what, I don't believe vaccines work; therefore, I don't think they should be made available to my people. And when you ask why, they say: I have a moral conviction. I have a moral conviction that people should have known better before they took that first cigarette when they were 11 or 12; therefore, I am not going to give any treatment. Too bad. They will just get lung cancer.

I mean, seriously. That is what the Blunt amendment will do. It will allow anyone—nonreligious—to say they have an objection and not offer a host of preventive and essential health care services, including contraception.

So tomorrow is our time. We are going to defeat the Blunt amendment, and when we defeat the Blunt amendment, we are going to move on to the highway bill. Hooray. And maybe, just maybe people will listen to Senator OLYMPIA SNOWE, who said we should not get tied up in knots over these controversial things and we should do what is right for the American people. I certainly support that.

There is just one more thing I want to put in the RECORD.

Madam President, I ask unanimous consent to have printed in the RECORD the testimony of a woman who tried very hard to be allowed to speak with a panel of men at a congressional hearing.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Law Students for Reproductive Justice Chapter]

TESTIMONY FROM LAW STUDENT BARRED FROM HOUSE HEARING

Members of Congress, good morning, and thank you for allowing me to testify. My name is Sandra Fluke, and I'm a third year student at Georgetown Law, a Jesuit school. I'm also a past president of Georgetown Law Students for Reproductive Justice or LSRJ. I'd like to acknowledge my fellow LSRJ members and allies and thank them for being here today.

Georgetown LSRJ is here today because we're so grateful that this regulation implements the nonpartisan, medical advice of the Institute of Medicine. I attend a Jesuit law school that does not provide contraception coverage in student health plans. Just as we students have faced financial, emotional, and medical burdens as a result, employees at religiously affiliated hospitals and universities across the country have suffered similar burdens. We are all grateful for the new regulation that will meet the critical health care needs of so many women. Simultaneously, the recently announced adjustment addresses any potential conflict with the religious identity of Catholic and Jesuit institutions.

As I have watched national media coverage of this debate, it has been heartbreaking to see women's health treated as a political football. When I turn off the TV and look around my campus, I instead see the faces of the women affected, and I have heard more and more of their stories. You see, Georgetown does not cover contraceptives in its student insurance, although it does cover contraceptives for faculty and staff. On a daily basis, I hear from yet another woman who has suffered financial, emotional, and medical burdens because of this lack of contraceptive coverage. And so, I am here to share their voices and ask that you hear them.

Without insurance coverage, contraception can cost a woman over $3,000 during law school. For a lot of students who, like me, are on public interest scholarships, that's practically an entire summer's salary. Forty percent of female students at Georgetown Law report struggling financially as a result of this policy. One told us of how embarrassed and powerless she felt when she was standing at the pharmacy counter, learning for the first time that contraception wasn't covered, and had to walk away because she couldn't afford it. Students like her have no choice but to go without contraception. Just on Tuesday, a married female student told me she had to stop using contraception because she couldn't afford it any longer.

You might respond that contraception is accessible in lots of other ways. Unfortunately, that's not true. Women's health clinics provide vital medical services, but as the Guttmacher Institute has documented, clinics are unable to meet the crushing demand for these services. Clinics are closing and women are being forced to go without. How can Congress consider allowing even more employers and institutions to refuse contraceptive coverage and then respond that the non-profit clinics should step up to take care of the resulting medical crisis, particularly when so many legislators are attempting to defund those very same clinics?

These denials of contraceptive coverage impact real people. In the worst cases, women who need this medication for other medical reasons suffer dire consequences. A friend of mine, for example, has polycystic ovarian syndrome and has to take prescription birth control to stop cysts from growing on her ovaries. Her prescription is technically covered by Georgetown insurance because it's not intended to prevent pregnancy. At many schools, it wouldn't be, and under Senator Blunt's amendment, Senator Rubio's bill, or Representative Fortenberry's bill, there's no requirement that an exception be made for such medical needs. When they do exist, these exceptions don't accomplish their well-intended goals because when you let university administrators or other employers, rather than women and their doctors, dictate whose medical needs are good enough and whose aren't, a woman's health takes a back seat to a bureaucracy focused on policing her body.

In sixty-five percent of cases, our female students were interrogated by insurance representatives and university medical staff about why they need these prescriptions and whether they're lying about their symptoms. For my friend, and 20% of women in her situation, she never got the insurance company to cover her prescription, despite verification of her illness from her doctor. Her claim was denied repeatedly on the assumption that she really wanted the birth control to prevent pregnancy. She's gay, so clearly polycystic ovarian syndrome was a much more urgent concern than accidental pregnancy. After months of paying over $100 out of pocket, she just couldn't afford her medication anymore and had to stop taking it. I learned about all of this when I walked out of a test and got a message from her that in the middle of her final exam period she'd been in the emergency room all night in excruciating pain. She wrote, ''It was so painful, I woke up thinking I'd been shot.'' Without her taking the birth control, a massive cyst the size of a tennis ball had grown on her ovary. She had to have surgery to remove her entire ovary. She's not here this morning. She's in a doctor's office right now. Since last year's surgery, she's been experiencing night sweats, weight gain, and other symptoms of early menopause as a result of the removal of her ovary. She's 32 years old. As she put it: ''If my body is indeed in early menopause, no fertility specialist in the world will be able to help me have my own children. I will have no chance at giving my mother her desperately desired grandbabies, simply because the insurance policy that I paid for totally unsubsidized by my school wouldn't cover my prescription for birth control when I needed it.'' Now, in addition to facing the health complications that come with having menopause at an early age—increased risk of cancer, heart disease, osteoporosis, she may never be able to be a mom.

Perhaps you think my friend's tragic story is rare. It's not. One student told us doctors believe she has endometriosis, but it can't be proven without surgery, so the insurance hasn't been willing to cover her medication. Last week, a friend of mine told me that she also has polycystic ovarian syndrome. She's struggling to pay for her medication and is terrified to not have access to it. Due to the barriers erected by Georgetown's policy, she hasn't been reimbursed for her medication since last August. I sincerely pray that we don't have to wait until she loses an ovary or is diagnosed with cancer before her needs and the needs of all of these women are taken seriously.

This is the message that not requiring coverage of contraception sends. A woman's reproductive healthcare isn't a necessity, isn't a priority. One student told us that she knew birth control wasn't covered, and she assumed that's how Georgetown's insurance handled all of women's sexual healthcare, so when she was raped, she didn't go to the doctor even to be examined or tested for sexually transmitted infections because she thought insurance wasn't going to cover something like that, something that was related to a woman's reproductive health. As one student put it, ''this policy communicates to female students that our school doesn't understand our needs.'' These are not feelings that male fellow students experience. And they're not burdens that male students must shoulder.

In the media lately, conservative Catholic organizations have been asking: what did we expect when we enrolled at a Catholic school? We can only answer that we expected women to be treated equally, to not have our school create untenable burdens that impede our academic success. We expected that our schools would live up to the Jesuit creed of cura personalis, to care for the whole person, by meeting all of our medical needs. We expected that when we told our universities of the problems this policy created for students, they would help us. We expected that when 94% of students opposed the policy, the university would respect our choices regarding insurance students pay for completely unsubsidized by the university, especially when the university already provides contraceptive coverage to faculty and staff. We did not expect that women would be told in the national media that if we wanted comprehensive insurance that met our needs, not just those of men, we should have gone to school elsewhere, even if that meant a less prestigious university. We refuse to pick between a quality education and our health, and we resent that, in the 21st century, anyone thinks it's acceptable to ask us to make this choice simply because we are women.

Many of the students whose stories I've shared are Catholic women, so ours is not a war against the church. It is a struggle for access to the healthcare we need. The President of the Association of Jesuit Colleges has shared that Jesuit colleges and universities appreciate the modification to the rule announced last week. Religious concerns are addressed and women get the healthcare they need. That is something we can all agree on. Thank you.

Mrs. BOXER. Madam President, this is a panel of men who were called by House Republican Chairman ISSA to testify about women's health—not one woman there, but they were the experts. They denied this woman the chance to speak. If she had been allowed to speak, this is what she wanted to say:

She had a friend who went to the doctor, and the friend had a cyst on her ovary. The doctor said: You have to take birth control. That is going to help. Those pills are going to help reduce the size of that cyst.

She couldn't afford the birth control pills and her employer wouldn't cover them, so she couldn't take them. She is a student. She wrote her friend saying that the cyst ''was so painful, I woke up thinking I'd been shot.''

I will quote part of the friend's testimony relaying what her friend told her.

Without taking the birth control, a massive cyst the size of a tennis ball had grown on her ovary. She had to have surgery to remove her entire ovary. She's not here this morning. She's in a doctor's office right now. Since last year's surgery, she has been experiencing night sweats, weight gain, and other symptoms of early menopause as a result of the removal of her ovary. She's 32 years old. As she put it, ''If my body is indeed in early menopause, no fertility specialist in the world will be able to help me have my own children. I will have no chance of giving my mother her desperately desired grandbabies, simply because the insurance policy that I paid for totally unsubsidized by my school wouldn't cover my prescription for birth control when I needed it.''

And so her friend says:

Now, in addition to facing the health complications that come with having menopause at an early age—increased risk of cancer, heart disease, osteoporosis—she may never be able to be a mom.

So when we talk about the Blunt amendment, we are not talking about some obtuse issue, we are not talking about some philosophical issue. What we are talking about when we talk about the Blunt amendment is a young woman, a student at law school who couldn't afford to pay for the birth control pills which would have saved her fertility, which would have saved her horrific pain—a painful operation where she lost her ovary simply because she couldn't have access to her birth control pills.

This is not about some argument that doesn't have real consequences for our people. The Presiding Officer's constituents and my constituents deserve

to have access to preventive care. They deserve to have access to essential health care. The Blunt amendment will take that away from them. It will take that away from them. And all on a highway bill. All on a highway bill.

So let's keep the Blunt amendment away from this highway bill. This highway bill is a product of strong bipartisanship, as the Presiding Officer has told the Senate. Let's keep it clean. Let's keep out these extraneous amendments that will roll back environmental laws that are cleaning up the air, that will keep the arsenic and the mercury out of the air and the lead out of the air. Let's not roll back these laws on a highway bill. Let's get the highway bill done. When we have other arguments about other issues, let's put those issues on a relevant bill.

This is the time now for us to pull together, not pull apart. The Nation needs us to work together. It is an election year, and it is a difficult time. There is a lot of name-calling going on out there on the campaign trail, but we are still here, last I checked, and we are supposed to be doing our work for the American people. We have a chance to do it on this highway bill. Let's defeat the Blunt amendment in the morning.

I thank my friends for coming over to the floor and speaking so eloquently today against this dangerous, precedent-setting Blunt amendment that will turn back the clock on women's health and on our families' health.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. WHITEHOUSE). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Ms. KLOBUCHAR. 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. KLOBUCHAR. Mr. President, I rise to join my colleagues in opposition to the amendment offered by Senator BLUNT.

It is discouraging that when we should be having a debate on our Nation's infrastructure and surface transportation needs, we are instead talking about women's health and contraception. As the Senator from California noted earlier, my State is a State that understands the importance of upgrading our infrastructure and investing in surface transportation. I live just a few blocks from the bridge that collapsed in the middle of that river on that sunny day in Minnesota, an eight-lane highway, in the Mississippi River. So we understand the importance of investment in infrastructure, and that is what we should be focusing on in this bill. Instead, we have taken a different turn.

I understand there are many different perspectives and opinions when it comes to issues related to contraception and women's health; however, we shouldn't be talking about them when we are supposed to be talking about infrastructure, highway, roads, and bridges. People are free to give speeches, they are free to talk about whatever they want, but this amendment doesn't belong on this bill. Nevertheless, it is here, and I think it is very important that we address it and the American people understand what it would mean.

Unfortunately, this amendment impacts more than just contraception. This amendment ultimately limits our ability to address our health care challenges through prevention and wellness. Chronic conditions such as diabetes, heart disease, and cancer can be avoided through prevention, early detection, and treatment. We all know that. That is pretty common knowledge in our country.

During health care reform, we made great strides in improving the health and well-being of our Nation by strengthening preventive services. We addressed prohibitive costs by eliminating copays and cost sharing for essential services such as mammograms and colonoscopies. We addressed access issues by ensuring coverage for preventive autism or cholesterol screenings, to name a few. I also fought to include the EARLY Act, which promoted early detection for breast cancer for young women. These types of preventive and early detection services are vital to so many people in this country.

As a cochair of the Congressional Wellness Caucus, a bipartisan caucus, I have also heard from numerous employers that understand a healthy workforce only increases productivity and output. It would be unfortunate if we eliminated access to prevention and wellness services that keep our Nation's workforce strong and productive. Because of the necessity of these services and the benefits they provide to men, women, and children, including contraception, I asked my colleagues to oppose the Blunt amendment.

The Blunt amendment would allow any employer or insurance company to refuse to cover any of the prevention services, any essential health benefit or any other health service required under the health care law, allowing these entities to deny critical health care to the millions who rely on these entities for insurance. The consequences of this provision could mean employers and other organizations for any reason refusing to offer coverage of lifesaving preventive services such as mammograms or tobacco cessation would be based on employer discretion. That is why I don't think it is a surprise that organizations such as the American Cancer Society, the American Academy of Pediatrics, the American Public Health Association, and the March of Dimes oppose this amendment.

I think we all know the American Cancer Society, March of Dimes, American Academy of Pediatrics, and these groups tend not to get involved in contraception issues, and that goes to show us right now this amendment is much broader than just talking about contraception.

According to the American Cancer Society:

> Annually, seven out of ten deaths among Americans are attributed to chronic diseases such as cancer, diabetes, heart disease and stroke. The Affordable Care Act made significant strides to stem this epidemic by ensuring patients would have access to essential care that could address prevention, early detection, and treatment—all necessary elements to improve the health and well-being of our nation. Unfortunately, the expansive nature of the proposed Blunt amendment would directly undercut this progress.

I am concerned the broad-based nature of this amendment would prevent men, women, and children from getting the preventive services they need as a result of the personal beliefs of a single individual or an employer or an insurance company. I do not believe this is the way to protect Americans in need of health care services, and I urge my colleagues to oppose this amendment.

I yield the floor and 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.

Mr. BLUMENTHAL. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BLUMENTHAL. Mr. President, I come to the floor today with sadness and reluctance because we are actually debating an extraordinarily worthwhile, even historic bill that would not only improve our infrastructure—our roads and bridges and highways in the State of Connecticut and throughout the country—but also provide jobs, enable more economic growth, and promote the effort to put Connecticut and our country back to work. My reluctance is we are debating an amendment that distracts from that essential task, the work that the Nation elected us to do, to make our priority creating jobs and promoting economic growth.

We are debating an amendment that seems fundamentally flawed. I am respectful, as is everyone in this body, of the moral convictions and religious beliefs that others may hold. I believe this amendment is unconstitutionally overbroad and vague. It is unacceptably flawed in the way it is written because it essentially gives every employer—anytime, anywhere, with respect to any medical condition, any form of treatment—the right to deny that essential health care and those services based on his or her undefined religious beliefs or moral convictions—quoting from the language itself, ''religious beliefs'' or ''moral convictions''—without any defining limits.

Insurance companies can even deny a person coverage for mental health treatment or cancer screening or HIV and AIDS screening simply because that employer or insurance company

may believe the causes of those conditions somehow violate his or her religious beliefs or moral convictions. This amendment would threaten access to a number of clinical preventive services such as diabetes screening, vaccinations or cancer screenings, essential preventive services that have been proved to reduce health care costs and save lives. Those services should be guaranteed to every American without cost.

In my home State of Connecticut, one of the smallest States in the country, approximately 270,000 women would lose access to preventive care if this amendment is agreed to. Around the country some 20 million women would lose that kind of access to preventive care. That is a result that simply is unacceptable. The amendment goes too far. It would endanger the lives of millions of Americans, would completely undermine the progress—and we have made progress—in providing crucial health care services to millions of individuals.

I oppose this amendment because of its practical implications, because of its apparent unconstitutionality, and because it flies in the face of sound public policy. At a time when we are considering a bill, the transportation measure that deservedly has broad, widespread, bipartisan support in this Chamber and across the country, we are again polarized, Republican against Democrat, regrettably divided and potentially gridlocked because of an amendment that has nothing to do with transportation or putting America back to work. That should be our task. It is my priority. It should be the priority of this Chamber at this historic moment when we are reviving a still struggling economy, when people are hurting, striving to find work, and when we should be doing everything in our power to put America and Connecticut back to work and enable economic growth.

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.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. AKAKA. Mr. President, I ask unanimous consent that the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. AKAKA. Mr. President, I ask unanimous consent to speak before the Senate for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. AKAKA. Mr. President, I rise to urge my colleagues to oppose the Blunt amendment, which could lead to devastating health outcomes for over 20 million women across our country. Just 2 weeks ago, I applauded the Obama administration's decision to require health insurance plans to provide coverage of FDA-approved contraception needed for women's health care without copays beginning this August. The final rule issued by the Department of Health and Human Services was a tremendous step toward improving the health of our Nation's women and their families—a step that was long overdue and one made with due respect for all Americans' religious freedom.

Tomorrow, we will be voting on an amendment that would not only undo that progress, it would move us backward. What is especially frightening is that this amendment goes much further than just reversing the rule because it is not limited to religiously affiliated entities. The proposal would allow any employer or health plan issuer to refuse coverage of any service for any reason, not just religious objections. If an employee had any moral objection, it would be permitted to refuse coverage for critical care such as alcohol and other substance abuse counseling, prenatal care for single women, and mental health care too. The way this measure is worded, employees could deny screening and treatment for cervical cancer because it is related to HPV or refuse HIV-AIDS testing and treatment due to an objection to ways the viruses can be transmitted. They could even refuse to cover certain FDA-approved drugs and treatments because they object to the research that led to the drug's development.

Major national pediatric organizations recently voiced their concern that if this amendment becomes law, employers who say they object to childhood vaccines on the basis of personal beliefs could refuse to cover these lifesaving and otherwise costly medical services. In short, this amendment allows corporations nationwide to overrule the religious and ethical decisions made by the people they employ and to trump the health care advice of their doctors.

If this amendment passes, it will discriminate against most of those who need financial support, and that is not right. All Americans deserve access to health care. We cannot allow partisan ideology to hurt the health of our women and children. If we do, our sisters, daughters, and granddaughters will pay the price. If we defeat this amendment, the final rule will save most American women who use contraceptives hundreds of dollars each year in health care costs. Health experts agree that birth control helps to save lives, prevent unintended pregnancies, improve outcomes for children, and reduce the incidence of abortion.

Another point raised by my colleagues, Senators GILLIBRAND and BOXER—and I thank them for promoting awareness on this issue—is that 14 percent of women who use birth control pills, and that is 1.5 million American women, use them to treat serious medical conditions. Some of these conditions include endometriosis, ovarian cysts, debilitating monthly pain, and irregular cycles.

Religious principles are deeply important to me as a Christian, so I am glad the current rule accommodates conscience objections and exempts religiously affiliated organizations from both offering and paying for birth control coverage for their employees. At the same time, the core principle of ensuring all women's access to fundamental preventive health care remains protected because the care will be offered directly by the insurance companies. To deny any women access to affordable health care—as this amendment would do—is unconscionable. It could have devastating effects not only on her health but her family's as well.

In speaking with women's health advocates and providers in Hawaii and across the country, one of the most common recommendations I hear for improving women's health outcomes is to ensure access to effective contraception. Across the State of Hawaii about 150,000 women seek access to birth control every year, and almost half of them depend on financial assistance to obtain it. Right now, women in States that do not have plans that cover birth control face costs of around $600 per year. Women and families who cannot afford it can end up facing tens of thousands of dollars in costs arising from complications from unintended pregnancies and other health care problems, costs that taxpayers often end up supporting.

With these facts in mind, I am not surprised that a survey has shown that 71 percent of American voters—including 77 percent of Catholic women voters—support the administration's requirement to make birth control available to all women. I firmly believe religious liberty is protected under the new rule, while access to preventive care does not discriminate against anyone, no matter whom they work for or what their occupation is.

I urge my colleagues to join me in voting against this dangerous amendment, which would set back improvements in preventive services and women's health care in this country.

I yield back the remainder of my time and suggest a quorum is not present.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. 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. DURBIN. Mr. President, tomorrow morning, the Senate will vote on a measure which is controversial and has gathered a lot of attention across America. It is an amendment offered by the Senator from Missouri, Mr. BLUNT, and it relates to the health services that will be available to people across America and it calls into question an issue which we have debated

since the earliest colonists came to this country; that is, the appropriate role of religion and government in America. It is an issue which has been hotly debated and contested in the earliest days of our Nation and was finally resolved by our Constitution in a manner that has served us well for over two centuries.

The Constitution speaks to the issue of religion in three specific places. It states in the first amendment that we each have the freedom of religion; that is, the freedom to believe or not to believe. It says there will be no official State religion; whereas, in England they chose the Church of England, but in our government there will be no choice of any religion.

Finally, there is a provision which says that there shall be no religious test for office. These are all constitutional provisions which, though sparing in language, have guided us carefully through over 200 years of history. We see around the world where other countries have not been as fortunate to come together in basic principles that have kept a diversity of religious belief alive in the country. Time and again we have seen differences when it comes to religion lead to conflict and death. We see it today in many places around the world. So when our government is called on to make a decision relative to the role of religion in American life, we should take care to stick to those basic principles that have guided us for over two centuries.

The issue before us today is what will be the requirements of health insurance that is offered by employers across America. What we have tried to establish are the essentials and basics of health insurance and health care. We are mindful of the fact that if the market were to dictate health insurance plans and policies, they may not be fair to the people of this country. I recall an instance before I came to Congress while working in Illinois where we learned that health insurance companies were offering policies which refused to cover newborn babies in the first 30 days of their life. Of course, that was done for economic reasons, because children born with a serious illness can be extremely expensive in that 30-day period. We changed the law in Illinois and said, if you want to cover a maternity, if you want to cover a child, it is from the moment of birth. That became the policy: to establish basic standards so that families buying these policies would have the most basic protections.

This issue we are debating with the Blunt amendment is what will be required of health insurance policies across America when it comes to preventive care. We asked the experts: What basics in preventive care should be included to make certain we don't overlook something that is fundamental to a person's survival or life? One of the things they said is when it comes to preventive care, to offer to women across America family planning services. That, of course, is the nub of the controversy, the center of it.

Some religions—the Catholic religion in particular—have strongly held beliefs about family planning. They have been opposed to what they call artificial forms of birth control from the beginning. At this point, the controversy came up—although those religious institutions that are strictly religious, such as the church rectory, the convent, and the like, are exempted from any requirements when it comes to health insurance—what of those religious-sponsored institutions such as universities, hospitals, and charities? What should their requirements be when it comes to health insurance for their employees? So the Obama administration said their employees should also receive the most essential and basic services, including preventive care for women, including family planning, and that is when the controversy lit up.

The President came to what I thought was a reasonable compromise, and here is what it says: A religious-sponsored university hospital, charity, or the like will not be required to offer health services such as family planning if it violates their basic religious beliefs. Their health insurance policy will not be required to cover those services. However, if an individual employee of that religious-sponsored institution chooses on their own initiative to go forward to the health insurance company, they can receive that service without charge. So the women will be offered these preventive care services, which are essential to their health, and yet there will be no requirement of the sponsoring institution to include those services. It is strictly a matter of the employee opting for that coverage.

Now comes the Blunt amendment. Senator BLUNT of Missouri said we should go beyond that and allow employers and insurance companies across America to decide the limitations of health insurance policies if those limitations follow the conscience and values of the employer. Keep in mind, we have gone way beyond religious-sponsored institutions; we are talking about individual employers making that decision.

Think of the diversity of opinion and belief across America, and imagine, then, what we will come up with. We have heard many things mentioned on the floor. My colleagues have made reference to individuals who may have a particular religious belief, and own a business that has no connection at all to a religion otherwise, and decide then that under the Blunt amendment they will limit health insurance coverage accordingly. We can think of possibilities. Someone believes in conscience that a woman should never use birth control and says, then, that it will be prohibited from being offered by the health insurance policy of that employer. At the end of the day we would have a patchwork quilt of health insurance coverage and many people in this country—men and women—denied basic health coverage in their health insurance because the employer believes in conscience it shouldn't be offered. That is an impossible situation. It goes beyond the freedom of religion, to imposing someone's religious belief on another, in a situation that could endanger their lives.

The Blunt amendment would be a step in the wrong direction for this country. I think what the President has seized on is a reasonable course of action, to allow religious-sponsored institutions to follow their moral dictates when it comes to the health insurance they offer, but to still protect the right of individuals to seek the protection they need. I know it is going to be a controversial vote, but it is one that is important, because I think it strikes the right balance. I think it reflects back on decisions and values we have established as a country and that we should work to protect, even in the midst of a Presidential campaign when the rhetoric involved in it is very hot and inflammatory.

SYRIA

Mr. President, I rise to speak of the atrocities that are being committed every day by the Syrian Government against its own citizens—thousands who have stood bravely month after month against unspeakable violence simply to ask for basic political freedoms we take for granted in this country. And I rise to speak of the indefensible and inexplicable support of this brutal regime by Russia.

It has now been almost one full year since the Syrian uprising began in March 2011. By some reports, over 6,000 innocent people—civilians—have lost their lives in Syria. The exact number may never be known. Humanitarian groups have been prohibited from even assisting the wounded, and reporters prohibited from telling the story to the world. Syria's third largest city, Homs, has been bombarded with rockets and bombs by the Syrian military for over 3 weeks with scores of deaths, shortages of food and medical supplies.

One report describes rockets—11 rockets—slamming into a single apartment building in the space of 2 minutes. As soon as the barrage stopped and people started to rush to get away, it started again, killing even more. The result: a horrific trail of death and dying in this building from the fifth floor on down.

Those killed in Syria include two western journalists. Some suspect they might have been targeted. The murder of a well-known video blogger, Rami el-Sayed, supports that claim.

In this photo, my colleagues can see the results of the Syrian Government's bombardment of the city of Homs. Sadly, this is likely one of the many burial ceremonies that the people of that city have had to endure recently. Just a few days ago, it was reported that the bodies of 64 men were covered in a mass grave on the outskirts of the city. The women and children who were with them have gone missing.

The Independent National Commission of Inquiry on Syria, working with the U.N., submitted its most recent report on February 26. It said the Syrian Government has accelerated the killing of its own people, particularly in Homs, resulting in the deaths of nearly 800 civilians in the first 2 weeks of February alone. From the report:

On several occasions in January and February 2012, entire families—children and adults—were brutally murdered in Homs.

It is also noted that protesters have been arrested without cause, tortured, and even summarily executed.

In October, Senators CARDIN, MENENDEZ, BOXER, and I sent a letter to the Ambassador to the United Nations from the United States, Susan Rice, urging that the Syrian Government be referred to the International Criminal Court for possible indictment for war crimes. Certainly the evidence for such charges is overwhelming and continues to this day.

Assad has paid lip service to reforms such as the sham constitutional referendum last Sunday. The document's most important changes included giant caveats that they would, in effect, maintain the status quo as it exists in Syria.

One example is Assad's introduction of Presidential term limits to 2 terms of 7 years each, but the clock wouldn't start until Assad's current term expires in 2014, giving him 14 more years in office, a total of 28 years. Incomprehensible.

Secretary Clinton aptly described the referendum as a cynical ploy, to say the least.

On February 17, the Senate unanimously passed a resolution that:

Strongly condemns the government of Syria's brutal and unjustifiable use of force against civilians, including unarmed women and children and its violations of the fundamental human rights and dignity of the people of Syria.

Additionally, the U.N. General Assembly on February 16 passed a resolution by a vote of 137 to 12:

Strongly condemning continuing widespread and systematic human rights violations by the Syrian authorities.

Last Friday, more than 60 governments and organizations gathered in Tunis under the auspices of the Friends of Syria rubric and they called for an immediate cease-fire, the provision of humanitarian aid, and a U.N. peacekeeping force.

The international community has coalesced in support of the Syrian people. I wish to recognize once again the leadership of the Arab League in building this consensus against the bloodshed. Even some U.N. Security Council members such as India and South Africa, that early on had concerns about speaking out, can no longer stand by silently as the killing continues. In the most recent U.N. Security Council vote earlier this month, they chose to do the right thing and to vote in favor of the latest resolution backing the Arab League peace plan.

However, as sad as it is to report, this resolution was vetoed by Russia and China. The exceptions to the international solidarity and support of the Syrian people have been Iran, China, and Russia. While both Iran and China's support for the Assad regime is deplorable, it is even worse in the case of Russia, for it is Russia that has the most blood of innocent Syrian women and children on its hands. Russia is not only protecting President Assad as he kills his own people, but it continues to supply him with the weapons to do it. How can any responsible nation take such action?

In an interview following the Friends of Syria meeting, Secretary of State Clinton said:

It's quite distressing to see two permanent members of the Security Council using their veto when people are murdered: Women, children, brave young men. It's just despicable. And I ask, whose side are they on?

Russia has chosen to align itself with a murderous regime, to impede democratic reform, and to facilitate the killing of innocent people by putting more and more weapons into the hands of those eager to pull the trigger.

Despite 6,000 innocent civilians dying, despite the overwhelming international consensus that Assad has lost legitimacy to lead the Syrian people, Russia continues to sell arms to Syria. According to media reports:

Shipping data shows at least four cargo ships since December that left the Black Sea port of Oktyabrsk—used by Russian arms exporters for arms shipments have headed for or reached the Syrian port of Tartous. Separately was the Chariot, a Russian ship which docked at the Cypriot port of Limassol during stormy weather in mid-January. It promised to change its destination in accordance with a European Union ban on weapons to Syria but, hours after leaving Limassol, reset its course for Syria.

The Russian arming of the Syrian murderers continues.

A Cypriot source said that ship was carrying a load of ammunition and a European security source said the ship was hauling ammunition and sniper rifles of the kind used increasingly by Syrian Government forces against protesters.

I want to show one other photograph I have here in the Chamber. This photo is of one of those Russian warships—an aircraft carrier—docked at the Syrian port of Tartous on January 8. What we could not turn into a poster is the video clip showing the Russian warship captains being greeted like royalty by the Syrian Minister of Defense who went out to personally welcome their ship.

Rebel soldiers and an official who defected from the Government of Syria say Moscow's small-arms trade with Damascus is booming, and that the government doubled its military budget in 2011 to pay for the brutal response to this opposition.

That said, Russia is in a unique position. It has President Assad's trust and confidence—maybe more than any other country. Should Russia choose, it could use this power and influence to constructively broker a real transition and an end to this bloodshed.

The longer President Assad holds power in Syria, the more innocent people will die. The window for a more peaceful transition and ending is closing. Now is the time for Russia to lead in the right direction—to be a responsible global partner, and to be part of a solution in ending the carnage, bloodshed, and death in Syria.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. BENNET). The Senator from West Virginia.

TRIBUTE TO SOUTHERN WEST VIRGINIA COMMUNITY AND TECHNICAL COLLEGE

Mr. MANCHIN. Mr. President, I rise today to recognize two pillars of West Virginia—an educational institution that is educating the people of our State for good-paying jobs they are going to need and a beloved figure who put our State at the forefront of advances in mental health.

First, please allow me to recognize Southern West Virginia Community and Technical College for its distinguished ranking as the 14th best community college in the Nation because of all the work its staff and students have done together to develop the skills necessary to compete in the workplace.

All of us in my great State know about Southern's dedication to active and collaborative learning, and we are so proud that Washington Monthly recognized the school's achievements in its most recent rankings.

This accomplishment is not the work of any one person, but a shared commitment to excellence from the school's leadership, faculty, staff, and students. I applaud everyone who is involved at Southern for their focus on improving educational quality through strengthened student engagement and student success.

In addition, I am so pleased that Southern is thriving under the steadfast leadership of President Joanne Jaeger Tomblin, who is also serving the public as West Virginia's First Lady. For more than 12 years, Joanne has been the visionary and the driving force behind many of these accomplishments. Her unwavering enthusiasm and tireless dedication transcend geographical barriers to bring extraordinary educational opportunities to all of southern West Virginia.

I tell young people all the time that they cannot sit on the sidelines and watch life happen. They have to get in the game and start making the calls. The same goes for those students who are returning to school for training or who are taking the initiative to take their careers to the next level.

Southern helps all students—those who are just starting out and those who are in the middle of their careers—build critical skills and get an education to become a workforce that will meet our needs in the 21st century and beyond. Every day, these students and their teachers are doing the hard work

that will make our great State and country competitive by finding new ways to create good jobs and rebuild our economy.

Again, I am so proud of this accomplishment at Southern, and it is just one example of what we can achieve when we all work together.

REMEMBERING DR. MILDRED MITCHELL-BATEMAN

Mr. President, I also rise today to recognize the accomplishments and life of a mental health pioneer and a most beautiful and true West Virginia hero, who we were so sad to lose last month. It is only fitting to honor her today on the last day of Black History Month.

Dr. Mildred Mitchell-Bateman leaves behind a remarkable legacy. She transformed care for mentally ill patients by working tirelessly to provide hope to people who were once believed to be untreatable. Her work emphasized the importance of family and community—two values we hold so dear in West Virginia—and she put a high priority on making sure people received care near their homes.

Mildred Mitchell made West Virginia her home in 1946, when she was hired as a staff physician at West Virginia's Lakin State Hospital, which at the time was a hospital for mentally ill patients who were African American. There she met and married her husband William L. Bateman, a therapist at Lakin and a native West Virginian.

Throughout her 89 years, Mildred Mitchell-Bateman remained committed to serving those without a voice in our community. After leaving Lakin to practice medicine privately, Mildred returned to the hospital as the clinical director, and 3 years later was promoted to superintendent. In 1962, Mildred was named as the director of the State's Department of Mental Health, becoming the first African-American woman to lead a West Virginia State agency.

Mildred's vision for psychiatric care extended beyond West Virginia, earning her national recognition and requests for service. In 1973, she became the first Black woman to serve as vice president of the American Psychiatric Association. A short time later, she was appointed to the President's Commission on Mental Health, where she played an important role in the creation of the 1980 Mental Health Systems Act.

Dr. Mitchell-Bateman was a doctor, a teacher, and a pioneer. Her accomplishments are made even more remarkable by the adversity she faced. Her life serves as a powerful example to us all of what one can accomplish with conviction, dedication, and true West Virginia grit.

Mildred Mitchell-Bateman will forever be remembered for her many years of dedicated service to the Mountain State, her passion and dedication to the mental health community, and for touching the lives of so many patients. On top of that, she was also a loving mother to seven children, and a very proud grandmother to ten wonderful grandchildren.

Gayle and I are keeping the Mitchell-Bateman families in our hearts and prayers. While we know that Mildred Mitchell-Bateman is gone, her legacy and service to the people of West Virginia will keep her alive in our hearts forever.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. 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, we have had a long discussion today on the amendment to the surface transportation bill offered by my colleague and friend from Missouri, Senator BLUNT. I think the discussion has shown pretty clearly that the amendment by the Senator from Missouri is both way beyond the scope of what most people envisioned and is extreme. It is way beyond the scope because it would cause the deprival of certain types of health care to perhaps millions of Americans in areas that go way beyond contraception.

All an employer would have to do is say they have a moral objection to providing vaccinations and they would not have to provide health care. Maybe the employees could sue or go to court for 10 years and figure this out, but that is not what we want. So it would be a giant step backward in terms of health care.

It is also a giant step backward in terms of depriving millions of American women of contraception. In a sense, this is a ban on contraception, at least for the millions of American women whose employers would say they do not want to provide contraception. Some might be motivated by religious beliefs, some might be motivated by simply saving money, and we would never know except after long and costly litigation. Again, that would deprive the employee of contraception for a very long time.

I think if people listened in on this debate, they would say this was a debate occurring not in 2012 but maybe in 1912 or even 1812 because issues such as a woman's right to contraception without the employer making a determination have long been decided by this country. We have seen the statistics. The overwhelming majority of Americans of every faith believe contraception should be available.

So the debate has been pretty clear. I think the other side is making a huge mistake—certainly substantively, and in my judgment politically—so much so that today the leading Presidential candidate on the Republican side, when asked whether he supported the Blunt amendment said, no; he did not think Congress should be getting involved in contraception. Mr. Romney said we should not be doing this amendment, and he did not support it, unequivocally and clearly.

A few hours later, of course, his folks walked that back, probably because of political pressure. He is facing Republican primaries where this issue is debated seriously, even if the rest of America does not believe that it should be debated. But what it shows is even when a leading candidate of the other side who is seeking votes from the hard right has doubts about whether this is a good idea, those doubts are real.

The other side should make a retreat. Our Republican colleagues should not make the same mistake they made on the payroll tax deduction by appealing to an extreme group. They should back off this amendment. They should vote with us, and we should move on and debate the highway bill and put millions of Americans to work and update our infrastructure.

Mr. LEVIN. Mr. President, the amendment we are considering today represents a direct assault on access to preventive health care services for millions of women in this country. The ostensible purpose of this proposal is to protect the rights of conscience of any employer or healthcare insurer, religious or secular, who may have a religious or moral objection to providing family planning services free of charge to their employees. I respect and will defend the moral values of employers and insurance companies. But I also respect the moral values of people who need medical services. So we will end up deciding whether or not to deny access to critical and possibly lifesaving health services for millions of people in this country, not whose religious or moral values have precedence.

As drafted, Senator BLUNT's amendment would grant employers and health insurance companies the power to deny access to not just preventive healthcare services for women, but any healthcare service, for anyone, regardless of its nature. This means any employer could choose to deny employees insurance coverage for such things as children's immunizations; mammograms; lifesaving cancer treatments; or blood transfusions simply because that employer may find these or any other healthcare services morally objectionable.

For the Senate to pass such a policy would be indefensible. It would go far beyond nullifying the administration's rule to implement provisions in the Affordable Care Act requiring access to some preventive services at no cost. Instead, this amendment would codify infringement on personal healthcare decisions, would grant an employer the right to substitute his moral convictions for those of his employees, and would effectively deny access to critical healthcare services.

Considering that some of my colleagues vociferously defend the idea of personal liberties, I am truly surprised they would support a policy to undermine those same liberties by handing

power over an individual's personal healthcare decisions to that individual's employer or his insurance company.

This body took a bold and historic step by enacting healthcare reform in 2010. We accomplished something that had eluded the country and the Congress for decades. The law recognizes that women have specific medical needs and that gaps have historically existed in preventive care for women. And it correctly called for specific steps to address that. We should not now support policies that would not only walk these advances back, but take giant leaps backwards in access to healthcare services for everyone. I urge our colleagues to vote against this amendment.

Mr. LEAHY. Mr. President, I am proud to join Senator KOHL and have long supported the No Oil Producing and Exporting Cartels Act, NOPEC. We were able to pass this NOPEC bill as a response to the OPEC oil cartel by a vote of 70 to 23 a few years ago. The Senate should pass it again. This time, the House should also adopt this sensible application of our antitrust laws to those who fix prices and manipulate the oil market to the detriment of American consumers.

We should be doing what we can to ensure that oil prices are not artificially inflated. That affects gas prices at the pump. This NOPEC amendment will hold accountable the collusive behavior that artificially reduces supply and increases the price of fuel. The rise and fall of oil and gas prices has a direct impact on American consumers and our economy. We should increase accountability and take away the profits of those who manipulate prices and supply to their benefit and unfairly prey upon consumers.

On Monday, the U.S. Energy Information Administration reported that prices for regular gas rose 13 cents per gallon last week to a nationwide average of $3.78. Gasoline pump prices are up 34 cents a gallon over last year. The Senate Judiciary Committee held a hearing on the skyrocketing price of oil in May 2008, but these recent increases in price have led to renewed calls for investigation into their causes. We already know one significant cause: anticompetitive conduct by oil cartels.

The artificial pricing scheme enforced by OPEC affects all of us. Fuel prices are on the rise and American consumers and businesses are feeling the pain at the pump. This week Vermonters are paying $ 3.79 for a gallon of regular gasoline; last week, Vermonters were paying $3.70—a price jump of 9 cents in just 1 week. In 2011, the price for certain fuels rose by as much as one-third from 2010, according to the Vermont Department of Public Service. These prices affect everyone. These high fuel prices hit Vermonters especially hard in even the most mild of winters.

In rural States such as Vermont, the cost of simply getting to work or to the grocery store because of high gas prices can further hurt already strapped household incomes. Vermont farmers shoulder the burden of surging fuel prices year-round, regardless of the season. Higher fuel prices can add thousands of dollars in yearly costs to a 100-head dairy operation in the Northeast.

As we head into the summer months, when gas prices typically increase, soaring prices at the pump can affect the tourism industry, an economic driver in vacation destinations such as Vermont. As our summer months approach, many families in and around Vermont are going to find that OPEC has put an expensive crimp in their plans. Some are likely to stay home, others will pay more to drive or to fly so that they can visit their families or take their well-deserved vacations.

American consumers should not be held as economic hostages to the whim of those who collude unfairly for their gain. We should not permit anyone to manipulate oil prices in an anticompetitive manner. The collusive behavior of certain oil producing nations has artificially and drastically reduced the supply and inflated the price of fuel. Put simply, the behavior of these oil cartels, which would be illegal under antitrust laws, harms American consumers and businesses and our recovering economy.

Authorizing action against illegal oil price fixing and taking that action without delay is one thing we can do without additional obstruction or delay. Our amendment would allow the Justice Department to crack down on illegal price manipulation by oil cartels. This bill will allow the Federal Government to take legal action against any foreign state, including members of OPEC, for price fixing and artificially limiting the amount of available oil. While OPEC actions remain sheltered from antitrust enforcement, the ability of the governments involved to wreak havoc on the American economy remains unchecked.

Our antitrust laws have been called the ''Magna Carta of free enterprise.'' If OPEC were simply a foreign business engaged in this type of behavior, it would already be subject to them. It is wrong to let OPEC producers off the hook just because their anticompetitive practices come with the seal of approval of national governments.

In the past, our NOPEC legislation has had bipartisan support. A few years ago it passed overwhelmingly. By passing this legislation, we can say no to OPEC.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. MERKLEY.) The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators allowed to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO MS. PAULINE WHITE

Mr. MCCONNELL. Mr. President, I rise to pay tribute to a woman who has answered a call to service, and given so freely of herself over the course of her fruitful lifetime. Ms. Pauline White of Cumberland, KY, has not ceased giving to her fellow man, even though she is entering her 80s. Contrary to what one may think, Ms. White has not let her age stop her from participating in the missionary work that is so dear to her heart.

Ms. White, who was working as a missionary in Sebring, FL, at the Association for Retarded Citizens in 2002, felt that she was called by God to come and bring aid to eastern Kentucky. She put up a ''For Sale'' sign in her yard, and called a few of her lady friends to come over and help her begin to pack her belongings. Just a few hours later a couple knocked on the door, asked about the price of the house, and ended up buying the house in cash later that day. Ms. White did not worry about selling her house for long, which she believed was just another sure sign from God that her journey to Kentucky was part of His plans.

Ms. White is now the director of Shepherd's Pantry, an outreach program in Cumberland, KY, that provides food for 500 to 900 low-income families on the second Wednesday of each month. Families that participate in the program are assigned appointments to come to the pantry and receive what Ms. White and her volunteers have worked so hard to prepare for them. At the pantry, the families are given food, personal hygiene items, and treats for their children. But according to Ms. White, the most important thing the families receive from Shepherd's Pantry is the Gospel of Jesus Christ. The volunteers at the pantry drop gospel tracts in each of the bags that the families receive, and then they wait for the Lord to move. The staff is always available to provide those in need with spiritual counseling.

Along with their aid of food to families in need, Shepherd's Pantry also distributes government commodities to low-income families, supplies breakfast for schoolchildren, and provides snacks to mission groups throughout the area.

Shepherd's Pantry has attracted volunteers from as far as Florida, and as close as London, KY. The volunteers come to witness God's work in the community. And according to Ms. White, they have yet to be disappointed. She says that God performs miracles week after week.

Ms. White recalls one instance when the computer wiped out all of the

names of the Pantry's clients and addresses. The staff tried just about everything to get the computer to turn back on, but nothing seemed to help. After much praying, the computer miraculously booted up and printed all 500 names, addresses, and emails. Upon hearing about the phenomenon, the mail station company said ''No way!'' Ms. White responded with, ''Yes, God's way!''

Ms. White has no intentions of ending her mission work anytime soon. She has handpicked a Bible verse in Psalms Chapter 91, Verse 11, which is very dear to her heart: ''For he will command his angels concerning you to guard you in all your ways.'' In Sebring, FL, in 2002, Ms. White heard a preacher speak of a lady who was still serving the Lord at 86 years old. She thought to herself, ''I still have 14 years to go!'' Ms. White offers this advice to other ''old folks'': ''When he calls, I think you need to consider his call and not your age.''

The service and good works of Ms. Pauline White and Shepherd's Pantry have contributed mightily to the town of Cumberland, the surrounding region, and the entire Commonwealth of Kentucky. Ms. White is providing nourishment not just for her neighbors' bellies, but also for their spirits. Mr. President, at this time I would like to ask my colleagues in the U.S. Senate to join me in commemorating the great service of Ms. Pauline White.

Mr. President, I yield the floor.

RECOGNIZING RARE DISEASE DAY

Mr. BROWN of Ohio. Mr. President, since 2009 the last day of February has been observed as Rare Disease Day. Each rare disease affects a small patient population—less than 200,000 people—but there are more than 7,000 rare diseases that, combined, affect 30 million Americans. Sadly, children with rare genetic diseases account for more than half of the rare disease population.

Patients with rare diseases—such as Duchenne muscular dystrophy, Tay-Sachs, epidermolysis bullosa, sickle cell anemia, cystic fibrosis, and many childhood cancers—face unique challenges. Too many of these conditions lack effective treatments and cures, and too often people with rare diseases experience challenges in obtaining an accurate diagnosis. In addition, there is often difficulty finding physicians or treatment centers with the necessary expertise in rare diseases or disorders.

Great strides have been made in research and treatment as the result of the Orphan Drug Act, but more must be done to prevent, identify, combat, and treat rare diseases. By designating February 29, 2012, as Rare Disease Day, I hope we create greater awareness of these conditions, encourage accurate and early diagnosis of rare diseases and disorders, and help demonstrate and support a national and global commitment to improve treatment options for individuals with rare diseases and disorders.

READ ACROSS AMERICA DAY

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 382.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The bill clerk read as follows:

A resolution (S. Res. 382) designating March 2, 2012, as ''Read Across America Day.''

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to the matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 382) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 382

Whereas reading is a basic requirement for quality education and professional success, and is a source of pleasure throughout life;

Whereas the people of the United States must be able to read if the United States is to remain competitive in the global economy;

Whereas Congress has placed great emphasis on reading intervention and on providing additional resources for reading assistance, including through the programs authorized by the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) and through annual appropriations for library and literacy programs; and

Whereas more than 50 national organizations concerned about reading and education have joined with the National Education Association to designate March 2, the anniversary of the birth of Theodor Geisel (also known as Dr. Seuss), as a day to celebrate reading: Now, therefore, be it

Resolved, That the Senate—

(1) designates March 2, 2012, as ''Read Across America Day'';

(2) honors Theodor Geisel, also known as Dr. Seuss, for his success in encouraging children to discover the joy of reading;

(3) honors the 15th anniversary of ''Read Across America Day'';

(4) encourages parents to read with their children for at least 30 minutes on ''Read Across America Day'' in honor of the commitment of the Senate to building a country of readers; and

(5) encourages the people of the United States to observe ''Read Across America Day'' with appropriate ceremonies and activities.

RARE DISEASE DAY

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 383.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The bill clerk read as follows:

A resolution (S. Res. 383) designating February 29, 2012, as ''Rare Disease Day.''

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to the measure be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 383) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 383

Whereas rare diseases and disorders are those diseases and disorders that affect a small patient population, which in the United States is typically a population of fewer than 200,000 people;

Whereas, as of the date of approval of this resolution, nearly 7,000 rare diseases affect 30,000,000 people and their families in the United States;

Whereas children with rare genetic diseases account for more than half of the population affected by rare diseases in the United States;

Whereas many rare diseases are life-threatening and lack an effective treatment;

Whereas rare diseases and disorders include epidermolysis bullosa, progeria, sickle cell anemia, Tay-Sachs disease, cystic fibrosis, many childhood cancers, and fibrodysplasia ossificans progressiva;

Whereas people with a rare disease experience challenges that include difficulty in obtaining an accurate diagnosis, limited treatment options, and difficulty finding a physician or treatment center with expertise in the disease;

Whereas great strides have been made in research and treatment for rare diseases as a result of the Orphan Drug Act (21 U.S.C. 360aa et seq.);

Whereas both the Food and Drug Administration and the National Institutes of Health have established special offices to advocate for rare disease research and treatments;

Whereas the National Organization for Rare Disorders, an organization established in 1983 to provide services to, and advocate on behalf of, patients with rare diseases, was a primary force behind the enactment of the Orphan Drug Act and remains a critical public voice for people with rare diseases;

Whereas the National Organization for Rare Disorders sponsors Rare Disease Day in the United States to increase public awareness of rare diseases;

Whereas Rare Disease Day has become a global event that occurs annually on the last day of February;

Whereas Rare Disease Day was observed in the United States for the first time on February 28, 2009; and

Whereas Rare Disease Day is expected to be observed globally in years to come, providing hope and information for rare disease patients around the world: Now, therefore, be it

Resolved, That the Senate—

(1) designates February 29, 2012, as ''Rare Disease Day'';

(2) recognizes the importance of improving awareness and encouraging accurate and early diagnosis of rare diseases and disorders; and

(3) supports the commitment of the United States and all countries to improving access to, and developing, new treatments, diagnostics, and cures for rare diseases and disorders.

ADDITIONAL STATEMENTS

RECOGNIZING OUTSTANDING STUDENT VOLUNTEERS

• Mr. AKAKA. Mr. President, I rise today to congratulate Candonino Agusen and Jackson Button, two students from my State, who were named as top youth volunteers for 2012 by the Prudential Spirit of Community Awards. The awards were created in 1995 through a partnership between Prudential and the National Association of Secondary School Principals to honor middle and high school students for outstanding service to others at the local, State, and national levels.

Every year, the top high school and middle school youth volunteers from each State and the District of Columbia are selected as State Honorees. Each honoree receives a $1,000 award, an engraved silver medallion, and an all-expense paid trip to Washington, D.C. for several days of national recognition events. In addition, other noteworthy students from each State are named Distinguished Finalists and receive a bronze medallion for their contributions.

After the natural disasters in Japan in 2011, Candonino, a junior at Kealakehe High School, recruited others to help him purchase temporary housing kits for the victims displaced by the earthquake and tsunami. These kits included a tent, survival equipment, and a month of supplies for up to 10 people. His team raised more than $64,000, enough to take care of 640 earthquake victims for a month. Candonino contributed another $2,000 by making and sending 1,000 paper origami cranes to Japan as a symbol of support.

Jackson, a middle school student at Hawaii Technology Academy, co-founded a nonprofit organization with his sisters that has raised nearly $100,000 to support a wide variety of projects aiding children in Africa, Mexico, and the United States. Some of the projects funded by the organization include scholarships for children who have lost a parent to cancer or other diseases, a solar heater for a Mexican orphanage, and school supplies for underprivileged students in Hawaii. Through the nonprofit, Jackson and his sisters even arranged for a van to take HIV/AIDS orphans in Uganda to medical appointments, and bought four acres of land in that country to grow food and build a new orphanage.

I would also like to recognize Scott Fetz of Kailua-Kona and Jessica Sonson of Ewa Beach who were named the 2012 Distinguished Finalists from Hawaii, as well as the many other individuals who contribute to the improvement of our communities every day. Our Nation is a better place because of people like these young leaders, who are making a difference in their communities and around the world. These students, like many volunteers, do not perform these services for recognition. I am grateful for awards that acknowledge their selflessness so that these role models can serve as inspiration for others. I am proud of all that these students have accomplished, and I wish them the best in their bright futures.•

RECOGNIZING MEDSTAR ST. MARY'S HOSPITAL

• Mr. CARDIN. Mr. President, I wish to recognize the 100th anniversary of MedStar St. Mary's Hospital in Leonardtown, MD. When St. Mary's Hospital was founded in 1912, it was Leonardtown's first community health care center, located in a modest two-story home. The surrounding population was small and rural, and the hospital's running water was heralded in a local newspaper. The new health care center was the first of many institutions that marked the beginning of St. Mary's County's transformation into the modern, thriving region it is today.

As the county has grown and evolved from humble beginnings, so has the hospital. Today, St. Mary's is a full-service hospital facility which offers state-of-the-art emergency, acute inpatient and outpatient care. The emergency room serves over 50,000 patients per year, and St. Mary's is leading the way in using cutting-edge medical technology. St. Mary's was the first hospital in southern Maryland to achieve full certification as a stroke center and won the prestigious Delmarva Foundation Excellence Award five times for consistent improvements in patient safety and clinical outcomes. The hospital's fully integrated electronic medical records system is ranked among the top 5 percent nationally.

St. Mary's is committed to a ''patients first'' philosophy, which is evident in consistently high patient satisfaction scores. At St. Mary's, treating every patient with respect and compassion is an essential part of the healing process. The hospital offers dignity, comfort, and support to each and every patient and his or her family.

In 2009, St. Mary's joined the MedStar Health System. This partnership helps St. Mary's meet the expanding medical needs of the southern Maryland community and offer the region greater access to specialty care. A new name that blends the hospital's history and future—MedStar St. Mary's Hospital—has been unveiled to celebrate its centennial.

I ask my colleagues to join me in congratulating MedStar St. Mary's Hospital on 100 years of providing outstanding patient-centered care to the residents of Leonardtown and the southern Maryland region.•

RECOGNIZING ST. PAUL'S PARISH

• Mr. CASEY. Mr. President, it is with great pleasure that I wish to recognize St. Paul Roman Catholic Church of the Diocese of Scranton, PA, as it celebrates its 125th anniversary. Saint Paul's church and school have been a place of worship and education for my family for generations.

St. Paul's Parish, of the Green Ridge Section of Scranton, was created by Bishop Reverend William O'Hara in 1887 as the sprawl from the center city of Scranton commenced with growth in the anthracite coal industry in Northeastern Pennsylvania. The first mass, on March 1, 1887, was attended by 300 people.

A more permanent church, which included classroom space and an auditorium, was built just 3 years later in 1890. In 1892, the Sisters of the Immaculate Heart of Mary began teaching at the school and continue to do so today. A convent was built for the sisters in 1898.

After 38 years, the building that housed the church and school became insufficient, and in 1928, St. Paul School was built and is still in operation. As Green Ridge's population continued to grow, the parish built St. Clare School in 1952, St. Clare Church in 1955, and St. Clare Convent in 1958. Finally, St. Paul's current church was built in 1952 and was renovated in 1999–2000.

Under the current leadership of Monsignor William Feldcamp, St. Paul's Parish remains vibrant with over 4,500 members.

I wish the entire St. Paul community my best as Bishop Joseph C. Bambera celebrates the 125th anniversary mass on Sunday, March 4, 2012.•

RECOGNIZING CHEYNEY UNIVERSITY

• Mr. CASEY. Mr. President, I wish to recognize the 175th anniversary of Cheyney University. Founded on February 25, 1837, as the Institute for Colored Youth, Cheyney University is the oldest of the Nation's historically black colleges and universities.

Born in an era that legally and commonly defined African Americans as property, the Institute for Colored Youth sought to provide a pathway for educational enrichment to a community wherein few opportunities existed.

Established through the donation of Richard Humphreys, a Quaker philanthropist who settled in Philadelphia in 1764, the Institute for Colored Youth sought to prepare African Americans to educate their communities as teachers. Recognizing that African Americans lacked both means and access to higher education, the Institute for Colored Youth provided classes in classical education to young students at no cost in the first years of its creation.

Over time, the vision of the Institute for Colored Youth grew into what we now know as Cheyney University.

Today, Cheyney University offers a diverse array of academic programming, including bachelor of arts and bachelor of science degrees in more than 30 fields, master of science and master of education, master of arts in teaching, and master of public administration. The ongoing evolution of Cheyney University is evidenced in continuous efforts to identify new methods and opportunities to prepare their students to succeed.

As we celebrate African-American achievement and extraordinary accomplishments this month, we must also pay tribute to the institutions that are the foundations of these successes. Cheyney University's legacy of academic achievement spans throughout the Civil War, Reconstruction, the era of Jim Crow and the Civil Rights movement and continues today. Cheyney University, having grown from the darker chapters of American history, has served as a true instrument of change in the quest for equal access to opportunities. It is both an honor and a privilege to commemorate Cheyney University and its tremendous impact throughout Pennsylvania and across the Country.●

REMEMBERING BILL RAGGIO

● Mr. HELLER. Mr. President, I wish to pay tribute to the life and work of Bill Raggio, a steadfast Nevadan, my mentor, and dedicated public servant who passed away on February 23, 2012. Our State has lost a truly devoted leader and influential icon in Nevada politics. We mourn the passing of a dear friend and celebrate the life of a man who lived and fought for the betterment of our State.

The loss of Bill is something that will be felt all across Nevada. He was truly a giant in every sense of the word. His recordbreaking 38 years in the Nevada State Senate can only be described as selfless. Over the course of 10 terms, Bill was dedicated beyond question. He not only demonstrated a tactful leadership style but also devoted himself to fiscal responsibility. His ability to compromise and his willingness to work across party lines helped him to overcome partisan differences and legislative hurdles to meet the needs of the great State of Nevada. Bill influenced my work, and for that I am forever thankful.

Never afraid to tackle the difficult problems, Bill pledged his commitment to dutifully protecting the citizens of northern Nevada as the Washoe County district attorney. He was a great man who fought hard for Nevadans and was respected by many. We are fortunate and proud to remember Bill, a second-generation Nevadan and Reno native.

Bill touched the lives of tens of thousands of Nevada families, spanning generations. He served Nevadans with honor and devotion, and we are blessed by Bill's enduring and undeniable passion for public service. I ask my colleagues to join me today in celebrating the life of a great statesman who will always be remembered for his unwavering commitment to Nevada. His passing is a tremendous loss, and his legacy will be cherished for generations to come. I wish to extend my deepest sympathies and condolences to Bill's wife Dale and the entire Raggio family.●

RECOGNIZING PENBAY SOLUTIONS

● Ms. SNOWE. Mr. President, as ranking member of the Senate Committee on Small Business and Entrepreneurship, I have the privilege of hearing countless small business success stories from hard-working entrepreneurs across the country. Today I wish to recognize and commend the extraordinary achievements of PenBay Solutions, an award-winning geographic information systems, GIS, firm headquartered in Brunswick, ME.

Since its inception in 1999, PenBay has grown to become a leader in the expanding GIS industry while spurring job creation. Today, the company employs 26 people in Maine, many of which graduated from the University of Maine system, a primer education institution for GIS. Additionally, PenBay employs several individuals working remotely around the country as well as in their New York and Washington D.C. offices.

As a technology leader, PenBay Solutions provides geographic information to help clients economize space, cut costs, comply with building codes, and make better decisions across the board. While GIS is an emerging technology, PenBay has been a forerunner in providing businesses with this vital asset and has distinguished themselves among clients in a breadth of industries including: education, health care, government, and more.

Among their many achievements, PenBay has undertaken several complex and fascinating projects of note. In 2006, PenBay assisted the Fire Department of New York, FDNY, in complying with a New York City law that required the FDNY to review certain buildings and evaluate compliance with new building codes and evacuation procedures. PenBay played an instrumental role in helping the Department achieve this goal by automating over 16,000 floor plans for simple retrieval and evaluation. With PenBay's support, the FDNY was able to meet its goals and concentrate on its main mission: protecting and saving New York City residents' lives.

In addition to working with the FDNY, PenBay has been awarded many other government contracts. In late 2008, PenBay assisted the 6th Civil Engineering Squadron of MacDill Air Force Base, 6CES, with a maintenance contract of 130 government buildings. In this instance, 6CES lacked the significant in-building data necessary to make informed decisions about the space and floor materials within each building. With minimal disruption to facility operations and within a remarkable turnaround time of 9 days, PenBay Solutions was able to complete Phase 1 of the project and provide the necessary geospatial data for over 1.7 million square feet of building space.

As a result of the company's valuable work, Stuart Rich, PenBay's Chief Technology Officer, was honored by the Technology Association of Maine with their 2011 CxO of the Year Award in recognition of his innovation in the geographic information systems industry. Mr. Rich was also inducted into the University of Maine's Francis Crowe Society in 2010. This tremendous honor is bestowed upon University of Maine engineering graduates who have made substantial contributions to the engineering profession.

I applaud PenBay Solutions for being a hallmark example of an innovative American small business. Their incredible contributions to geospatial technology truly demonstrate the entrepreneurial spirit and remarkable talent found in my home State of Maine. I am proud to extend my congratulations to everyone at PenBay Solutions, and offer my best wishes for their continued success.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Pate, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 11:26 a.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1433. An act to protect private property rights.

H.R. 2117. An act to prohibit the Department of Education from overreaching into academic affairs and program eligibility under title IV of the Higher Education Act of 1965.

The message also announced that pursuant to section 287a of title 2, United States Code, the Speaker appoints Thomas J. Wickham, Jr., as Parliamentarian of the House of Representatives to succeed John V. Sullivan, resigned.

ENROLLED BILL SIGNED

At 12:43 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks,

announced that the Speaker has signed the following enrolled bill:

H.R. 347. An act to correct and simplify the drafting of section 1752 (relating to restricted buildings or grounds) of title 18, United States Code.

The enrolled bill was subsequently signed by the Acting President pro tempore (Mrs. GILLIBRAND).

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 1433. An act to protect private property rights; to the Committee on the Judiciary.

H.R. 2117. An act to prohibit the Department of Education from overreaching into academic affairs and program eligibility under title IV of the Higher Education Act of 1965; to the Committee on Health, Education, Labor, and Pensions.

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–5119. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Flazasulfuron; Pesticide Tolerances'' (FRL No. 8883–1) received during adjournment of the Senate in the Office of the President of the Senate on February 21, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5120. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Fluopyram; Pesticide Tolerances'' (FRL No. 9336–9) received during adjournment of the Senate in the Office of the President of the Senate on February 21, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5121. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Metaflumizone; Pesticide Tolerances'' (FRL No. 9333–4) received during adjournment of the Senate in the Office of the President of the Senate on February 21, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5122. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Mevinphos; Order Revoking Tolerances'' (FRL No. 9338–3) received during adjournment of the Senate in the Office of the President of the Senate on February 21, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5123. A communication from the Under Secretary of Defense (Comptroller), transmitting, pursuant to law, a report relative to a violation of the Antideficiency Act that occurred within the Navy Working Capital Fund (NWCF) account 97 X 4930 during fiscal year 2007 at the Naval Facilities Engineering Command, Mid-Atlantic and was assigned Navy case number 11–05; to the Committee on Appropriations.

EC–5124. A communication from the Under Secretary of Defense (Comptroller), transmitting, pursuant to law, a report relative to a violation of the Antideficiency Act that occurred within the Military Personnel, Air National Guard (ANG), Air Force, account 57 9 5850 during fiscal year 2009 at the ANG Readiness Center and was assigned Air Force case number 10–06; to the Committee on Appropriations.

EC–5125. A communication from the Secretary of the Army, transmitting, pursuant to law, a report relative to the U.S. Army Audit Agency's review of an audit of the American National Red Cross's Annual Statement; to the Committee on Armed Services.

EC–5126. A communication from the Assistant Secretary of Defense (Special Operations/Low-Intensity Conflict), transmitting, pursuant to law, the fiscal year 2011 annual report on the Regional Defense Combating Terrorism Fellowship Program; to the Committee on Armed Services.

EC–5127. A communication from the Assistant Secretary of Defense (Homeland Defense and Americas' Security Affairs), transmitting, pursuant to law, a report entitled ''Combating Terrorism Activities Fiscal Year 2013 Budget Estimates''; to the Committee on Armed Services.

EC–5128. A communication from the Principal Deputy Assistant Secretary of the Army (Acquisition, Logistics and Technology), transmitting, pursuant to law, a report relative to Army Industrial Facilities Cooperative Activities with Non-Army Entities for fiscal year 2011; to the Committee on Armed Services.

EC–5129. A communication from the Chairman and President of the Export-Import Bank, transmitting, pursuant to law, a report relative to transactions involving U.S. exports to Ireland; to the Committee on Banking, Housing, and Urban Affairs.

EC–5130. A communication from the Associate General Counsel for Legislation and Regulations, Office of Housing, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled ''Federal Housing Administration (FHA): Suspension of Section 238(c) Single-Family Mortgage Insurance in Military Impacted Areas'' (RIN2502–AJ01) received during adjournment of the Senate in the Office of the President of the Senate on February 24, 2012; to the Committee on Banking, Housing, and Urban Affairs.

EC–5131. A communication from the Assistant Director for Policy, Office of Foreign Assets Control, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Iranian Financial Sanctions Regulations'' (31 CFR Part 561) received during adjournment of the Senate in the Office of the President of the Senate on February 24, 2012; to the Committee on Banking, Housing, and Urban Affairs.

EC–5132. A communication from the Assistant Secretary, Office of Electricity Delivery and Energy Reliability, Department of Energy, transmitting, pursuant to law, a report entitled ''2010 Smart Grid System Report''; to the Committee on Energy and Natural Resources.

EC–5133. A communication from the Assistant General Counsel for Legislation, Regulation and Energy Efficiency, Department of Energy, transmitting, pursuant to law, the report of a rule entitled ''Energy Conservation Program: Test Procedure for Commercial Refrigeration Equipment'' (RIN1904–AC40) received during adjournment of the Senate in the Office of the President of the Senate on February 21, 2012; to the Committee on Energy and Natural Resources.

EC–5134. A communication from the Board of Trustees, National Railroad Retirement Investment Trust, transmitting, pursuant to law, an annual management report relative to its operations and financial condition; to the Committee on Finance.

EC–5135. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Section 911(d)(4)—2011 Update'' (Rev. Proc. 2012–21) received during adjournment of the Senate in the Office of the President of the Senate on February 22, 2012; to the Committee on Finance.

EC–5136. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Rewards and Awards for Information Relating to Violations of Internal Revenue Laws'' ((RIN1545–BJ89) (TD 9580)) received during adjournment of the Senate in the Office of the President of the Senate on February 22, 2012; to the Committee on Finance.

EC–5137. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Source of Income from Qualified Fails Charges'' ((RIN1545–BJ78) (TD 9579)) received during adjournment of the Senate in the Office of the President of the Senate on February 22, 2012; to the Committee on Finance.

EC–5138. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''United States and Area Median Gross Income Figures'' (Rev. Proc. 2012–16) received during adjournment of the Senate in the Office of the President of the Senate on February 22, 2012; to the Committee on Finance.

EC–5139. A communication from the Program Manager, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medicaid Program; Review and Approval Process for Section 1115 Demonstrations'' (RIN0938–AQ46) received in the Office of the President of the Senate on February 27, 2012; to the Committee on Finance.

EC–5140. A communication from the Program Manager, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medicaid Program; Application, Review, and Reporting Process for Waivers for State Innovation'' (RIN0938–AQ75; RIN1505–AC30) received in the Office of the President of the Senate on February 27, 2012; to the Committee on Finance.

EC–5141. A communication from the Director, Office of Regulations, Social Security Administration, transmitting, pursuant to law, the report of a rule entitled ''Protecting the Public and Our Employees in Our Hearing Process'' (RIN0960–AH29) received during adjournment of the Senate in the Office of the President of the Senate on February 21, 2012; to the Committee on Finance.

EC–5142. A communication from the Director, Office of Regulations, Social Security Administration, transmitting, pursuant to law, the report of a rule entitled ''How We Collect and Consider Evidence of Disability'' (RIN0960–AG89) received during adjournment of the Senate in the Office of the President of the Senate on February 21, 2012; to the Committee on Finance.

EC–5143. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, a report certifying for fiscal year 2012 that no United Nations agency or United Nations affiliated agency grants any official status, accreditation, or recognition to any

organization which promotes and condones or seeks the legalization of pedophilia, or which includes as a subsidiary or member any such organization; to the Committee on Foreign Relations.

EC–5144. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to overseas surplus property; to the Committee on Foreign Relations.

EC–5145. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to Executive Order 12163, as amended by Executive Order 13346, a report relative to a waiver of the restrictions contained in Section 907 of the FREEDOM Support Act of 1992; to the Committee on Foreign Relations.

EC–5146. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, a report prepared by the Department of State on progress toward a negotiated solution of the Cyprus question covering the periods October 1, 2011 through November 30, 2011; to the Committee on Foreign Relations.

EC–5147. 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 2012-0012–2012-0016); to the Committee on Foreign Relations.

EC–5148. A communication from the Director of the Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the Corporation's Buy American Act Report for fiscal year 2011; to the Committee on Health, Education, Labor, and Pensions.

EC–5149. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report relative to the Food and Drug Administration's (FDA) Foreign Field Offices; to the Committee on Health, Education, Labor, and Pensions.

EC–5150. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a performance report relative to the Animal Generic Drug User Fee Act for fiscal year 2011; to the Committee on Health, Education, Labor, and Pensions.

EC–5151. A communication from the Assistant Secretary for Administration and Management, Department of Labor, transmitting, pursuant to law, a report relative to a vacancy in the position of Commissioner of the Bureau of Labor Statistics, Department of Labor, received in the Office of the President of the Senate on February 15, 2012; to the Committee on Health, Education, Labor, and Pensions.

EC–5152. A communication from the Assistant Secretary for Administration and Management, Department of Labor, transmitting, pursuant to law, (2) reports relative to vacancy announcements within the Department; to the Committee on Health, Education, Labor, and Pensions.

EC–5153. A communication from the Assistant Secretary for Administration and Management, Department of Labor, transmitting, pursuant to law, (3) reports relative to vacancy announcements within the Department; to the Committee on Health, Education, Labor, and Pensions.

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. VITTER (for himself and Mr. NELSON of Florida):

S. 2138. A bill to establish a pilot program to evaluate the cost-effectiveness and project delivery efficiency of non-Federal sponsors as the lead project delivery team for authorized civil works flood control and navigation construction projects of the Corps of Engineers; to the Committee on Environment and Public Works.

By Mrs. MCCASKILL (for herself and Mr. WEBB):

S. 2139. A bill to enhance security, increase accountability, and improve the contracting of the Federal Government for overseas contingency operations, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. BROWN of Ohio (for himself and Mrs. GILLIBRAND):

S. 2140. A bill to amend the Public Works and Economic Development Act of 1965 to modify the period used to calculate certain unemployment rates, to encourage the development of business incubators, and for other purposes; to the Committee on Environment and Public Works.

By Mr. GRASSLEY (for himself, Mr. CONRAD, Mr. JOHNSON of South Dakota, and Mr. HARKIN):

S. 2141. A bill to amend the Packers and Stockyards Act, 1921, to make it unlawful for a packer to own, feed, or control livestock intended for slaughter; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. CASEY:

S. 2142. A bill to permit employees to request, and to ensure employers consider requests for, flexible work terms and conditions, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Ms. STABENOW:

S. 2143. A bill to amend the Internal Revenue Code of 1986 to clarify that paper which is commonly recycled does not constitute a qualified energy resource under the section 45 credit for renewable electricity production; to the Committee on Finance.

By Ms. STABENOW:

S. 2144. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income of individual taxpayers discharges of indebtedness attributable to certain foreign residential mortgage obligations; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. REED (for himself and Ms. COLLINS):

S. Res. 382. A resolution designating March 2, 2012, as ''Read Across America Day''; considered and agreed to.

By Mr. BROWN of Ohio (for himself and Mr. BARRASSO):

S. Res. 383. A resolution designating February 29, 2012, as ''Rare Disease Day''; considered and agreed to.

By Mr. SCHUMER (for himself and Mrs. GILLIBRAND):

S. Res. 384. A resolution designating the first Tuesday in March as ''National Public Higher Education Day''; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 555

At the request of Mr. FRANKEN, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 555, a bill to end discrimination based on actual or perceived sexual orientation or gender identity in public schools, and for other purposes.

S. 605

At the request of Mr. GRASSLEY, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 605, a bill to amend the Controlled Substances Act to place synthetic drugs in Schedule I.

S. 665

At the request of Mr. BROWN of Ohio, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 665, a bill to promote industry growth and competitiveness and to improve worker training, retention, and advancement, and for other purposes.

S. 775

At the request of Mr. CASEY, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 775, a bill to direct the Secretary of Health and Human Services to encourage research and carry out an educational campaign with respect to pulmonary hypertension, and for other purposes.

S. 998

At the request of Mr. AKAKA, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 998, a bill to amend title IV of the Employee Retirement Income Security Act of 1974 to require the Pension Benefit Guaranty Corporation, in the case of airline pilots who are required by regulation to retire at age 60, to compute the actuarial value of monthly benefits in the form of a life annuity commencing at age 60.

S. 1299

At the request of Mr. MORAN, the names of the Senator from South Dakota (Mr. THUNE) and the Senator from Indiana (Mr. COATS) were added as cosponsors of S. 1299, a bill to require the Secretary of the Treasury to mint coins in commemoration of the centennial of the establishment of Lions Clubs International.

S. 1728

At the request of Mr. BROWN of Massachusetts, the names of the Senator from Nevada (Mr. HELLER) and the Senator from Montana (Mr. TESTER) were added as cosponsors of S. 1728, a bill to amend title 18, United States Code, to establish a criminal offense relating to fraudulent claims about military service.

S. 1770

At the request of Mrs. GILLIBRAND, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 1770, a bill to prohibit discrimination in adoption or foster case placements based on the sexual orientation, gender identity, or marital status of any prospective adoptive or foster parent, or the sexual orientation or gender identity of the child involved.

S. 1884

At the request of Mr. DURBIN, the names of the Senator from Alaska (Mr. BEGICH) and the Senator from Maryland (Ms. MIKULSKI) were added as cosponsors of S. 1884, a bill to provide States with incentives to require elementary schools and secondary schools to maintain, and permit school personnel to administer, epinephrine at schools.

S. 1945

At the request of Mr. DURBIN, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 1945, a bill to permit the televising of Supreme Court proceedings.

S. 1956

At the request of Mr. THUNE, the name of the Senator from Nebraska (Mr. JOHANNS) was added as a cosponsor of S. 1956, a bill to prohibit operators of civil aircraft of the United States from participating in the European Union's emissions trading scheme, and for other purposes.

S. 2046

At the request of Ms. MIKULSKI, the name of the Senator from Idaho (Mr. RISCH) was added as a cosponsor of S. 2046, a bill to amend the Immigration and Nationality Act to modify the requirements of the visa waiver program and for other purposes.

S. 2121

At the request of Ms. KLOBUCHAR, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 2121, a bill to modify the Department of Defense Program Guidance relating to the award of Post-Deployment/Mobilization Respite Absence administrative absence days to members of the reserve components to exempt any member whose qualified mobilization commenced before October 1, 2011, and continued on or after that date, from the changes to the program guidance that took effect on that date.

S. 2122

At the request of Mr. PAUL, the names of the Senator from Wisconsin (Mr. JOHNSON), the Senator from Oklahoma (Mr. COBURN), the Senator from Pennsylvania (Mr. TOOMEY) and the Senator from Utah (Mr. HATCH) were added as cosponsors of S. 2122, a bill to clarify the definition of navigable waters, and for other purposes.

S.J. RES. 19

At the request of Mr. HATCH, the name of the Senator from Idaho (Mr. RISCH) 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. RES. 310

At the request of Ms. MIKULSKI, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. Res. 310, a resolution designating 2012 as the ''Year of the Girl'' and Congratulating Girl Scouts of the USA on its 100th anniversary.

S. RES. 380

At the request of Mr. GRAHAM, the names of the Senator from North Carolina (Mr. BURR), the Senator from Kansas (Mr. MORAN), the Senator from Idaho (Mr. CRAPO), the Senator from Illinois (Mr. KIRK) and the Senator from North Carolina (Mrs. HAGAN) were added as cosponsors of S. Res. 380, a resolution to express the sense of the Senate regarding the importance of preventing the Government of Iran from acquiring nuclear weapons capability.

At the request of Mr. GRASSLEY, his name was added as a cosponsor of S. Res. 380, supra.

AMENDMENT NO. 1537

At the request of Mr. HOEVEN, the name of the Senator from West Virginia (Mr. MANCHIN) was added as a cosponsor of amendment No. 1537 intended to be proposed to S. 1813, a bill to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes.

AMENDMENT NO. 1542

At the request of Mr. CARDIN, the names of the Senator from Alaska (Mr. BEGICH) and the Senator from Minnesota (Mr. FRANKEN) were added as cosponsors of amendment No. 1542 intended to be proposed to S. 1813, a bill to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes.

AMENDMENT NO. 1549

At the request of Mr. CARDIN, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of amendment No. 1549 intended to be proposed to S. 1813, a bill to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes.

AMENDMENT NO. 1599

At the request of Mr. MERKLEY, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of amendment No. 1599 intended to be proposed to S. 1813, a bill to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes.

AMENDMENT NO. 1606

At the request of Mr. MERKLEY, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of amendment No. 1606 intended to be proposed to S. 1813, a bill to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes.

AMENDMENT NO. 1648

At the request of Mrs. GILLIBRAND, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of amendment No. 1648 intended to be proposed to S. 1813, a bill to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes.

AMENDMENT NO. 1661

At the request of Ms. KLOBUCHAR, the names of the Senator from Colorado (Mr. BENNET) and the Senator from Michigan (Ms. STABENOW) were added as cosponsors of amendment No. 1661 intended to be proposed to S. 1813, a bill to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes.

AMENDMENT NO. 1736

At the request of Mr. PORTMAN, the name of the Senator from Arizona (Mr. KYL) was added as a cosponsor of amendment No. 1736 intended to be proposed to S. 1813, a bill to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes.

AMENDMENT NO. 1737

At the request of Mr. JOHNSON of Wisconsin, his name was added as a cosponsor of amendment No. 1737 intended to be proposed to S. 1813, a bill to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes.

At the request of Mr. COBURN, the names of the Senator from Arizona (Mr. MCCAIN) and the Senator from Kentucky (Mr. PAUL) were added as cosponsors of amendment No. 1737 intended to be proposed to S. 1813, supra.

AMENDMENT NO. 1738

At the request of Mr. JOHNSON of Wisconsin, his name was added as a cosponsor of amendment No. 1738 intended to be proposed to S. 1813, a bill to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes.

At the request of Mr. COBURN, the name of the Senator from Arizona (Mr. MCCAIN) was added as a cosponsor of amendment No. 1738 intended to be proposed to S. 1813, supra.

AMENDMENT NO. 1739

At the request of Mrs. MURRAY, the names of the Senator from Washington (Ms. CANTWELL) and the Senator from Colorado (Mr. BENNET) were added as cosponsors of amendment No. 1739 intended to be proposed to S. 1813, a bill to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes.

AMENDMENT NO. 1740

At the request of Mrs. MURRAY, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of amendment No. 1740 intended to be proposed to S. 1813, a bill to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes.

AMENDMENT NO. 1748

At the request of Mr. HOEVEN, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of amendment No. 1748 intended to be proposed to S. 1813, a bill to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. VITTER (for himself and Mr. NELSON of Florida):

S. 2138. A bill to establish a pilot program to evaluate the cost-effectiveness and project delivery efficiency of non-Federal sponsors as the lead project delivery team for authorized civil works flood control and navigation construction projects of the Corps of Engineers; to the Committee on Environment and Public Works.

Mr. VITTER. Mr. President, I come to the Senate floor to talk about important and bipartisan legislation that I am introducing today, along with Senator BILL NELSON of Florida. It is about the Corps of Engineers, and it is intended, and will once passed, to make a real impact in terms of lessening the delays, the bureaucracy, and the hurdles all of us must go through in terms of seeing important Corps of Engineers projects through to fruition. It is called the U.S. Army Corps of Engineers Flood Control and Navigation Project Pilot Program.

Let us get right to the heart of the matter. The U.S. Army Corps of Engineers is a broken bureaucracy. In several significant respects, it is simply a badly broken bureaucracy. Let me say upfront that there are many smart, qualified people who work there. They are dedicated. They work long, hard hours in so many cases, and I applaud their efforts. But the overall structure and the overall bureaucracy within which we all must work to get important Corps of Engineers work done is simply broken.

It takes, on average, about 6 years—6 years—for the Corps not to do a project but to perform a preliminary study that might lead to an important flood control or navigation project. Then, when we actually talk about the engineering work, the construction work, it takes at least 20 years, on average, to accomplish any meaningful project. That is simply too long.

There are many reasons for this, and let me say at the outset that not all those are the Corps of Engineers' fault. We in Congress, the public, the country put so many demands and burdens on them that they are simply swamped. They have a backlog that, to some extent, is unavoidable, and that backlog for active projects—not projects being studied or considered but the backlog for active approved projects—is currently $59.6 billion. But even considering that—even considering that avalanche of demands and that backlog—the Corps of Engineers' bureaucracy is broken, and it adds to those problems and magnifies them enormously by extending the time and the cost of any given project.

Of course, when projects get extended in time and are delayed, when costs grow over time. Then the initial problem—the backlog, that initial avalanche of demands—explodes and is multiplied tenfold. This is the situation Senator NELSON and I are trying to address in a focused, proactive, positive way.

Our bill would do one thing to address this. It would establish a pilot program whereby the Corps of Engineers selects certain significant flood control and/or navigation projects and moves project management authority, responsibility for those projects, from the Corps of Engineers down to the State and/or local sponsors. What do I mean by that? Every project we are talking about, every Corps project, whether it is a flood control project or a navigation project, the Corps of Engineers doesn't do it alone. They have partners. On the governmental side, they specifically have State and/or local partners who almost always pay a significant cost share of the project—usually about 35 percent. So those entities are already involved in a very meaningful way in these projects.

Our pilot program would tell the Corps to take certain select projects which have been delayed, which are sitting on the shelf, with costs and timelines growing, and move the project manager responsibility out of the Corps of Engineers down to the State and local sponsors. The States and localities are the folks on the ground who have even more of a vested interest and a need to actually get this work done. They have the desire to cut through delays and the bureaucracy to get it done in a more aggressive way. So I am absolutely convinced, if we can move this responsibility in a careful, thoughtful way down to the State and local sponsors, in virtually all cases that will cut delays, that will cut timeframes, and in doing so it will significantly cut costs.

Again, this is not a radical idea. For one thing, these State and local entities I am talking about are already intimately involved in these projects. They already have significant capacity to be proactively involved in these projects and they already have a stake in the game—in most cases paying 35 percent of the project cost.

Secondly, the actual design, engineering and construction work is not done by any of these entities anyway. In almost all cases, the huge majority, or 100 percent, of that work—design, engineering, construction—is done by private business hired by the Corps, hired by the State and locals to get this done. That will remain the same. So the professionals doing the design, engineering, and construction work will remain the same. That is not changing at all.

Third, the reason this idea is not a radical concept but is actually a proven model is that what I am describing is more or less exactly what we do for Federal highway projects. It just so happens we are debating a highway bill on the Senate floor, and that is a useful model to look to in this context. When we do highway projects, we have a Federal Highway Administration and we have significant Federal funds that go to these highway projects, but the Federal agency—in that case the Federal Highway Administration—is not the lead project manager, is not intimately involved day to day, week to week, and year to year in moving those projects along. Quite to the contrary, they are shipped and the dollars are shipped to the States and locals. In the huge majority of cases, the States and/or locals are the lead project manager entity taking control and leading the way.

So that is a proven model. That model works better compared to the way the U.S. Army Corps of Engineers works; that is, broad brush, exactly the model we are adopting. It will save time, and in doing so it will save significant money.

To ensure the Corps does not feel threatened by this, built into the bill, Senator NELSON and I have identified an offset. So even though these projects that will be included in the pilot program have money that has been allocated for them, we have an offset so that amount of money can be spent on those projects without diminishing what will remain as the U.S. Army Corps of Engineers' budget.

In fact, the Corps itself faces a win-win with this situation. They will get rid of some of their responsibility and some of their work, but there will not be any Federal U.S. Army Corps of Engineers money that will leave them alone with that responsibility and with that work. Quite honestly, the Corps welcomes this, particularly in light of their backlog and particularly in light of the avalanche of demands that are placed on them.

For all these reasons, I hope all our colleagues in the Senate, Democrats and Republicans, will look carefully at this legislation and join Senator BILL NELSON of Florida and myself. This is something that needs to be done, because as I said at the beginning, the U.S. Army Corps of Engineers, unfortunately, is a badly broken bureaucracy in many respects. It needs to be fixed. We need to respond to these flood control and navigation needs on a real-time basis, not with 20, 30 years' delay. We can't continue to compete in a global economy with this sort of delay for vital navigation or vital flood control projects. We need to cut through the bureaucracy and do a lot more with less. This legislation will help us get there.

I invite, and Senator BILL NELSON invites, all of our colleagues, Democrats and Republicans, to look at this legislation. We invite all of our colleagues to join us in this very important reform of the Corps of Engineers.

In closing, let me also say that independent of this legislation, I am also pursuing a GAO audit of the Corps. I have already requested that in writing and have received assurances that audit will happen. I think that will be an additional and very helpful and necessary tool for us to see how the Corps does or doesn't effectively do its business and to make other needed reforms in the U.S. Army Corps of Engineers' bureaucracy.

I look forward to pursuing that audit, getting the results of that, and seeing

where that leads in terms of other necessary Corps reforms in the near future.

By Mr. GRASSLEY (for himself, Mr. CONRAD, Mr. JOHNSON of South Dakota, and Mr. HARKIN):

S. 2141. A bill to amend the Packers and Stockyards Act, 1921, to make it unlawful for a packer to own, feed, or control livestock intended for slaughter; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. GRASSLEY. Mr. President, today I am introducing legislation designed to help family farmers across this nation have a more level playing field when it comes to livestock markets. The bill would prohibit meat packers from owning livestock. The ownership of livestock by packers compromises the marketplace and hinders the ability of the farmer to receive a fair price. It is simple, as one meatpacking executive once told me, packers own livestock so that when prices are high, they slaughter their own livestock. When prices are low, they buy from farmers.

I would love to say opportunities for independent producers have gotten better since the last time we debated this bill during the 2008 Farm Bill. But that simply isn't the case. We are to the point where most farmers have to deliver their livestock to one of a few very large packers. Farmers' bargaining power is diminished by the sheer size and economic position of the packers. But beyond that, farmers have to compete with the livestock owned by the packing plant itself. The packer ban would make sure the forces of the marketplace work for the benefit of the farmer as much as it does for the slaughterhouse.

I am sure there will be folks in the packing industry that point out that farmers are doing okay right now, and that's great that farmers are experiencing a good period. I am pleased anytime the hard work of livestock farmers results in a good price. But I don't want my colleagues here in the Senate to be lulled to sleep and think just because prices are good right now means we don't have competition issues in the livestock industry that need to be addressed. This is about ensuring farmers are able to get fair prices for years to come. We need to work today, and implement this reform, to ensure the next generation of independent farmers has an opportunity to raise livestock and receive fair prices as a result of their hard work.

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. 2141

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

SECTION 1. PROHIBITION ON PACKERS OWNING, FEEDING, OR CONTROLLING LIVESTOCK.

(a) IN GENERAL.—Section 202 of the Packers and Stockyards Act, 1921 (7 U.S.C. 192), is amended—

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

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

''(f) Own or feed livestock directly, through a subsidiary, or through an arrangement that gives the packer operational, managerial, or supervisory control over the livestock, or over the farming operation that produces the livestock, to such an extent that the producer is no longer materially participating in the management of the operation with respect to the production of the livestock, except that this subsection shall not apply to—

''(1) an arrangement entered into within 7 days (excluding any Saturday or Sunday) before slaughter of the livestock by a packer, a person acting through the packer, or a person that directly or indirectly controls, or is controlled by or under common control with, the packer;

''(2) a cooperative or entity owned by a cooperative, if a majority of the ownership interest in the cooperative is held by active cooperative members that—

''(A) own, feed, or control livestock; and

''(B) provide the livestock to the cooperative for slaughter;

''(3) a packer that is not required to report to the Secretary on each reporting day (as defined in section 212 of the Agricultural Marketing Act of 1946 (7 U.S.C. 1635a)) information on the price and quantity of livestock purchased by the packer; or

''(4) a packer that owns 1 livestock processing plant; or''.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—Subject to paragraph (2), the amendments made by subsection (a) take effect on the date of enactment of this Act.

(2) TRANSITION RULES.—In the case of a packer that on the date of enactment of this Act owns, feeds, or controls livestock intended for slaughter in violation of section 202(f) of the Packers and Stockyards Act, 1921 (as amended by subsection (a)), the amendments made by subsection (a) apply to the packer—

(A) in the case of a packer of swine, beginning on the date that is 18 months after the date of enactment of this Act; and

(B) in the case of a packer of any other type of livestock, beginning as soon as practicable, but not later than 180 days, after the date of enactment of this Act, as determined by the Secretary of Agriculture.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 382—DESIGNATING MARCH 2, 2012, AS ''READ ACROSS AMERICA DAY''

Mr. REED of Rhode Island (for himself and Ms. COLLINS) submitted the following resolution; which was considered and agreed to:

S. RES. 382

Whereas reading is a basic requirement for quality education and professional success, and is a source of pleasure throughout life;

Whereas the people of the United States must be able to read if the United States is to remain competitive in the global economy;

Whereas Congress has placed great emphasis on reading intervention and on providing additional resources for reading assistance, including through the programs authorized by the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) and through annual appropriations for library and literacy programs; and

Whereas more than 50 national organizations concerned about reading and education have joined with the National Education Association to designate March 2, the anniversary of the birth of Theodor Geisel (also known as Dr. Seuss), as a day to celebrate reading: Now, therefore, be it

Resolved, That the Senate—

(1) designates March 2, 2012, as ''Read Across America Day'';

(2) honors Theodor Geisel, also known as Dr. Seuss, for his success in encouraging children to discover the joy of reading;

(3) honors the 15th anniversary of ''Read Across America Day'';

(4) encourages parents to read with their children for at least 30 minutes on ''Read Across America Day'' in honor of the commitment of the Senate to building a country of readers; and

(5) encourages the people of the United States to observe ''Read Across America Day'' with appropriate ceremonies and activities.

SENATE RESOLUTION 383—DESIGNATING FEBRUARY 29, 2012, AS ''RARE DISEASE DAY''

Mr. BROWN of Ohio (for himself and Mr. BARRASSO) submitted the following resolution; which was considered and agreed to:

S. RES. 383

Whereas rare diseases and disorders are those diseases and disorders that affect a small patient population, which in the United States is typically a population of fewer than 200,000 people;

Whereas, as of the date of approval of this resolution, nearly 7,000 rare diseases affect 30,000,000 people and their families in the United States;

Whereas children with rare genetic diseases account for more than half of the population affected by rare diseases in the United States;

Whereas many rare diseases are life-threatening and lack an effective treatment;

Whereas rare diseases and disorders include epidermolysis bullosa, progeria, sickle cell anemia, Tay-Sachs disease, cystic fibrosis, many childhood cancers, and fibrodysplasia ossificans progressiva;

Whereas people with a rare disease experience challenges that include difficulty in obtaining an accurate diagnosis, limited treatment options, and difficulty finding a physician or treatment center with expertise in the disease;

Whereas great strides have been made in research and treatment for rare diseases as a result of the Orphan Drug Act (21 U.S.C. 360aa et seq.);

Whereas both the Food and Drug Administration and the National Institutes of Health have established special offices to advocate for rare disease research and treatments;

Whereas the National Organization for Rare Disorders, an organization established in 1983 to provide services to, and advocate on behalf of, patients with rare diseases, was a primary force behind the enactment of the Orphan Drug Act and remains a critical public voice for people with rare diseases;

Whereas the National Organization for Rare Disorders sponsors Rare Disease Day in the United States to increase public awareness of rare diseases;

Whereas Rare Disease Day has become a global event that occurs annually on the last day of February;

Whereas Rare Disease Day was observed in the United States for the first time on February 28, 2009; and

Whereas Rare Disease Day is expected to be observed globally in years to come, providing hope and information for rare disease patients around the world: Now, therefore, be it

Resolved, That the Senate—

(1) designates February 29, 2012, as ''Rare Disease Day'';

(2) recognizes the importance of improving awareness and encouraging accurate and early diagnosis of rare diseases and disorders; and

(3) supports the commitment of the United States and all countries to improving access to, and developing, new treatments, diagnostics, and cures for rare diseases and disorders.

SENATE RESOLUTION 384—DESIGNATING THE FIRST TUESDAY IN MARCH AS ''NATIONAL PUBLIC HIGHER EDUCATION DAY''

Mr. SCHUMER (for himself and Mrs. GILLIBRAND) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 384

Whereas the economic strength of the United States and its ability to create jobs and compete globally requires a skilled workforce educated for a 21st century economy;

Whereas according to the Department of Education, over 14,000,000 students attend public postsecondary degree-granting institutions across every State in the United States, comprising almost ¾ of postsecondary students in the United States;

Whereas the Federal Reserve Bank of St. Louis has found that publicly supported community colleges ''enroll almost half of all U.S. undergraduate students and are essential for work force training and retraining'';

Whereas according to the Center for Measuring University Performance, ½ of the top 50 research universities in the United States are public institutions, from Virginia to Washington, Texas to Minnesota, Ohio to Colorado, and many more;

Whereas according to the Department of Veterans Affairs, during the 2009–2010 academic year, public universities made up 2 of the top 5 most popular choices for students who used benefits from the Post-9/11 Veterans Educational Assistance Act of 2008 (38 U.S.C. 3301 et seq.); and

Whereas the first Tuesday in the month of March is an appropriate day to designate as National Public Higher Education Day: Now, therefore, be it

Resolved, That the Senate—

(1) designates the first Tuesday in the month of March as ''National Public Higher Education Day'';

(2) recognizes the importance of public higher education for growing a skilled domestic workforce, promoting research and innovation, and advancing the global competitiveness of the United States; and

(3) calls upon the people of the United States to observe National Public Higher Education Day with appropriate ceremonies and activities.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1751. Mr. SCHUMER submitted an amendment intended to be proposed to amendment SA 1730 proposed by Mr. REID to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table.

SA 1752. Ms. SNOWE (for herself, Mr. CARDIN, Ms. KLOBUCHAR, Mr. RUBIO, Mr. ROCKEFELLER, Mr. WICKER, Mr. MERKLEY, Mr. BLUMENTHAL, and Mr. TESTER) submitted an amendment intended to be proposed by her to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1753. Ms. KLOBUCHAR (for herself and Mr. ALEXANDER) submitted an amendment intended to be proposed by her to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1754. Mr. ROCKEFELLER (for himself and Mr. MANCHIN) submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1755. Mr. ROCKEFELLER (for himself and Mr. MANCHIN) submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1756. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 1751. Mr. SCHUMER submitted an amendment intended to be proposed to amendment SA 1730 proposed by Mr. REID to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 586, line 10, strike ''Section'' and insert the following:

(a) SAFETY REVIEWS.—Section

On page 586, line 20, insert ''through a simple and understandable rating system that allows motorcoach passengers to compare the safety performance of motorcoach operators'' before the semicolon.

On page 587, line 25, strike ''shall reassess'' and insert the following ''shall—

''(A) reassess

On page 588, line 2, strike the period at the end and insert the following: ''; and

''(B) annually assess the safety fitness of certain providers of motorcoach services that serve primarily urban areas with high passenger loads.

On page 588, between lines 7 and 8, insert the following:

(b) DISCLOSURE OF SAFETY PERFORMANCE RATINGS OF MOTORCOACH SERVICES AND OPERATIONS.—

(1) IN GENERAL.—Subchapter I of chapter 141 of title 49, United States Code, is amended by adding at the end the following:

''§ 14105. Safety performance ratings of motorcoach services and operations

''(a) DEFINITIONS.—In this section:

''(1) MOTORCOACH.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the term 'motorcoach' has the meaning given to the term 'over-the-road bus' in section 3038(a)(3) of the Transportation Equity Act for the 21st Century (49 U.S.C. 5310 note).

''(B) EXCLUSIONS.—The term 'motorcoach' does not include—

''(i) a bus used in public transportation that is provided by a State or local government; or

''(ii) a school bus (as defined in section 30125(a)(1)), including a multifunction school activity bus.

''(2) MOTORCOACH SERVICES AND OPERATIONS.—The term 'motorcoach services and operations' means passenger transportation by a motorcoach for compensation.

''(3) POINT OF SALE.—The term 'point of sale' means any website, telephonic transaction, or ticket window through which the sale of transportation occurs or where broker service is provided.

''(b) DISPLAY OF MOTOR CARRIER IDENTIFICATION.—

''(1) REQUIREMENT.—Beginning on the date that is 1 year after the date of the enactment of the Moving Ahead for Progress in the 21st Century Act, no person may sell or offer to sell interstate motorcoach transportation services, or provide broker services related to such transportation, unless the person, at the point of sale or provision of broker services, conspicuously displays or, in the case of telephonic transactions, verbally provides—

''(A) the legal name and USDOT number of the single motor carrier responsible for the transportation and for compliance with the Federal Motor Carrier Safety Regulations under parts 350 through 399 of title 49, Code of Federal Regulations; and

''(B) the URL for the Federal Motor Carrier Safety Administration's public website where the Administration has posted motor carrier and commercial motor vehicle driver scores in the Safety Measurement System.

''(2) CIVIL PENALTIES.—A person who violates paragraph (1) shall be liable for civil penalties to the same extent as a person who does not prepare a record in the form and manner prescribed under section 14901(a).

''(c) RULEMAKING.—

''(1) IN GENERAL.—Not later than 2 years after the date on which the safety fitness determination rule is implemented, the Secretary shall require, by regulation—

''(A) each motor carrier that owns or leases 1 or more motorcoaches that transport passengers subject to the Secretary's jurisdiction under section 13501 to prominently display the safety fitness rating assigned under section 31144(j)(1)(A)(ii)—

''(i) in each terminal of departure;

''(ii) in the motorcoach and visible from a position exterior to the vehicle at the point of departure, if the motorcoach does not depart from a terminal; and

''(iii) at all points of sale for such motorcoach services and operations; and

''(B) any person who sells tickets for motorcoach services and operations to display the rating system described in subparagraph (A) at all points of sale for such motorcoach services and operations.

''(2) ITEMS INCLUDED IN THE RULEMAKING.—In promulgating safety performance ratings for motorcoaches pursuant to the rulemaking required under paragraph (1), the Secretary shall consider—

''(A) the need and extent to which safety performance ratings should be made available in languages other than English; and

''(B) penalties authorized under section 521.

''(3) INSUFFICIENT INSPECTIONS.—Any motor carrier for which insufficient safety data is available shall display a label that states that the carrier has sufficiently passed the preauthorization safety audit required under section 13902(b)(1)(A).

''(d) EFFECT ON STATE AND LOCAL LAW.—Nothing in this section may be construed to preempt a State, or a political subdivision of a State, from enforcing any requirements concerning the manner and content of consumer information provided by motor carriers that are not subject to the Secretary's jurisdiction under section 13501.''.

(2) CLERICAL AMENDMENT.—The analysis of chapter 141 of title 49, United States Code, is amended by inserting after the item relating to section 14104 the following:

''Sec. 14105. Safety performance ratings of motorcoach services and operations.''.

SA 1752. Ms. SNOWE (for herself, Mr. CARDIN, Ms. KLOBUCHAR, Mr. RUBIO, Mr. ROCKEFELLER, Mr. WICKER, Mr. MERKLEY, Mr. BLUMENTHAL, and Mr. TESTER) submitted an amendment intended to be proposed by her to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. IMPROVING AND EXPEDITING SAFETY ASSESSMENTS IN THE COMMERCIAL DRIVER'S LICENSE APPLICATION PROCESS FOR MEMBERS AND FORMER MEMBERS OF THE ARMED FORCES.

(a) STUDY.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary of Transportation, in coordination with the Secretary of Defense, and in consultation with the States and other relevant stakeholders, shall commence a study to assess Federal and State regulatory, economic, and administrative challenges faced by members and former members of the Armed Forces who received safety training and operated qualifying motor vehicles during their service in obtaining commercial driver's licenses (as defined in section 31301(3) of title 49, United States Code).

(2) REQUIREMENTS.—The study shall—

(A) identify written and behind-the-wheel safety training, qualification standards, knowledge and skills tests, or other operating experience members of the Armed Forces must meet that satisfy the minimum standards prescribed by the Secretary of Transportation for the operation of commercial motor vehicles under section 31305 of title 49, United States Code;

(B) compare the alcohol and controlled substances testing requirements for members of the Armed Forces with those required for holders of a commercial driver's license;

(C) evaluate the cause of delays in reviewing applications for commercial driver's licenses of members and former members of the Armed Forces;

(D) identify duplicative application costs;

(E) identify residency, domicile, training and testing requirements, and other safety or health assessments that affect or delay the issuance of commercial driver's licenses to members and former members of the Armed Forces; and

(F) other factors the Secretary deems appropriate to meet the requirements of the study.

(b) REPORT.—

(1) IN GENERAL.—Not later than 180 days after the commencement of the study under subsection (a), the Secretary of Transportation shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that provides findings and recommendations on the study.

(2) ELEMENTS.—The report under paragraph (1) shall include—

(A) findings related to the study requirements under subsection (a)(2);

(B) recommendations for the Federal and State legislative, regulatory, and administrative actions necessary to address challenges identified in subparagraph (A); and

(C) a plan to implement the recommendations for which the Secretary of Transportation has authority.

(c) IMPLEMENTATION.—Upon completion of the report under subsection (b), the Secretary of Transportation shall implement the plan under subsection (b)(2)(C).

SA 1753. Ms. KLOBUCHAR (for herself and Mr. ALEXANDER) submitted an amendment intended to be proposed by her to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 326, strike lines 9 through 17, and insert the following:

''(A) IN GENERAL.—Each State shall provide to—

''(i) nonmetropolitan local elected officials an opportunity to participate in accordance with subparagraph (B)(i); and

''(ii) affected individuals, public agencies, and other interested parties notice and a reasonable opportunity to comment on the statewide transportation plan and statewide transportation improvement program.

''(B) METHODS.—In carrying out this paragraph, the State shall—

''(i) develop and document a consultative process to carry out subparagraph (A)(i) that is separate and discrete from the public involvement process developed under clause (ii);''.

Beginning on page 326, line 18, through page 327, line 14, redesignate clauses (i) through (iv) as clauses (ii) through (v), respectively.

On page 348, lines 14 and 15, strike ''applicable Federal law'' and insert ''this section and applicable Federal law (including rules and regulations)''.

On page 348, line 16, insert ''not later than 180 days after the date of enactment of the MAP-21 and'' after ''certify,''.

On page 348, line 17, insert ''thereafter'' after ''years''.

On page 349, strike lines 20 through 23 and insert the following:

''(4) PUBLIC INVOLVEMENT.—

''(A) IN GENERAL.—In making a determination regarding certification under this subsection, the Secretary shall ensure that a State—

''(i) reviews and solicits comments from nonmetropolitan local elected officials and other interested parties for a period of not less than 60 days regarding the effectiveness of the consultation process and any proposed modifications to the process as part of the certification under paragraph (1)(B); and

''(ii) provides an opportunity for other public involvement that is appropriate to the State under review.

''(B) MODIFICATIONS.—

''(i) IN GENERAL.—The State may adopt any modification to the consultation process proposed under subparagraph (A).

''(ii) RATIONALE FOR NONADOPTION.—If the State elects not to adopt a proposed modification under subparagraph (A), the State shall make publicly available a description of the rationale of the State for not adopting the proposed modification.''.

SA 1754. Mr. ROCKEFELLER (for himself and Mr. MANCHIN) submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 89, line 7, insert ''and for local access roads under section 14501 of title 40'' after ''subsection (c)''.

On page 93, line 8, strike the closing quotation marks and the following period.

On page 93, between lines 8 and 9, insert the following:

''(i) APPALACHIAN DEVELOPMENT HIGHWAY SYSTEM.—

''(1) IN GENERAL.—For each of fiscal years 2012 and 2013, of the amounts apportioned to a State under section 104(b)(2), the State shall obligate for the Appalachian development highway system not less the amount that was apportioned by the Appalachian Regional Commission to the State for the construction of designated corridors of the Appalachian development highway system in the State for fiscal year 2010.

''(2) ACCESS ROADS.—Funds obligated under subsection (c)(1) shall be available to construct highways and access roads in accordance with section 1116 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1177).''.

SA 1755. Mr. ROCKEFELLER (for himself and Mr. MANCHIN) submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 89, line 7, insert ''and for local access roads under section 14501 of title 40'' after ''subsection (c)''.

On page 93, line 8, strike the closing quotation marks and the following period.

On page 93, between lines 8 and 9, insert the following:

''(i) APPALACHIAN DEVELOPMENT HIGHWAY SYSTEM.—

''(1) IN GENERAL.—Not later than 1 year after the date of enactment of the MAP–21, each State represented on the Appalachian Regional Commission shall establish a plan for the completion of the designated corridors of the Appalachian development highway system within the State, including annual performance targets, with a target completion date of not later than January 1, 2035.

''(2) PERFORMANCE TARGETS.—If the Secretary determines that a State has not met or made significant progress toward meeting the performance targets of the State established by the plan of the State under paragraph (1) for a fiscal year, the State shall obligate for the subsequent fiscal year for construction of the Appalachian development highway system within the State an amount equal to at least 105 percent of the amount of funds the State received for the Appalachian development highway system for fiscal year 2009.

''(3) ACCESS ROADS.—Funds obligated under subsection (c)(1) shall be available to construct highways and access roads in accordance with section 1116 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1177).''.

SA 1756. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 1, strike line 4 and all that follows through the end of the bill and, at the appropriate place, insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Transportation Empowerment Act''.

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

Sec. 1. Short title; table of contents.
Sec. 2. Findings and purposes.
Sec. 3. Limitation on expenditures.

Sec. 3. Funding for core highway programs.
Sec. 4. Infrastructure Special Assistance Fund.
Sec. 5. Return of excess tax receipts to States.
Sec. 6. Reduction in taxes on gasoline, diesel fuel, kerosene, and special fuels funding Highway Trust Fund.
Sec. 7. Report to Congress.
Sec. 8. Effective date contingent on certification of deficit neutrality.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) the objective of the Federal highway program has been to facilitate the construction of a modern freeway system that promotes efficient interstate commerce by connecting all States;

(2) that objective has been attained, and the Interstate System connecting all States is near completion;

(3) each State has the responsibility of providing an efficient transportation network for the residents of the State;

(4) each State has the means to build and operate a network of transportation systems, including highways, that best serves the needs of the State;

(5) each State is best capable of determining the needs of the State and acting on those needs;

(6) the Federal role in highway transportation has, over time, usurped the role of the States by taxing motor fuels used in the States and then distributing the proceeds to the States based on the Federal Government's perceptions of what is best for the States;

(7) the Federal Government has used the Federal motor fuels tax revenues to force all States to take actions that are not necessarily appropriate for individual States;

(8) the Federal distribution, review, and enforcement process wastes billions of dollars on unproductive activities;

(9) Federal mandates that apply uniformly to all 50 States, regardless of the different circumstances of the States, cause the States to waste billions of hard-earned tax dollars on projects, programs, and activities that the States would not otherwise undertake; and

(10) Congress has expressed a strong interest in reducing the role of the Federal Government by allowing each State to manage its own affairs.

(b) PURPOSES.—The purposes of this Act are—

(1) to return to the individual States maximum discretionary authority and fiscal responsibility for all elements of the national surface transportation systems that are not within the direct purview of the Federal Government;

(2) to preserve Federal responsibility for the Dwight D. Eisenhower National System of Interstate and Defense Highways;

(3) to preserve the responsibility of the Department of Transportation for—

(A) design, construction, and preservation of transportation facilities on Federal public land;

(B) national programs of transportation research and development and transportation safety; and

(C) emergency assistance to the States in response to natural disasters;

(4) to eliminate to the maximum extent practicable Federal obstacles to the ability of each State to apply innovative solutions to the financing, design, construction, operation, and preservation of Federal and State transportation facilities; and

(5) with respect to transportation activities carried out by States, local governments, and the private sector, to encourage—

(A) competition among States, local governments, and the private sector; and

(B) innovation, energy efficiency, private sector participation, and productivity.

SEC. 3. LIMITATION ON EXPENDITURES.

Notwithstanding any other provision of law, if the Secretary of Transportation determines for any fiscal year that the aggregate amount required to carry out transportation programs and projects under this Act and amendments made by this Act exceeds the estimated aggregate amount in the Highway Trust Fund available for those programs and projects for the fiscal year, each amount made available for such a program or project shall be reduced by the pro rata percentage required to reduce the aggregate amount required to carry out those programs and projects to an amount equal to that available for those programs and projects in the Highway Trust Fund for the fiscal year.

SEC. 4. FUNDING FOR CORE HIGHWAY PROGRAMS.

(a) IN GENERAL.—

(1) FUNDING.—For the purpose of carrying out title 23, United States Code, the following sums are authorized to be appropriated out of the Highway Trust Fund:

(A) INTERSTATE MAINTENANCE PROGRAM.—For the Interstate maintenance program under section 119 of title 23, United States Code, $5,200,000,000 for fiscal year 2014, $5,280,000,000 for fiscal year 2015, $5,360,000,000 for fiscal year 2016, $5,440,000,000 for fiscal year 2017, and $5,520,000,000 for fiscal year 2018.

(B) EMERGENCY RELIEF.—For emergency relief under section 125 of that title, $100,000,000 for each of fiscal years 2014 through 2018.

(C) INTERSTATE BRIDGE PROGRAM.—For the Interstate bridge program under section 144 of that title, $2,527,000,000 for fiscal year 2014, $2,597,000,000 for fiscal year 2015, $2,667,000,000 for fiscal year 2016, $2,737,000,000 for fiscal year 2017, and $2,807,000,000 for fiscal year 2018.

(D) FEDERAL LANDS HIGHWAYS PROGRAM.—

(i) INDIAN RESERVATION ROADS.—For Indian reservation roads under section 204 of that title, $470,000,000 for fiscal year 2014, $510,000,000 for fiscal year 2015, $550,000,000 for fiscal year 2016, $590,000,000 for fiscal year 2017, and $630,000,000 for fiscal year 2018.

(ii) PUBLIC LANDS HIGHWAYS.—For public lands highways under section 204 of that title, $300,000,000 for fiscal year 2014, $310,000,000 for fiscal year 2015, $320,000,000 for fiscal year 2016, $330,000,000 for fiscal year 2017, and $340,000,000 for fiscal year 2018.

(iii) PARKWAYS AND PARK ROADS.—For parkways and park roads under section 204 of that title, $255,000,000 for fiscal year 2014, $270,000,000 for fiscal year 2015, $285,000,000 for fiscal year 2016, $300,000,000 for fiscal year 2017, and $315,000,000 for fiscal year 2018.

(iv) REFUGE ROADS.—For refuge roads under section 204 of that title, $32,000,000 for each of fiscal years 2014 through 2018.

(E) HIGHWAY SAFETY PROGRAMS.—

(i) IN GENERAL.—For highway safety programs under section 402 of that title, $170,000,000 for each of fiscal years 2014 through 2018.

(ii) HIGHWAY SAFETY RESEARCH AND DEVELOPMENT.—For highway safety research and development under section 403 of that title, $35,000,000 for each of fiscal years 2014 through 2018.

(F) SURFACE TRANSPORTATION RESEARCH.—For cooperative agreements with nonprofit research organizations to carry out applied pavement research under section 502 of that title, $200,000,000 for each of fiscal years 2014 through 2018.

(G) ADMINISTRATIVE EXPENSES.—For administrative expenses incurred in carrying out the programs referred to in subparagraphs (A) through (F), $92,890,000 for fiscal year 2014, $95,040,000 for fiscal year 2015, $97,190,000 for fiscal year 2016, $99,340,000 for fiscal year 2017, and $101,490,000 for fiscal year 2018.

(2) TRANSFERABILITY OF FUNDS.—Section 104 of title 23, United States Code, is amended by striking subsection (g) and inserting the following:

''(g) TRANSFERABILITY OF FUNDS.—

''(1) IN GENERAL.—To the extent that a State determines that funds made available under this title to the State for a purpose are in excess of the needs of the State for that purpose, the State may transfer the excess funds to, and use the excess funds for, any surface transportation (including mass transit and rail) purpose in the State.

''(2) ENFORCEMENT.—If the Secretary determines that a State has transferred funds under paragraph (1) to a purpose that is not a surface transportation purpose as described in paragraph (1), the amount of the improperly transferred funds shall be deducted from any amount the State would otherwise receive from the Highway Trust Fund for the fiscal year that begins after the date of the determination.''.

(3) FEDERAL-AID SYSTEM.—Section 103(a) of title 23, United States Code, is amended by striking ''systems are the Interstate System and the National Highway System'' and inserting ''system is the Interstate System''.

(4) INTERSTATE MAINTENANCE PROGRAM.—Section 104(b) of title 23, United States Code, is amended by striking paragraph (4) and inserting the following:

''(4) INTERSTATE MAINTENANCE COMPONENT.—For each of fiscal years 2014 through 2018, for the Interstate maintenance program under section 119, 1 percent to the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands and the remaining 99 percent apportioned as follows:

''(A)(i) For each State with an average population density of 20 persons or fewer per square mile, and each State with a population of 1,500,000 persons or fewer and with a land area of 10,000 square miles or less, the greater of—

''(I) a percentage share of apportionments equal to the percentage for the State described in clause (ii); or

''(II) a share determined under subparagraph (B).

''(ii) The percentage referred to in clause (i)(I) for a State for a fiscal year shall be the percentage calculated for the State for fiscal year 2009 under section 105(b) of title 23, United States Code.

''(B) For each State not described in subparagraph (A), a share of the apportionments remaining determined in accordance with the following formula:

''(i) ⅓ in the ratio that the total rural lane miles in each State bears to the total rural lane miles in all States with an average population density greater than 20 persons per square mile and all States with a population of more than 1,500,000 persons and with a land area of more than 10,000 square miles.

''(ii) ⅓ in the ratio that the total rural vehicle miles traveled in each State bears to the total rural vehicle miles traveled in all States described in clause (i).

''(iii) ⅔ in the ratio that the total urban lane miles in each State bears to the total urban lane miles in all States described in clause (i).

''(iv) ⅔ in the ratio that the total urban vehicle miles traveled in each State bears to the total urban vehicle miles traveled in all States described in clause (i).

''(v) 3/9 in the ratio that the total diesel fuel used in each State bears to the total diesel fuel used in all States described in clause (i).''.

(5) INTERSTATE BRIDGE PROGRAM.—Section 144 of title 23, United States Code, is amended—

(A) in subsection (d)—

(i) by inserting ''on the Federal-aid system or described in subsection (c)(3)'' after ''highway bridge'' each place it appears; and

(ii) by inserting ''on the Federal-aid system or described in subsection (c)(3)'' after ''highway bridges'' each place it appears;

(B) in the second sentence of subsection (e)—

(i) in paragraph (1), by adding ''and'' at the end;

(ii) in paragraph (2), by striking the comma at the end and inserting a period; and

(iii) by striking paragraphs (3) and (4);

(C) in the first sentence of subsection (k), by inserting ''on the Federal-aid system or described in subsection (c)(3)'' after ''any bridge'';

(D) in subsection (l)(1), by inserting ''on the Federal-aid system or described in subsection (c)(3)'' after ''construct any bridge''; and

(E) in the first sentence of subsection (m), by inserting ''for each of fiscal years 1991 through 2013,'' after ''of law,''.

(6) NATIONAL DEFENSE HIGHWAYS.—Section 311 of title 23, United States Code, is amended—

(A) in the first sentence, by striking ''under subsection (a) of section 104 of this title'' and inserting ''to carry out this section''; and

(B) by striking the second sentence.

(7) FEDERALIZATION AND DEFEDERALIZATION OF PROJECTS.—Notwithstanding any other provision of law, beginning on October 1, 2013—

(A) a highway construction or improvement project shall not be considered to be a Federal highway construction or improvement project unless and until a State expends Federal funds for the construction portion of the project;

(B) a highway construction or improvement project shall not be considered to be a Federal highway construction or improvement project solely by reason of the expenditure of Federal funds by a State before the construction phase of the project to pay expenses relating to the project, including for any environmental document or design work required for the project; and

(C)(i) a State may, after having used Federal funds to pay all or a portion of the costs of a highway construction or improvement project, reimburse the Federal Government in an amount equal to the amount of Federal funds so expended; and

(ii) after completion of a reimbursement described in clause (i), a highway construction or improvement project described in that clause shall no longer be considered to be a Federal highway construction or improvement project.

(8) REPORTING REQUIREMENTS.—No reporting requirement, other than a reporting requirement in effect as of the date of enactment of this Act, shall apply on or after October 1, 2013, to the use of Federal funds for highway projects by a public-private partnership.

(b) EXPENDITURES FROM HIGHWAY TRUST FUND.—

(1) EXPENDITURES FOR CORE PROGRAMS.—Section 9503(c) of the Internal Revenue Code of 1986 is amended—

(A) in paragraph (1), by striking ''Surface Transportation Extension Act of 2011, Part II'' and inserting ''Transportation Empowerment Act'';

(B) in paragraph (1), by striking ''April 1, 2012'' and inserting ''October 1, 2018'';

(C) in paragraphs (3)(A)(i), (4)(A), and (5), by striking ''April 1, 2012'' each place it appears and inserting ''October 1, 2020''; and

(D) in paragraph (2), by striking ''January 1, 2013'' and inserting ''July 1, 2021''.

(2) AMOUNTS AVAILABLE FOR CORE PROGRAM EXPENDITURES.—Section 9503 of such Code is amended by adding at the end the following:

''(g) CORE PROGRAMS FINANCING RATE.—For purposes of this section—

''(1) IN GENERAL.—Except as provided in paragraph (2)—

''(A) in the case of gasoline and special motor fuels the tax rate of which is the rate specified in section 4081(a)(2)(A)(i), the core programs financing rate is—

''(i) after September 30, 2013, and before October 1, 2014, 18.3 cents per gallon,

''(ii) after September 30, 2014, and before October 1, 2015, 9.6 cents per gallon,

''(iii) after September 30, 2015, and before October 1, 2016, 6.4 cents per gallon,

''(iv) after September 30, 2016, and before October 1, 2017, 5.0 cents per gallon, and

''(v) after September 30, 2017, 3.7 cents per gallon, and

''(B) in the case of kerosene, diesel fuel, and special motor fuels the tax rate of which is the rate specified in section 4081(a)(2)(A)(iii), the core programs financing rate is—

''(i) after September 30, 2013, and before October 1, 2014, 24.3 cents per gallon,

''(ii) after September 30, 2014, and before October 1, 2015, 12.7 cents per gallon,

''(iii) after September 30, 2015, and before October 1, 2016, 8.5 cents per gallon,

''(iv) after September 30, 2016, and before October 1, 2017, 6.6 cents per gallon, and

''(v) after September 30, 2017, 5.0 cents per gallon.

''(2) APPLICATION OF RATE.—In the case of fuels used as described in paragraph (3)(C), (4)(B), and (5) of subsection (c), the core programs financing rate is zero.''.

(c) TERMINATION OF TRANSFERS TO MASS TRANSIT ACCOUNT.—Section 9503(e)(2) of the Internal Revenue Code of 1986 is amended by inserting '', and before October 1, 2013'' after ''March 31, 1983''.

(d) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section take effect on October 1, 2013.

(2) CERTAIN EXTENSIONS.—The amendments made by subsection (b)(1) shall take effect on April 1, 2012.

SEC. 5. INFRASTRUCTURE SPECIAL ASSISTANCE FUND.

(a) BALANCE OF CORE PROGRAMS FINANCING RATE DEPOSITED IN FUND.—Section 9503 of the Internal Revenue Code of 1986 is amended by adding at the end the following:

''(h) ESTABLISHMENT OF INFRASTRUCTURE SPECIAL ASSISTANCE FUND.—

''(1) CREATION OF FUND.—There is established in the Highway Trust Fund a separate fund to be known as the 'Infrastructure Special Assistance Fund' consisting of such amounts as may be transferred or credited to the Infrastructure Special Assistance Fund as provided in this subsection or section 9602(b).

''(2) TRANSFERS TO INFRASTRUCTURE SPECIAL ASSISTANCE FUND.—On the first day of each fiscal year, the Secretary, in consultation with the Secretary of Transportation, shall determine the excess (if any) of—

''(A) the sum of—

''(i) the amounts appropriated in such fiscal year to the Highway Trust Fund under subsection (b) which are attributable to the core programs financing rate for such year, plus

''(ii) the amounts appropriated in such fiscal year to the Highway Trust Fund under subsection (b) which are attributable to taxes under sections 4051, 4071, and 4481 for such year, over

''(B) the amount appropriated under subsection (c) for such fiscal year,

and shall transfer such excess to the Infrastructure Special Assistance Fund.

''(3) EXPENDITURES FROM INFRASTRUCTURE SPECIAL ASSISTANCE FUND.—

''(A) TRANSITIONAL ASSISTANCE.—

''(i) IN GENERAL.—Except as provided in clause (iii), during fiscal years 2014 through 2017, $1,000,000,000 in the Infrastructure Special Assistance Fund shall be available to States for transportation-related program expenditures.

''(ii) STATE SHARE.—Each State is entitled to a share of the amount specified in clause (i) determined in the following manner:

''(I) Multiply the percentage of the amounts appropriated in the latest fiscal year for which such data are available to the Highway Trust Fund under subsection (b) which is attributable to taxes paid by highway users in the State, by the amount specified in clause (i). If the result does not exceed $15,000,000, the State's share equals $15,000,000. If the result exceeds $15,000,000, the State's share is determined under subclause (II).

''(II) Multiply the percentage determined under subclause (I), by the amount specified in clause (i) reduced by an amount equal to $15,000,000 times the number of States the share of which is determined under subclause (I).

''(iii) DISTRIBUTION OF REMAINING AMOUNT.—If after September 30, 2017, a portion of the amount specified in clause (i) remains, the Secretary, in consultation with the Secretary of Transportation, shall, on October 1, 2017, apportion the portion among the States using the percentages determined under clause (ii)(I) for such States.

''(B) ADDITIONAL EXPENDITURES FROM FUND.—

''(i) IN GENERAL.—Amounts in the Infrastructure Special Assistance Fund, in excess of the amount specified in subparagraph (A)(i), shall be available, as provided by appropriation Acts, to the States for any surface transportation (including mass transit and rail) purpose in such States, and the Secretary shall apportion such excess amounts among all States using the percentages determined under clause (ii)(I) for such States.

''(ii) ENFORCEMENT.—If the Secretary determines that a State has used amounts under clause (i) for a purpose which is not a surface transportation purpose as described in clause (i), the improperly used amounts shall be deducted from any amount the State would otherwise receive from the Highway Trust Fund for the fiscal year which begins after the date of the determination.''.

(b) EFFECTIVE DATE.—The amendment made by this section takes effect on October 1, 2013.

SEC. 6. RETURN OF EXCESS TAX RECEIPTS TO STATES.

(a) IN GENERAL.—Section 9503(c) of the Internal Revenue Code of 1986 is amended by adding at the end the following:

''(6) RETURN OF EXCESS TAX RECEIPTS TO STATES FOR SURFACE TRANSPORTATION PURPOSES.—

''(A) IN GENERAL.—On the first day of each of fiscal years 2014, 2015, 2016, and 2017, the Secretary, in consultation with the Secretary of Transportation, shall—

''(i) determine the excess (if any) of—

''(I) the amounts appropriated in such fiscal year to the Highway Trust Fund under subsection (b) which are attributable to the taxes described in paragraphs (1) and (2) thereof (after the application of paragraph (4) thereof) over the sum of—

''(II) the amounts so appropriated which are equivalent to—

''(aa) such amounts attributable to the core programs financing rate for such year, plus

''(bb) the taxes described in paragraphs (3)(C), (4)(B), and (5) of subsection (c), and

''(ii) allocate the amount determined under clause (i) among the States (as defined in section 101(a) of title 23, United States Code) for surface transportation (including mass transit and rail) purposes so that—

''(I) the percentage of that amount allocated to each State, is equal to

''(II) the percentage of the amount determined under clause (i)(I) paid into the Highway Trust Fund in the latest fiscal year for which such data are available which is attributable to highway users in the State.

''(B) ENFORCEMENT.—If the Secretary determines that a State has used amounts under subparagraph (A) for a purpose which is not a surface transportation purpose as described in subparagraph (A), the improperly used amounts shall be deducted from any amount the State would otherwise receive from the Highway Trust Fund for the fiscal year which begins after the date of the determination.''.

(b) EFFECTIVE DATE.—The amendment made by this section takes effect on October 1, 2013.

SEC. 7. REDUCTION IN TAXES ON GASOLINE, DIESEL FUEL, KEROSENE, AND SPECIAL FUELS FUNDING HIGHWAY TRUST FUND.

(a) REDUCTION IN TAX RATE.—

(1) IN GENERAL.—Section 4081(a)(2)(A) of the Internal Revenue Code of 1986 is amended—

(A) in clause (i), by striking ''18.3 cents'' and inserting ''3.7 cents''; and

(B) in clause (iii), by striking ''24.3 cents'' and inserting ''5.0 cents''.

(2) CONFORMING AMENDMENTS.—

(A) Section 4081(a)(2)(D) of such Code is amended—

(i) by striking ''19.7 cents'' and inserting ''4.1 cents'', and

(ii) by striking ''24.3 cents'' and inserting ''5.0 cents''.

(B) Section 6427(b)(2)(A) of such Code is amended by striking ''7.4 cents'' and inserting ''1.5 cents''.

(b) ADDITIONAL CONFORMING AMENDMENTS.—

(1) Section 4041(a)(1)(C)(iii)(I) of the Internal Revenue Code of 1986 is amended by striking ''7.3 cents per gallon (4.3 cents per gallon after March 31, 2012)'' and inserting ''1.4 cents per gallon (zero after September 30, 2020)''.

(2) Section 4041(a)(2)(B)(ii) of such Code is amended by striking ''24.3 cents'' and inserting ''5.0 cents''.

(3) Section 4041(a)(3)(A) of such Code is amended by striking ''18.3 cents'' and inserting ''3.7 cents''.

(4) Section 4041(m)(1) of such Code is amended—

(A) in subparagraph (A), by striking ''April 1, 2012'' and inserting ''October 1, 2020,'';

(B) in subparagraph (A)(i), by striking ''9.15 cents'' and inserting ''1.8 cents'';

(C) in subparagraph (A)(ii), by striking ''11.3 cents'' and inserting ''2.3 cents''; and

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

''(B) zero after September 30, 2020.''.

(5) Section 4081(d)(1) of such Code is amended by striking ''4.3 cents per gallon after March 31, 2012'' and inserting ''zero after September 30, 2020''.

(6) Section 9503(b) of such Code is amended—

(A) in paragraphs (1) and (2), by striking ''April 1, 2012'' both places it appears and inserting ''October 1, 2020'';

(B) in the heading of paragraph (2), by striking ''APRIL 1, 2012'' and inserting ''OCTOBER 1, 2020'';

(C) in paragraph (2), by striking ''after March 31, 2012, and before January 1, 2013'' and inserting ''after September 30, 2020, and before July 1, 2021''; and

(D) in paragraph (6)(B), by striking ''April 1, 2012'' and inserting ''October 1, 2018''.

(c) FLOOR STOCK REFUNDS.—

(1) IN GENERAL.—If—

(A) before October 1, 2017, tax has been imposed under section 4081 of the Internal Revenue Code of 1986 on any liquid; and

(B) on such date such liquid is held by a dealer and has not been used and is intended for sale;

there shall be credited or refunded (without interest) to the person who paid such tax (in this subsection referred to as the ''taxpayer'') an amount equal to the excess of the tax paid by the taxpayer over the amount of such tax which would be imposed on such liquid had the taxable event occurred on such date.

(2) TIME FOR FILING CLAIMS.—No credit or refund shall be allowed or made under this subsection unless—

(A) claim therefor is filed with the Secretary of the Treasury before April 1, 2018; and

(B) in any case where liquid is held by a dealer (other than the taxpayer) on October 1, 2017—

(i) the dealer submits a request for refund or credit to the taxpayer before January 1, 2018; and

(ii) the taxpayer has repaid or agreed to repay the amount so claimed to such dealer or has obtained the written consent of such dealer to the allowance of the credit or the making of the refund.

(3) EXCEPTION FOR FUEL HELD IN RETAIL STOCKS.—No credit or refund shall be allowed under this subsection with respect to any liquid in retail stocks held at the place where intended to be sold at retail.

(4) DEFINITIONS.—For purposes of this subsection, the terms ''dealer'' and ''held by a dealer'' have the respective meanings given to such terms by section 6412 of such Code; except that the term ''dealer'' includes a producer.

(5) CERTAIN RULES TO APPLY.—Rules similar to the rules of subsections (b) and (c) of section 6412 and sections 6206 and 6675 of such Code shall apply for purposes of this subsection.

(d) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to fuel removed after September 30, 2017.

(2) CERTAIN CONFORMING AMENDMENTS.—The amendments made by subsections (b)(1), (b)(4), (b)(5), and (b)(6) shall apply to fuel removed after September 30, 2011.

SEC. 8. REPORT TO CONGRESS.

Not later than 180 days after the date of enactment of this Act, after consultation with the appropriate committees of Congress, the Secretary of Transportation shall submit a report to Congress describing such technical and conforming amendments to titles 23 and 49, United States Code, and such technical and conforming amendments to other laws, as are necessary to bring those titles and other laws into conformity with the policy embodied in this Act and the amendments made by this Act.

SEC. 9. EFFECTIVE DATE CONTINGENT ON CERTIFICATION OF DEFICIT NEUTRALITY.

(a) PURPOSE.—The purpose of this section is to ensure that—

(1) this Act will become effective only if the Director of the Office of Management and Budget certifies that this Act is deficit neutral;

(2) discretionary spending limits are reduced to capture the savings realized in devolving transportation functions to the State level pursuant to this Act; and

(3) the tax reduction made by this Act is not scored under pay-as-you-go and does not inadvertently trigger a sequestration.

(b) EFFECTIVE DATE CONTINGENCY.—Notwithstanding any other provision of this Act, this Act and the amendments made by this Act shall take effect only if—

(1) the Director of the Office of Management and Budget (referred to in this section as the ''Director'') submits the report as required in subsection (c); and

(2) the report contains a certification by the Director that, based on the required estimates, the reduction in discretionary outlays resulting from the reduction in contract authority is at least as great as the reduction in revenues for each fiscal year through fiscal year 2018.

(c) OMB ESTIMATES AND REPORT.—

(1) REQUIREMENTS.—Not later than 5 calendar days after the date of enactment of this Act, the Director shall—

(A) estimate the net change in revenues resulting from this Act for each fiscal year through fiscal year 2018;

(B) estimate the net change in discretionary outlays resulting from the reduction in contract authority under this Act for each fiscal year through fiscal year 2018;

(C) determine, based on those estimates, whether the reduction in discretionary outlays is at least as great as the reduction in revenues for each fiscal year through fiscal year 2018; and

(D) submit to Congress a report setting forth the estimates and determination.

(2) APPLICABLE ASSUMPTIONS AND GUIDELINES.—

(A) REVENUE ESTIMATES.—The revenue estimates required under paragraph (1)(A) shall be predicated on the same economic and technical assumptions and scorekeeping guidelines that would be used for estimates made pursuant to section 252(d) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 902(d)).

(B) OUTLAY ESTIMATES.—The outlay estimates required under paragraph (1)(B) shall be determined by comparing the level of discretionary outlays resulting from this Act with the corresponding level of discretionary outlays projected in the baseline under section 257 of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 907).

(d) CONFORMING ADJUSTMENT TO DISCRETIONARY SPENDING LIMITS.—On compliance with the requirements specified in subsection (b), the Director shall adjust the adjusted discretionary spending limits for each fiscal year through fiscal year 2013 under section 601(a)(2) of the Congressional Budget Act of 1974 (2 U.S.C. 665(a)(2)) by the estimated reductions in discretionary outlays under subsection (c)(1)(B).

(e) PAYGO INTERACTION.—On compliance with the requirements specified in subsection (b), no changes in revenues estimated to result from the enactment of this Act shall be counted for the purposes of section 252(d) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 902(d)).

NOTICE OF INTENT TO SUSPEND THE RULES

Mr. COBURN. Mr. President, I submit the following notice in writing: In accordance with Rule V of the Standing Rules of the Senate, I hereby give

notice in writing that it is my intention to offer an amendment to the Standing Rules of the Senate, by proposing Amendment No. 1737 to S. 1813.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FOREIGN RELATIONS

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on February 29, 2012, at 11 a.m., to hold a briefing entitled, ''Update on the Crisis in Syria.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet, during the session of the Senate, to conduct a hearing entitled ''Dental Crisis in America: The Need to Expand Access'' on February 29, 2012, at 10 a.m., in room 430 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate, on February 29, 2012, at 10 a.m., in room SD–226 of the Dirksen Senate Office Building, to conduct a hearing entitled ''The Due Process Guarantee Act: Banning Indefinite Detention of Americans.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session on February 29, 2012, 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.

COMMITTEE ON VETERANS' AFFAIRS

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session on February 29, 2012. The Committee will meet in room 418 of the Senate Russell Office Building beginning at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. REID. Mr. President, I ask consent that floor privileges be granted to Andy Remo and Jesse Haladay, two of Senator CARDIN's legislative staff members, during today's session of the Senate.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the following staff of the Finance Committee be allowed on the Senate floor for the duration of the debate on S. 1813: Johannes Echeverri, Whitney Lott, Samson Chen, Edward Torres, Derrick Riggins, Elizabeth Samson, Amanda Summers, and Danielle Dellerson.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRANSPORTATION BILL

Mr. REID. Mr. President, before I start the closing script, I want it to be spread on the record that we have tried all day to come up with an agreement to move forward on this legislation, and we have been unsuccessful.

This is a piece of legislation that is as bipartisan as is humanly possible. We have one of the most progressive Members of the Senate, Senator BOXER, and one of the most conservative Members of the Senate, JIM INHOFE, who are cosponsoring this legislation. It is a piece of legislation that continues the highway program, the surface transportation program. It is so needed.

Yesterday, I had the director of the department of transportation in Nevada, Susan Martinavich, come in. I am confident that most Senators have had someone from their States here and had a conference. It will bring construction in Nevada to a standstill on our highways and bridges and some of the mass transit programs if we don't move forward. But we can't even get on the bill.

I have agreed to do this unrelated amendment. My caucus agreed we will do these. We don't want to; they are not productive. They are message amendments, and they are not germane or relevant. But we will do a limited number of these bad amendments. There have been over 100 of them filed.

I am at a loss for words as to what the Republicans expect me to do—stand around for another week and look at each other?

We started moving to this bill on February 7. The amendment we are going to vote on tomorrow, out of nowhere, on a transportation bill, is dealing with contraception. We have agreed to have votes on it. They will not let us have votes. Yesterday, I had to bring up a Republican amendment they didn't even bother to file. They just wanted to talk about it and hold press conferences on the issue.

Unless something changes, I am going to have to file cloture on this bill, and we are going to have to find out if the Republicans really want destruction all across the 50 States and have another hit to our economy by not doing highway construction, especially as the weather is getting better. In the Presiding Officer's State of Oregon, which is just like Nevada, where unemployment has not been good, a lot can go on. I have no alternative but to file cloture to stop the filibuster. It is one of these roving filibusters where all these phantom people will not let us move forward on this legislation.

I am almost embarrassed to be saying this in front of the Presiding Officer. I say that because at the beginning of the year the Presiding Officer, along with the junior Senator from New Mexico, thought maybe we should change how this place operates. A number of us, in good conscience, believed the few changes we had made would be sufficient to establish a better working situation. It hasn't been better. In fact, I am sorry to say, it is worse.

So we are going to—unless something happens—have a vote tomorrow. Can you imagine, I created a vote because they would not allow us to have a vote? So I don't see what choice I have.

ORDERS FOR THURSDAY, MARCH 1, 2012

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, the Senate adjourn until Thursday, March 1, at 9:30 a.m.; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day; that following any leader remarks, the Senate resume consideration of S. 1813, the surface transportation bill, with the time until 11 a.m. equally divided and controlled between the two leaders or their designees; that at 11 a.m. the Senate proceed to vote in relation to the Blunt amendment No. 1520; and that all provisions under the previous order remain in effect.

I am going to say this now—I will ask consent in the morning, Mr. President—I want to have the full hour and a half to have this matter debated. We will come in tomorrow at 9:30, so there will be an hour and a half. I want to make sure we have that full time. So I will ask unanimous consent that the statements of Senator MCCONNELL and myself not count against the hour and a half, but I will do that tomorrow.

I now ask the Chair to approve my earlier request.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. REID. Mr. President, at 11 a.m. tomorrow the Senate will proceed to vote in relation to the Blunt amendment No. 1520 on contraception and health care. Tomorrow we will continue to work on a path forward on the Transportation bill, as I have outlined previously.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 6:56 p.m., adjourned until Thursday, March 1, 2012, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate:

THE JUDICIARY

JOHN E. DOWDELL, OF OKLAHOMA, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF OKLAHOMA, VICE TERRY C. KERN, RETIRED.

BRIAN J. DAVIS, OF FLORIDA, TO BE UNITED STATES DISTRICT JUDGE FOR THE MIDDLE DISTRICT OF FLORIDA, VICE RICHARD A. LAZZARA, RETIRED.

FOREIGN SERVICE

THE FOLLOWING-NAMED PERSONS OF THE DEPARTMENT OF STATE FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF THE CLASSES STATED.

FOR APPOINTMENT AS FOREIGN SERVICE OFFICER OF CLASS FOUR, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA,

KATHRYN E. ABATE, OF NEW JERSEY
JANICE ANDERSON, OF CALIFORNIA
JOSEPH GEORGE BERGEN, OF VIRGINIA
DARREN PAUL BOLOGNA, OF FLORIDA
PETER BROADBENT, OF TEXAS
JACOB KYUNG-HWOON CHOI, OF UTAH
SUNG W. CHOI, OF THE DISTRICT OF COLUMBIA
DONALD R. COLEMAN, OF CALIFORNIA
LAURA SUSAN CONAWAY, OF FLORIDA
CYNTHIA LAUREN COOK, OF THE DISTRICT OF COLUMBIA
MARJORIE M. CORLETT, OF FLORIDA
ETHAN K. CURBOW, OF GEORGIA
BRIDGET M. DAVIS, OF NEW YORK
DUSTIN FRANCIS DEGRANDE, OF WISCONSIN
DAMON DUBORD, OF THE DISTRICT OF COLUMBIA
LUKE THOMAS DURKIN, OF ILLINOIS
TERESA FERGERSON, OF FLORIDA
RONALD A. FERRY, OF KENTUCKY
KELLY ELIZABETH FOLLIARD, OF FLORIDA
JEREMY J. FOWLER, OF MASSACHUSETTS
KIMBERLY R. FURNISH, OF FLORIDA
CHRISTINE I. GETZLER VAUGHAN, OF ARIZONA
CARISSA EILEEN GONZALEZ, OF TEXAS
JOHN CHARLES HEINBECK, OF MICHIGAN
ANDREA SMITH HILLYER, OF FLORIDA
WINIFRED L. HOFSTETTER, OF COLORADO
CHARLES PHILLIP HORNBOSTEL, OF VIRGINIA
SANDRA MARIE JACOBS, OF FLORIDA
JAMAL JOSEPH JAFARI, OF THE DISTRICT OF COLUMBIA
LOUISE A. JOHNSON, OF NEW HAMPSHIRE
JERRY KALARICKAL, OF TEXAS
ELIZABETH ANN KEENE, OF TEXAS
SYLBETH A. KENNEDY, OF CALIFORNIA
BROOKE G. KIDD, OF VIRGINIA
MARGARET GRACE MACLEOD, OF NEW YORK
KRISTINE ANN MARSH, OF NEW YORK
VALERIE J. MARTIN, OF CONNECTICUT
BEVERLY E. MATHER-MARCUS, OF CALIFORNIA
THERESA JEAN MATTHEWS, OF VIRGINIA
ANDREA LAUREN MCFEELY, OF KANSAS
MARK IAN MISHKIN, OF CALIFORNIA
LISA ANN MOOTY, OF GEORGIA
YOMARIS C. NUNEZ, OF NEW YORK
JAMES PATRICK O'BRIEN, OF VIRGINIA
ABRAM WIL PALEY, OF CONNECTICUT
PAUL A. PAVWOSKI, OF THE DISTRICT OF COLUMBIA
BENJAMIN JOSEPH PERACCHIO, OF NORTH CAROLINA
BRANDON POSSIN, OF FLORIDA
DELIA DAY QUICK, OF TEXAS
AMY J. REARDON, OF WASHINGTON
ALISSA MEREDITH REDMOND, OF THE DISTRICT OF COLUMBIA
RICHARD N. REILLY, OF FLORIDA
MARISSA K.E. ROLLENS, OF VIRGINIA
ROBERT A. ROMANOWSKI, OF GEORGIA
RYAN R. RUTA, OF TEXAS
BENJAMIN SAND, OF NEW YORK
MARIA W. SAND, OF NEW YORK
JAMES-MICHAEL SAXTON-RUIZ, OF VIRGINIA
SETH E. SCHLEICHER, OF VIRGINIA
JACOB TAYLOR SCHULTZ, OF FLORIDA
FRANK ERICK SELLIN, OF VIRGINIA
AMI U. SHAH, OF NEW JERSEY
ROSEMARIE SKELLY MENDOZA, OF VIRGINIA
SARA VELDHUIZEN STEALY, OF IOWA
INEKE MARGARET STONEHAM, OF THE DISTRICT OF COLUMBIA
NIKHIL P. SUDAME, OF CONNECTICUT
DINA LUCIA TAMBURRINO, OF FLORIDA
COLLEEN M. TRAUGHBER, OF MINNESOTA
NEAL W. TURNER, OF MAINE
MARY EUGENIA VARGAS, OF CALIFORNIA
MARLAN C. WALKER, OF UTAH
NICOLE D. WARIN, OF CALIFORNIA
BENJAMIN A. YATES, OF TEXAS
ZAINAB ZAID, OF MARYLAND
MATTHEW J. ZAMARY, OF VIRGINIA

THE FOLLOWING-NAMED MEMBERS OF THE FOREIGN SERVICE TO BE CONSULAR OFFICERS OR CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

TOLULOPE O. ABATAN, OF VIRGINIA
MICHAEL J. ABEL, OF VIRGINIA
WILLIAM BRADFORD ADAMS IV, OF VIRGINIA
CLARISSA ADAMSON, OF CALIFORNIA
INAKI ALANIS-CUE, OF THE DISTRICT OF COLUMBIA
AAMIR ALAVI, OF THE DISTRICT OF COLUMBIA
PEDRO R. ALICEA, OF VIRGINIA
JAMES THOMAS ALLMAN-GULINO, OF VIRGINIA
ZOHRA ATMAR, OF VIRGINIA
MICHAEL PERRY BALL, OF VIRGINIA
JOSEPH S. BARGHOUT, OF THE DISTRICT OF COLUMBIA
ZACHARY ISAAC BARTER, OF COLORADO
COLLEEN M. BARTLETT, OF MICHIGAN
STEPHEN C. BATES, OF VIRGINIA
AMY E. BENEDETTO, OF VIRGINIA
MEGAN B. BRADSHAW, OF VIRGINIA
NANCY J. BRANT, OF RHODE ISLAND
AARON S. BROWN, OF THE DISTRICT OF COLUMBIA
JASON F. BROWN, OF THE DISTRICT OF COLUMBIA
CYNTHIA ROCHELLE CAPLAN, OF CALIFORNIA
AMELIA CASTLEBERRY, OF ALABAMA
MICHAEL CHOI, OF VIRGINIA
KAREN CHU, OF VIRGINIA
ALYSSA L. CLAPP, OF FLORIDA
BRIDGET M. COONEY, OF VIRGINIA
CHERYL L. COWAN, OF ARKANSAS
MARY E. COWAN, OF VIRGINIA
BENJAMIN CROMBE, OF VIRGINIA
VANESSA R. DE BRUYN, OF WASHINGTON
DUSTIN DOCKIEWICZ, OF CALIFORNIA
AMANDA DORGAN, OF VIRGINIA
DAVID R. DUNN, OF VIRGINIA
ALEXANDER JAMES DUNOYE, OF THE DISTRICT OF COLUMBIA
JOSEPH R. DURAN, OF OKLAHOMA
HANNAH EAGLETON, OF MINNESOTA
DEKE K. EGGER, OF VIRGINIA
ERIK VOLKER ERNST EISELE, OF MARYLAND
GAVIN TOLLEFSEN ELLIOTT, OF CALIFORNIA
JASON A. FABBRICANTE, OF VIRGINIA
RAYNA K. FARNSWORTH, OF ARIZONA
BILAL FARUQI, OF NEW YORK
TANYA FRAIKIN, OF MARYLAND
HANNA Y. FREIJ, OF VIRGINIA
JOHN W. GAYLES, OF VIRGINIA
MEGAN F. GIBSON, OF VIRGINIA
CALEB JAMES GODDARD, OF CALIFORNIA
STEPHANIE P. GORMAN, OF VIRGINIA
CHRISTOPHER W. GREGG, OF VIRGINIA
THOMAS E. GRIFFITH, JR., OF VIRGINIA
ADAM B. HALL, OF VIRGINIA
WILLIAM C. HARFORD, OF VIRGINIA
ERIN G. HATHAWAY, OF VIRGINIA
THOMAS L. HAYES, OF TENNESSEE
AMY HEBERT, OF COLORADO
KENISE DANIELLE HILL, OF MICHIGAN
ANDREW WILLIAM HUDSON, OF FLORIDA
MATTHEW R. HUNT, OF VIRGINIA
GREGORY G. INDRISANO, OF VIRGINIA
JULIE GIBSON JAMIESON, OF VIRGINIA
KIMBERLEY A. JAMOUNEAU, OF VIRGINIA
MARK J. JAMOUNEAU, OF VIRGINIA
JAHAAN K. JOHNSON, OF THE DISTRICT OF COLUMBIA
PETER EDMOND JOHNSON, OF NEW YORK
KELLY G. JONES, OF VIRGINIA
BARRY H. JUNKER, OF CONNECTICUT
VAUGHN K. KASTEN, OF VIRGINIA
MAUREEN M. KENG, OF THE DISTRICT OF COLUMBIA
CHRIS S. KENNER, OF VIRGINIA
MICHAEL T. KENNEY, OF VIRGINIA
PHILIP D. KERNS, OF VIRGINIA
KENNETH KOSAKOWSKI, OF THE DISTRICT OF COLUMBIA
MATTHEW T. KOSTELNIK, OF VIRGINIA
THOMAS KURTZ, OF FLORIDA
MATTHEW H. KUSTEL, OF CALIFORNIA
SUN KWON, OF VIRGINIA
MARIA FUMIKO LAGHEZZA, OF VIRGINIA
FABIENNE A. LAUGHLIN, OF VIRGINIA
DOUGLAS A. LAUX, OF FLORIDA
JEREMY PAUL LITTLE, OF VIRGINIA
MEREDITH L. LYNCH, OF VIRGINIA
BRIAN A. MADDERN, OF VIRGINIA
LISA N. MADDOX, OF VIRGINIA
ELIZABETH A. MANAGAN, OF MARYLAND
MARY RODEGHIER MARTIN, OF ILLINOIS
MICHELLE LYNN-PAULIN MARTINEZ, OF VIRGINIA
AMELIA S. MATHIAS, OF VIRGINIA
JULIA MARIE MCCLENON, OF VIRGINIA
ROBERT M. MCDONALD, OF CALIFORNIA
TODD MICHAEL MCGEE, OF FLORIDA
ROSS A. MCKIM, OF MARYLAND
ARIADNE C. MEDLER, OF HAWAII
REAZ MEHDI, OF VIRGINIA
MATTHEW S. MELANSON, OF VIRGINIA
ELIZABETH POTTER MEYER, OF VIRGINIA
THERESA A. MEYER, OF TEXAS
JON E. ORTIZ, OF VIRGINIA
VINCE D. PEACOCK, OF VIRGINIA
DANIELLE PERRY, OF VIRGINIA
GREGORY PORTER, OF PENNSYLVANIA
ALISON C. RAFTER, OF VIRGINIA
MICHAEL ANDREW REED, OF VIRGINIA
PERLA J. ROFFE, OF VIRGINIA
GEORGE B. ROTHENBUESCHER, OF THE DISTRICT OF COLUMBIA
JOHN JACOB RUTHERFORD IV, OF CALIFORNIA
GEORGE SALAZAR, OF FLORIDA
BRADLEY S. SAUNDERS, OF VIRGINIA
JOZLYN J. SCHROEDER, OF VIRGINIA
PETER R. SCHROEDER, OF VIRGINIA
DIANNA SCHWEGMAN, OF OHIO
ALEXANDRA G. SHEMA, OF VIRGINIA
SHANE A. SIEGEL, OF NEW YORK
JOHN ALLAN SIMMONS, OF MISSOURI
JOSHUA AARON BLANC SMITH, OF CALIFORNIA
MICHAEL R. SMITH, OF NORTH CAROLINA
SYDNEY S. SMITH, OF MICHIGAN
GREGORY S. STAFF, OF VIRGINIA
J. WARREN STEMBRIDGE, OF VIRGINIA
JUSTIN M. STEVENS, OF VIRGINIA
NATALIA SUSAK, OF VIRGINIA
BENJAMIN ANDRI SWANSON, OF SOUTH DAKOTA
JOSEPH T. SWIECKI, OF VIRGINIA
JONATHAN E. TARTER, OF VIRGINIA
LAUREN A. TRINER, OF THE DISTRICT OF COLUMBIA
DUKE V. TRUONG, OF THE DISTRICT OF COLUMBIA
JOHAN VAN DER RENST, OF VIRGINIA
NHU VU, OF CALIFORNIA
AMANDA G. WALLIS, OF VIRGINIA
ADAM J. WEISE, OF WISCONSIN
ASHLEY M. WHITE, OF OHIO
LILLA A. WHITE, OF VIRGINIA
LINDSEY K. WHITEHEAD, OF FLORIDA
WILLIAM WHITWORTH, OF VIRGINIA
LINDA K. WILDE, OF MARYLAND
GARY T. WILLIAMS, OF VIRGINIA
DANIEL S. WONG, OF MARYLAND
SUSANNAH T. WOOD, OF NORTH CAROLINA
LAUREN WOODS, OF VIRGINIA
COURTNEY ERIN WRIGHT, OF VIRGINIA
TERRY W. WYRICK, OF VIRGINIA
J.B. YOUNG—ANGLIM, OF THE DISTRICT OF COLUMBIA
MATTHEW H. ZIEMS, OF ILLINOIS
YETTA JOY ZIOLKOWSKI, OF THE DISTRICT OF COLUMBIA

CONSULAR OFFICER OF THE UNITED STATES OF AMERICA:

LINDA SWARTZ TAGLIALATELA, OF VIRGINIA

THE FOLLOWING—NAMED CAREER MEMBER OF THE FOREIGN SERVICE OF THE DEPARTMENT OF STATE FOR PROMOTION INTO THE SENIOR FOREIGN SERVICE TO THE CLASS INDICATED, EFFECTIVE JANUARY 1, 2012:

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF COUNSELOR:

COLIN CLEARY, OF NEW YORK
MARIE CHRISTINE DAMOUR, OF NEW HAMPSHIRE
JOHN PAUL DESROCHER, OF THE DISTRICT OF COLUMBIA
MELISSA GARTH FORD, OF INDIANA
DAVID A. HODGE, OF TEXAS
RICHARD HOLTZAPPLE, OF CALIFORNIA
JAMES L. HUSKEY, OF MARYLAND
PAMELA J. MANSFIELD, OF CALIFORNIA
SHERRIE L. MARAFINO, OF VIRGINIA
FRANCISCO LUIS PALMIERI, OF CONNECTICUT
LYNNE G. PLATT, OF FLORIDA
LYNNE M. TRACY, OF OHIO
JONITA I. WHITAKER, OF CALIFORNIA

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, AND CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

JAMES E. BARCLAY, OF TEXAS
MARIAN J. COTTER, OF TEXAS
NAJIB MAHMOOD, OF VIRGINIA
TIMOTHY J. RILEY, OF GEORGIA

THE FOLLOWING—NAMED PERSONS OF THE DEPARTMENT OF AGRICULTURE FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF THE CLASSES STATED.

FOR APPOINTMENT AS FOREIGN SERVICE OFFICER OF CLASS THREE, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

MORGAN D. HAAS, OF MINNESOTA
STEPHEN L. WIXOM, OF IDAHO

THE FOLLOWING—NAMED PERSONS OF THE DEPARTMENT OF STATE FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF THE CLASSES STATED.

THE FOLLOWING—NAMED MEMBERS OF THE FOREIGN SERVICE TO BE CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

JEFFREY B. JUSTICE, OF NORTH CAROLINA
DONALD TOWNSEND, OF FLORIDA

THE FOLLOWING—NAMED CAREER MEMBER OF THE FOREIGN SERVICE OF THE DEPARTMENT OF STATE FOR PROMOTION INTO THE SENIOR FOREIGN SERVICE TO THE CLASS INDICATED:

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF COUNSELOR:

ENRIQUE G. ORTIZ, OF FLORIDA

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

SUBJECT TO QUALIFICATIONS PROVIDED BY LAW, THE FOLLOWING FOR TEMPORARY APPOINTMENT TO THE GRADE INDICATED IN THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION.

To be rear admiral (lower half)

DAVID A. SCORE

IN THE AIR FORCE

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12212:

To be brigadier general

COLONEL STEVEN M. BALSER
COLONEL MARK H. BERRY
COLONEL ROBERT C. BOLTON
COLONEL WALTER A. BRYAN, JR.
COLONEL GREGORY S. CHAMPAGNE
COLONEL SEAN T. COLLINS
COLONEL JOHN L. D'ERRICO
COLONEL DAWNE L. DESKINS
COLONEL SCOTT A. DOLD
COLONEL GARY L. EBBEN
COLONEL KENNETH L. GAMMON
COLONEL BRUCE R. GUERDAN
COLONEL LEONARD W. ISABELLE, JR.
COLONEL CLIFFORD W. LATTA, JR.

COLONEL PAUL C. MAAS, JR.
COLONEL EDWARD P. MAXWELL
COLONEL DAVID M. MCMINN
COLONEL THOMAS C. PATTON
COLONEL BRADEN K. SAKAI
COLONEL JANET I. SESSUMS
COLONEL PETER J. SIANA
COLONEL JEFFREY M. SILVER
COLONEL JAMES K. VOGEL
COLONEL SALLIE K. WORCESTER

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL IN THE UNITED STATES AIR FORCE WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. CLYDE D. MOORE II

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. ROBERT P. LENNOX

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral

REAR ADM. (LH) TERRY B. KRAFT

IN THE AIR FORCE

THE FOLLOWING NAMED INDIVIDUALS FOR APPOINTMENT TO THE GRADES INDICATED IN THE REGULAR AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531(A):

To be colonel

MATTHEW R. GEE

To be lieutenant colonel

VICTOR G. SOTO

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

ROBERT H. MCCARTHY III

THE FOLLOWING NAMED INDIVIDUAL FOR APPOINTMENT TO THE GRADE INDICATED IN THE REGULAR ARMY DENTAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be major

SHANE T. TAYLOR

THE FOLLOWING NAMED INDIVIDUALS FOR APPOINTMENT TO THE GRADES INDICATED IN THE REGULAR ARMY MEDICAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be lieutenant colonel

PATRICIA A. LOVELESS
MATTHEW R. PLYMYER

To be major

JEROME M. BENAVIDES

THE FOLLOWING NAMED INDIVIDUAL FOR APPOINTMENT TO THE GRADE INDICATED IN THE REGULAR ARMY MEDICAL SERVICE CORPS UNDER TITLE 10, U. S.C., SECTIONS 531 AND 3064:

To be major

ROBERT S. TAYLOR

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE GRADE INDICATED IN THE REGULAR ARMY UNDER TITLE 10, U.S.C., SECTION 531:

To be major

CASEY D. SHUFF

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

GUILLERMO A. NAVARRO

THE FOLLOWING NAMED INDIVIDUALS FOR APPOINTMENT TO THE GRADE INDICATED IN THE REGULAR NAVY UNDER TITLE 10, U.S.C., SECTION 531:

To be lieutenant commander

JAY R. FRIEDMAN
SONY C. MARKOSE
DONNA RAJA

THE FOLLOWING NAMED INDIVIDUAL FOR APPOINTMENT TO THE GRADE INDICATED IN THE REGULAR NAVY UNDER TITLE 10, U.S.C., SECTION 531:

To be lieutenant commander

STEVEN J. PORTER

EXTENSIONS OF REMARKS

HONORING THE RETIREMENT OF MR. WILMOT N. SUMMERALL III

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 29, 2012

Mr. MORAN. Mr. Speaker, I rise today to recognize and pay tribute to an outstanding public servant, Wilmot N. Summerall III, for his more than 33 years of service within the civilian leadership of the Department of Defense. It is my great pleasure to recognize his achievements and to thank him and his family for their service to the Navy and our nation.

Mr. Summerall began his public service as a mining engineer with the United States Geological Survey (USGS) and is concluding his career as Executive Director for the Combatants Office, Program Executive Office, Ships, where he oversees one of the most complex acquisition portfolios in the Navy—including more than $36 billion in new construction programs, encompassing $16 billion currently under contract and $20 billion in future programming. Highly respected throughout the DoD acquisition community for his unsurpassed knowledge, unwavering perseverance, and the courage of his convictions, he leaves a long and lasting legacy to our nation—both through his unparalleled contributions to the strength and flexibility of our Navy's surface forces and through the generation of professionals that he has mentored during his time in federal service.

Mr. Summerall has a long and distinguished career of innovative thinking and aggressive execution of shipbuilding programs across the entire spectrum of naval shipbuilding. Since joining the federal service in 1978, which includes becoming a member of the Senior Executive Service in 2004, he has held a variety of key leadership roles, including senior positions with the Naval Sea Systems Command and the office of the Assistant Secretary of the Navy for Financial Management and Comptroller. A visionary leader and revered expert in the field of defense acquisition, Mr. Summerall has led the Navy's surface combatant shipbuilding activities through some of the most challenging and dynamic times of our modern Navy—with vision, insight, and determination. Challenged to help build the Surface Fleet of the future in a profoundly austere fiscal environment, he has worked relentlessly to foster support and understanding for leading edge ship programs at the highest levels of the Navy, Defense, and Congress. He truly leads by example, consistently compelled to do the right thing on behalf of our nation's Sailors and Marines—America's sons and daughters—who serve on the products he has tirelessly supported. His efforts have helped result in a monumental leap forward in the strength and capability of the Navy's current and future Surface Fleet.

In 2004, Mr. Summerall joined the Program Executive Office, Ships, where he played a critical role in defining and fielding the Navy's future Surface Fleet. During his tenure and as a result of his sound stewardship, the Navy has commissioned 19 surface combatants into the Fleet, including the nation's first two Littoral Combat Ships; restarted production of the Arleigh Burke (DDG 51) Class guided missile destroyers; and begun design and construction of the Navy's next generation destroyer, the Zumwalt (DDG 1000) Class. In 2011 alone, he oversaw contract awards and options for an additional 26 ships, valued at $12 billion. He has consistently encouraged innovation while driving implementation of best practices across his programs, resulting in the introduction of hybrid electric drive, common class-wide acquisition management processes, bold changes to acquisition strategies, major increases in design maturity, more efficient work sequencing, increased competition and smart buying practices. At the heart of his efforts has been a relentless drive to improve the strength, capability, and flexibility of our operating forces at the best possible value to the American public.

Mr. Summerall's contributions to our nation extend far beyond his material achievements and programmatic accomplishments. His unique ability to recognize talent and to foster respect and camaraderie throughout the workforce has had an enormous influence on our nation's next generation acquisition professionals and will continue to steer the course of our Navy well into the future.

Throughout his distinguished federal service career, Mr. Summerall has been honored with numerous awards for his service, including the Meritorious Presidential Rank Award, the Department of Defense Value Engineering Award and the Department of the Navy Competition and Procurement Excellence Award.

Mr. Summerall's tireless leadership and lifelong commitment to the Navy's shipbuilding capability have earned him the deep respect of his peers and shipmates throughout the Navy acquisition and fleet support communities. It is, therefore, a pleasure to recognize him for his many contributions in a life devoted to our nation's security. I know my colleagues join me in wishing him and his wife Linda much happiness and fair winds and following seas as they begin a new chapter in their lives together.

PERSONAL EXPLANATION

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 29, 2012

Ms. LEE of California. Mr. Speaker, I was not present for roll call votes 74–79. Had I been able to vote, I would have voted no on H. Res. 563, yes on the Grijalva amendment to H.R. 2117, yes on the Bishop amendment to H.R. 2117, yes on the Polis amendment #5 to H.R. 2117, yes on the Democratic motion to recommit H.R. 2117 and no on final passage of H.R. 2117.

HONORING EDITH PITTENGER ON HER 100TH BIRTHDAY

HON. MIKE PENCE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 29, 2012

Mr. PENCE. Mr. Speaker, I rise to honor Edith Pittenger on the occasion of her 100th birthday.

Edith was born in Pendleton, Indiana, on February 24, 1912. She went on to attend Ball State University in 1929, and later earned her masters degree in 1961. Edith enjoyed a long and satisfying career in teaching, having held positions in both Pendleton and Muncie.

Edith is blessed with excellent health and is still able to drive. She is also a long-time member of St. Paul's United Methodist Church. She was married for 45 years and her loving family includes three children and a stepson, 10 grandchildren, 22 great-grandchildren, four great-great-grandchildren and another on the way.

As the Good Book says, "The elders [. . .] are worthy of double honor, especially those whose work is preaching and teaching." And so today I honor Edith Pittenger for her lifetime and service and wish her the best in the years to come.

HONORING CLAY COUNTY DETECTIVE DAVID WHITE

HON. CLIFF STEARNS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 29, 2012

Mr. STEARNS. Mr. Speaker, I rise today to recognize Clay County Detective David White who was killed in the line of duty on February 16, 2012 at age 35. Detective White and his partner, Detective Matt Hanlin, were in the process of breaking up a meth lab in Middleburg, Florida. Detective Hanlin was shot in the arm and is expected to recover. White is the first Clay County deputy shot on duty in nearly 40 years and the first killed in the line of duty since 1913. He is not only a hero as part of the Clay County Sheriff's Office, but also in his service as a specialist in the U.S. Army Reserve as a military police platoon team leader in deployments to Croatia, Bosnia and Iraq. He is survived by his wife and two children, ages 3 months and 2 years old; he and his family are in our prayers. David's life is a testament to the courage and sense of duty that men and women possess, who chose to dedicate their lives to defend us all. His tragic death is not in vain but a tribute to the highest ideals of self-sacrifice for freedom and justice. God Bless him.

PASSING OF ANTHONY SHADID

HON. DAN BOREN

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 29, 2012

Mr. BOREN. Mr. Speaker, last week the world lost an incredible journalist, and Oklahoma lost a son: Anthony Shadid. At the time of his death Anthony was covering the turmoil in Syria, despite the many attempts to limit media coverage of the violence. This attitude marked Anthony's entire career—he put the importance of sharing information before his personal safety. For 15 years, Anthony worked relentlessly to investigate and bring to light the events in the Middle East.

Anthony was a two-time Pulitzer Prize winner for his reporting on the US invasion of Iraq in 2004 and for the withdrawal of US troops six years later, but he transcended traditional reporting. He was unafraid as he pushed into the front lines, and he often faced dangerous situations head-on.

While Anthony Shadid will always be remembered for his courageous reporting, he also leaves behind a loving family. Anthony's wife, Nada Bakri, is also a reporter for the New York Times; Anthony also has two young children, Malik and Laila. Several members of his family remain in Oklahoma, including his cousin Ed Shadid, a city councilman in Oklahoma City.

My family's deepest sympathies go out to the Shadid's and everyone else whose life was touched by Anthony.

IN HONOR OF LARRY HORAN

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 29, 2012

Mr. FARR. Mr. Speaker, I rise today on behalf of myself and my late father, State Senator Fred Farr, to honor the life of a dear family friend, Larry Horan, who died recently at the all too young age of eighty-two following a short illness. Larry became a dear personal friend of my father, and for much of my own life, was like an uncle to me. He was a skilled lawyer and devoted family man whose example of public service and dedication to others served as a model for everybody who has the good fortune to know him.

Larry and his wife of fifty-eight years, Jean, were both University of California graduates. They raised five children who in turn gave them twelve grandchildren. Larry and Jean's deep friendship with my late father made them almost a part of my own family, and I theirs. Indeed, as Larry's melanoma took hold, he and Jean approached my wife Shary to help them work the issues that they faced as the end of Larry's life neared. Horan was a devout Catholic who attended 8 a.m. Mass at the Carmelite Monastery virtually every day. I always knew Larry to be concerned about the others around him. It was never about Larry. I don't think he had a negative bone in his body.

Larry was an attorney for more than fifty years and one of the most respected in Monterey County. During a rich and full life, he directed the Peace Corps in three Central and South American countries, was a regional director of President Johnson's War on Poverty, served on the board of the Monterey Institute of International Studies, and was a leader of the Special Olympics. Horan's wide-ranging law practice included civil litigation, conservation easements, and land use among other areas. Upon graduation from the Boalt Hall School of Law at the University of California, Larry signed on as a prosecutor in the Alameda County District Attorney's office. After five years as a prosecutor, my father, then state Sen. Fred Farr, lured Larry and his wife Jean to the Monterey Peninsula in 1960 to join his law firm. Their partnership and friendship lasted many years. The law partnership grew and transformed and has become one of the leading firms on the Central Coast, with the Horan name at the lead.

The Horans were great admirers of President John F. Kennedy, whose assassination in 1963 spurred them to change their lives. Following JFK's call to service, Larry and Jean became a Peace Corps family. With their four young children, Kevin, Kathleen, Maurine, and Stephen, they set out for Central America. Larry eventually served as agency director in El Salvador and Costa Rica and in Colombia, where their youngest daughter Laura was born and where I was already serving as a Peace Corps volunteer in Medellin. Following the Peace Corps, Sargent Shriver tapped Larry to head the Western Regional office for President Johnson's War on Poverty. Later, Shriver asked Larry to establish and chair the Northern California Chapter of the Special Olympics.

Mr. Speaker, I know I speak for the whole House in recognizing the contributions that Larry Horan made to make this world a better place. We offer our condolences to his family and friends. Those of us who had the good fortune to have known Larry are better people for the experience.

IN HONOR OF KAY HIND

HON. SANFORD D. BISHOP, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 29, 2012

Mr. BISHOP of Georgia. Mr. Speaker, I rise today to pay tribute to an outstanding community leader and good friend to me and the community of Albany, Georgia—Mrs. Kay Hind of the Southwest Georgia Council on Aging. On Thursday, February 23, 2012, the Georgia Council on Aging honored Mrs. Hind at a reception in the Georgia State Capitol Rotunda after she received the Distinguished Older Georgian Award on the floor of the Georgia House of Representatives.

The Distinguished Older Georgian Award was created in January 2003 by the Georgia Council on Aging and is bestowed to a Georgian who is at least 80 years of age and has made significant contributions to society through their occupational or volunteer efforts.

Mrs. Hind hails from Albany, Georgia and received her BS degree in Home Economics at the University of Georgia in 1951. After she graduated from college, Mrs. Hind worked as a Home Economist Extension Agent in Crawford County, Georgia and a year later she accepted a similar position in Lee County, Georgia.

For 44 years, Mrs. Hind has admirably served as the Executive Director of the Southwest Georgia Council on Aging, an agency that oversees programs for senior citizens in 14 counties in Southwest Georgia. This distinguished agency was incorporated in 1966 to address the needs of older people in Dougherty County, Georgia. Over the years, Mrs. Hind has successfully led the agency to meet the needs of the ever-increasing number of senior citizens living in southwest Georgia.

Due in large part to her successful professional career and her unyielding advocacy on behalf of America's seniors, Mrs. Hind has been recognized repeatedly for her occupational achievements. Mrs. Hind has received the Trailblazer Award from the 100 Black Men of Southwest Georgia; the Georgia Gerontology Society's John Tyler Mauldin Award; the Darton College Woman of Worth Award; and the Elsie Alvis Excellence in Aging Award. Additionally, she has served as a delegate to the White House Conference on Aging on four separate occasions.

Mrs. Hind has achieved numerous successes in her life, but none of this would have been possible without the support of her late husband of 39 years, Mr. John Carswell Hind and her three loving children—Richard, Ken and Gail.

On a personal note, Mrs. Hind has served as an advisor and friend to me for many years and she has frequently given me wise counsel and sound advice. I am especially grateful to her for her unyielding advocacy and ongoing efforts in trying to secure a new, state of the art senior center in Albany, Georgia. Her tireless efforts in fighting for this new facility is just one of the many reasons that people throughout the state of Georgia and across our country have come to admire and respect Mrs. Hind.

Mr. Speaker, I ask my colleagues to join me today in paying tribute to Mrs. Kay Hind for her life of selfless service to the seniors and working families in Georgia and throughout our United States of America.

RECOGNITION OF THE PEACE CORPS' 51ST ANNIVERSARY

HON. JESSE L. JACKSON, JR.

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 29, 2012

Mr. JACKSON of Illinois. Mr. Speaker, I rise today to congratulate the Peace Corps on its 51st anniversary and to recognize the anniversary and to recognize the outstanding work the organization has done in its years of service. Since 1961, the Peace Corps has placed over 200,000 volunteers in 139 countries. While abroad, volunteers make significant contributions in developing nations through assistance with agriculture, business development, information technology, education, health, HIV/AIDS, youth development, and the environment.

I am honored to congratulate the Peace Corps. Currently, the Corps has over 9,000 volunteers throughout Africa, Asia, the Caribbean, Central America, South America, Europe, the Pacific Islands, and the Middle East. As a member of the Foreign Operations Subcommittee I make a consistent effort to ensure the Peace Corps has adequate funding to fulfill its mission. Peace Corps volunteers have

long been instrumental in improving millions of lives, in addition to helping foster strong relationships between the United States and other countries around the world. The assistance the Peace Corps volunteers provide is an outstanding example of the United States' commitment to making the world a better place through not only compassion, but also development opportunities, like language training, youth skills development services, and much more.

One shining example of the success of the Peace Corps has been its tremendous leadership in the global fight against the HIV/AIDS pandemic. In 2010, approximately 34 million people lived with HIV/AIDS, with 22 million of those cases located in sub-Saharan Africa. I firmly believe the work done by the Peace Corps has had a tremendous impact in areas that have been disproportionally exposed to this virus. The volunteers use their unique training to teach HIV/AIDS prevention in a way that is culturally sensitive to local customs allowing Peace Corps professionals to provide essential health services to HIV/AIDS patients.

Finally, I would like to take a moment and give special recognition to the members of my district that are currently serving in the Peace Corps:

Manuel A. Colon, serving in Paraguay from 09–Dec–2010 until 15–Dec–2012

Hannah Gdalman, serving in Guatemala from 16–Jul–2010 until 15–Jul–2012

Sarah A. Kopper, serving in Senegal from 15–Oct–2010 until 05–Oct–2012

Marjorie A. Larson, serving in Mali 03–Sep–2010 until 10–Sep–2012

Ryne G. Peterson, serving in Moldova 08–Aug–2009 until 08–Jun–2012

Phebe I. Philips-Adeyelu, serving in Macedonia 25–Nov–2010 until 24–Nov–2012

Glenise A. Rice, serving in Panama 01–Jul–2010 until 29–Jun–2012

Thank you Peace Corps for 51 years of global service and leadership.

TRIBUTE TO SISTER JOAN KATHLEEN

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 29, 2012

Mr. PASCRELL. Mr. Speaker, I rise today to recognize Sister Joan Kathleen for her continued contributions towards the advancement of the intellectually and developmentally disabled. As an educator, mentor, and member of St. Thomas the Apostle Church in Oak Ridge, New Jersey, Sister Joan has dedicated her life to bettering the lives of others.

Sister Joan is one of three children and grew up in Philadelphia, Pennsylvania. After graduating from St. Hubert's High School, Sister Joan went on to receive her Bachelor's degree at Chestnut Hill College. She then taught for several years at local Philadelphia elementary schools. After being encouraged by those in her community, Sister Joan went on to obtain a Master's degree in special education from Marywood University.

Soon after she received her Master's degree, Sister Joan began to minister to those with special needs at St. Patrick School in Pottsville, Pennsylvania and at Our Lady of Confidence School in Philadelphia, Pennsylvania.

In 1989, Sister Joan joined the staff of the Department for Persons with Disabilities. Upon her arrival, Sister Joan was critical in establishing the ''People Need Friends'' program, which remains popular to this day. Sister Joan also coordinates the ''Catholic Adult Religious Education'' program, which provides religious instruction to the residents of the Department for Persons with Disabilities.

Not stopping there, Sister Joan also provides emotional and spiritual support to the family members and friends of the residents of the Department for Persons with Disabilities. She also provides pastoral care to the residents that are too sick to leave the Department for Persons with Disabilities nursing facilities. Recently, she has had the privilege of organizing the Catholic Charities New Jersey Annual Conference and was a member of the Committee for Evangelization under Bishop Serratelli.

For those lucky enough to know Sister Joan personally, they know that family means everything to her. Her weekends are often filled with trips to Philadelphia and the surrounding areas to celebrate birthdays, graduations, and to spend time her sisters and their families. In her free time, Sister Joan enjoys reading, crossword puzzles, traveling, and Scrabble.

The job of a United States Congressman involves much that is rewarding, yet nothing compares to recognizing and commemorating the achievements of truly selfless individuals like Sister Joan Kathleen.

Mr. Speaker, I ask that you join our colleagues, Sister Joan's family and friends, all those whose lives she has touched, and me in recognizing Sister Joan Kathleen.

RECOGNIZING FEBRUARY AS NATIONAL MARFAN AWARENESS MONTH

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 29, 2012

Mr. ACKERMAN. Mr. Speaker, I rise today in recognition of February as National Marfan Awareness Month and to acknowledge the hundreds of thousands of Americans who are living with Marfan syndrome and related connective-tissue disorders.

I am quite proud that the nation's leading organization working to raise awareness of Marfan syndrome and support the Marfan community, the National Marfan Foundation, is located in my congressional district, in Port Washington, New York. The NMF was founded in 1981 by Priscilla Ciccariello, a woman of tremendous compassion and vision. Since then, NMF members and staff have worked tirelessly to improve the lives of individuals affected by Marfan syndrome and related connective-tissue disorders by advancing research, raising awareness, and providing support.

Marfan syndrome is a rare genetic condition that affects connective tissue in the human body. About one in 5,000 Americans carries a mutation in the fibrillin gene. This irregularity results in an overproduction of a protein called transforming growth factor beta or TGFB. Increased TGFB impacts connective tissue throughout the entire body. Patient symptoms often include disproportionately long limbs, a protruding or indented chest bone, curved spine, and loose joints. Of most concern is thoracic aortic disease, which is when a Marfan patient's aorta, the large artery that carries blood away from the heart, is weakened and can result in a fatal rupture. It is for this reason that increased awareness of Marfan syndrome can save lives.

While there is no cure for Marfan syndrome, research is underway to enhance our understanding of the condition and improve patient care. I commend the scientists at the National Institutes of Health, particularly the National Heart, Lung and Blood Institute and the National Institute of Arthritis and Musculoskeletal and Skin Diseases for their research efforts in this regard. I encourage NIH to continue to expand its research of Marfan syndrome.

Early diagnosis and proper treatment are the keys to successfully managing Marfan syndrome so that patients can live a full life. I am pleased to announce that recently the American Heart Association and the American College of Cardiology released new treatment guidelines for thoracic aortic disease. We can facilitate proper treatment by raising awareness of these guidelines and we can help achieve an early diagnosis by raising awareness of Marfan syndrome and related connective tissue disorders.

Mr. Speaker, I hope my colleagues will join me in raising awareness by observing Marfan Awareness Month.

IN HONOR OF THE NISEI VETERANS

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 29, 2012

Mr. FARR. Mr. Speaker, I rise today to recognize thirty-four Congressional Gold Medal recipients from my District in Central California for their courageous service to our nation during World War II as part of the Military Intelligence Service (MIS), the 100th Infantry Battalion (100th Inf), and the 442nd Regimental Combat Team (RCT).

Established on November 1, 1941, MIS graduated 6,000 service members during World War II to provide critical Japanese language capabilities to the American military. These brave servicemen and women provided translation, interpretation and code breaking services in the essential Pacific Theater, which contributed significantly to our nation's victory. In the 1970s, the MIS's name changed to the Defense Language Institute, and all of the Department of Defense language programs were consolidated at Monterey, California. From there the program grew into the Defense Language Institute Foreign Language Center.

The 100th Inf was largely made up of former members of the Hawaii Army National Guard. It was a unit within the US Army's 34th Infantry Division and later combined with the 442nd RCT, another mostly Nisei unit. Together as a single fighting combat team they saw action in Italy where they earned the nickname of ''Purple Heart Battalion.'' Following World War II, the battalion was reorganized into reserve status but over the decades it was ordered back into active service several times, most recently in Iraq.

The original MIS, the 100th Inf, and the 442nd RCT were primarily comprised of Nisei,

second-generation Japanese-Americans. They faced crushing prejudice and discrimination in the United States during WWII. Many of their family members suffered internment while they were serving their country. This exceptional group has received honors and commendations of the highest level. Our nation awarded the Medal of Honor to twenty-one members of the 100th Infantry Battalion of the 442nd RCT for heroism during WWII. In 2000, the MIS received the Presidential Unit Citation, the highest possible honor for a military unit, and in 2010 the Congressional Gold Medal was awarded to the 442nd RCT and the 100th Inf, as well as the 6,000 graduates of the MIS. At the end of the war, General Charles Willoughby, Chief of Staff for Military Intelligence under General MacArthur, said that "The Nisei shortened the Pacific War by two years and saved possibly a million American lives and saved probably billions of dollars" during the conflict.

Mr. Speaker, I am honored to be paying tribute to this outstanding group of men who selflessly served our nation during World War II proving the loyalty and bravery of second generation Japanese Americans. From the 100th Infantry Brigade: Louie Hayashida, Tom Kakimoto, Richard Kawamoto, Robert Kitagi, Ky Miyamoto, William Omoto, Kaz Sugano, and Sam Sugidono. From the 442nd Regimental Combat Team: Haruo Esaki, Yoshio Fujita, Royal Manaka, Yutaka Nagasaki, Winston Nakagawa, Fred Sakasegawa, Roy Sakasegawa, and Kunio Shimamoto. From the Military Intelligence Service: George Aihara, Roy Hattori, Paul Ichiuji, Otis Kadani, Hajime Kawata, Shig Kihara, Robert Mirikitani, George Nakamura, Kei Nakamura, Toshio Nakanishi, Terry Nakanishi, Gengo Sakamoto, Setsuo Takemoto, George Tanaka, Frank Tokubo, Ben Umeda, Jiro Watanabe, and Goro Yamamoto. I know I speak for the entire House of Representatives in honoring these heroes.

PAYROLL TAX CUT CONFERENCE REPORT (H.R. 3630)

HON. GARY C. PETERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 29, 2012

Mr. PETERS. Mr. Speaker, I rise today to express my deep concerns with the recently released conference report by the Payroll Tax Cut Conference Committee. While I am pleased that enacting this conference report will stop a tax hike on middle class families by extending the Payroll Tax Cut through the end of the year, I strongly oppose pairing this must-pass provision with legislation that will slash the number of available weeks of unemployment benefits for American workers. I also find it deeply troubling that the text of legislation cutting unemployment benefits for millions of Americans only became available for public review less than 24 hours before a vote, despite the pledge by House Republicans to make bills publicly reviewable for 72 hours before a vote.

Republicans are forcing an unfair choice between tax cuts for the middle class and fully maintaining the safety net for unemployed workers. This is not a choice Congress should have to make, or that the American public should accept, especially when House Republicans in their Pledge to America promised to "end the practice of packaging unpopular bills with 'must-pass' legislation to circumvent the will of the American people" and to "advance major legislation one issue at a time."

The long-term unemployment crisis and the need for a full extension of unemployment benefits deserve Congress's full attention. This is why I led 70 of my colleagues in writing the Chairs of the conference committee along with House and Senate Leadership to urge them to include a full extension of unemployment benefits though the end of this year. While our economy is showing signs of real recovery with 23 consecutive months of job growth, the fact remains that our nation is experiencing an unprecedented long-term unemployment crisis.

Unemployment benefits are a proven lifeline to families that they rely on to help pay for necessities such as rent, groceries, and utilities. Expansions to the unemployment insurance program enacted in the Recovery Act and subsequent legislation in 2009 and 2010 kept over 3 million Americans out of poverty in 2010, including over 900,000 children.

Unfortunately, the harm that cuts to federal unemployment benefits make to working families is amplified when states, such as Michigan, enact legislation slashing state unemployment benefits. Last year, Governor Snyder signed House Bill 4408 into law. While this legislation included a necessary technical fix to preserve Michigan's access to the federal Extended Benefits (EB) program, it paired this minor change with a harmful and misguided reduction in state unemployment benefits from 26 to 20 weeks, the lowest in the country. Not only does this cut 6 weeks of state benefits, more importantly it triggers a proportional reduction in federal benefits.

Under the Payroll Tax Cut Conference Report, this 6 week change to state benefits will result in Michigan giving up between 11 and 14 weeks of 100% federally funded benefits this year and Michigan's unemployed workers losing access to more weeks of federal benefits than any state in the nation.

Our economy is moving in the right direction and we can't afford to jeopardize middle class families' livelihoods and our recovery by risking the expiration of the Payroll Tax Cut, but we certainly cannot afford to ignore the long-term unemployment in Michigan and across the United States.

COMMEMORATING THE 100TH ANNIVERSARY OF THE MOUNTAIN QUARRIES RAILROAD BRIDGE

HON. TOM McCLINTOCK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 29, 2012

Mr. McCLINTOCK. Mr. Speaker, I rise today to commemorate the 100th anniversary of the Mountain Quarries Railroad Bridge near Auburn, California.

The bridge opened for business in 1912 as the longest concrete-arch bridge of its time. Its purpose was to deliver mine material across the American River Canyon to and from the mountain quarries outside of Auburn via a privately-built railroad. For three decades trains rolled over the bridge, allowing the development of the vast quartz deposits in the area and employing thousands over the years and providing untold wealth to the community.

After the train tracks were removed for scrap metal to aid in the production of World War II materiel, the bridge continued to serve as a public crossing connecting El Dorado and Placer counties. The soundness of the bridge's design and construction allowed it to withstand multiple floods in the canyon that brought down no less than four other bridges along the American River. The Mountain Quarries Bridge was even pressed into service to replace the Highway 49 Bridge, which was destroyed when Hell Hole Dam broke in 1964, until a replacement bridge could be built.

But the Mountain Quarries Bridge has done more than serve the simple commercial purpose of transport across the river. Since 1955, the bridge has been a defining stretch in countless endurance rides and foot races. In the famed Western States Endurance Run, Mountain Quarries Bridge serves as the final landmark of the course and the transition out of the California wilderness into Auburn and the finish line. For the many adventurers, riders and runners who have used the bridge on hikes and races over the years, it serves as a monument to the trials endured in their journeys and the satisfaction and joy of their accomplishments.

Standing a few miles from the confluence of the North and Middle Forks, the Mountain Quarries Railroad Bridge is a testament to bygone times when the beneficial use of our public resources was both frequent and celebrated. Having served the many commercial and recreational purposes of the area for a century, the Mountain Quarries Railroad Bridge is a fine model for the responsible utilization of the public lands for the public's use.

Mr. Speaker, I am glad to rise today and join the communities of El Dorado and Placer counties as they celebrate this auspicious occasion.

IN REMEMBRANCE OF MRS. MARY ZUNT

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 29, 2012

Mr. KUCINICH. Mr. Speaker, I rise today to honor the memory of Mrs. Mary Zunt, an iconic figure to the City of Cleveland.

Mary was born on August 16, 1939 in Cleveland, Ohio, where she attended Holy Name High School. Following a brief stint in New York City, Mary returned to Cleveland, where she was instrumental in establishing WVIZ–TV in 1965. She was also behind the station's fund-raising auctions. In 1973, Mary was elected to Cleveland's City Council to represent the residents of the West Park neighborhood. She fought for consumer protections, gun safety and commercial development during her two terms on the council.

Following her career in public service, Mary went on to work in the construction industry. She oversaw projects such as renovations of the Gateway and Society Center, Bureau of Workers' Compensation, the Glass Bowl Stadium and construction of the scoreboard at Jacobs Field.

In 1994, Mary left Cleveland and moved to Nice, France to study wine for two years. She

later moved to St. Helena, California where she worked at the St. Helena Catholic Church, caring for migrant workers. She also began to focus more on her writing and was taught creative writing at Napa Valley College. Mary was a feature writer for the Cleveland Plain Dealer and contributor to Cleveland Magazine, the Napa Valley Register and the St. Helena Star and Appellation Magazine. Mary also wrote a novel, ''The Politics of Annie Quinn,'' chronicling her experience on Cleveland's City Council.

Mr. Speaker and colleagues, please join me in honoring the memory of Mrs. Mary Zunt. Her contributions to the City of Cleveland will be remembered for years to come.

REMEMBERING THE LIFE OF MRS. SARA LOUISE JONES PETTIS

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 29, 2012

Mr. HASTINGS of Florida. Mr. Speaker, I rise today to remember the life of Mrs. Sara Louise Jones Pettis. Mrs. Pettis was a respected community activist in the Fort Lauderdale area, and her commitment to civic service was admirable. She recently passed away at the age of 90, and I would like to take this opportunity to extend my deepest sympathies to her family and all those who knew her.

Mrs. Pettis was a resident of Fort Lauderdale, Florida for 64 years. She married Mr. Cyrus Pettis in 1941, and the couple lived in Fort Lauderdale since first moving to the area in 1947. They both understood the importance of giving back to the community. Mr. Pettis was a postal worker, and Mrs. Pettis served as a teacher's aide at multiple schools in Broward County.

Mrs. Pettis was known for her desire to improve the community. She was a lifetime member of the Parent Teacher's Association, and she volunteered at local schools, churches, and other charitable organizations. Mrs. Pettis was ultimately credited for expediting the creation of the Dillard High School Gymnasium in 1959. Her dedication to improving the lives of the people of Broward County was truly remarkable.

In 1985, the Pettis family received a very special recognition from then-First Lady Nancy Reagan. The First Lady recognized the Pettis family as a Great American Family. Over 25 members of the Pettis family were in attendance at a special White House ceremony. The award is given to families leading exemplary lives, and giving back to their communities. The Pettis family is one of only nine other families to ever receive this award.

Mr. Speaker, I would like to commend Mrs. Pettis for her dedication to the people of Fort Lauderdale. I knew Mrs. Pettis personally, and I was saddened to hear of her passing. She had an extraordinary sense of civic duty, and I would like to extend my sympathies to not only her family and friends, but to the entire South Florida community, and all of those whose lives she touched. Mrs. Pettis will be truly missed.

A TRIBUTE TO THE LIFE OF LIEUTENANT COLONEL CLIFFORD GEORGE FORD

HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 29, 2012

Mr. COSTA. Mr. Speaker, I rise today to pay tribute to the life of Lieutenant Colonel Clifford George Ford, distinguished veteran of the United States Air Force, loyal friend, and loving father, grandfather, and great-grandfather. Cliff passed away on January 18, 2012 at the age of 81. Through his thoughtful nature, zest for life, and dedication to service, he leaves behind a wonderful legacy.

Cliff was born on April 16, 1930 in Lohrville, Iowa, and grew up on farms in Iowa and Minnesota, alongside his two brothers and two sisters. It is during his childhood that his lifelong love of nature developed. After graduating from Lake City High School at the age of 17, Cliff made the decision to serve our great Nation in the United States military. Cliff's time in the United States Air Force took him all around the world, including: Japan, Germany, England, and Taiwan. While living in Yakota Air Base, Japan, Cliff met the love of his life, Rose. The two married on February 10, 1951.

Cliff spent the majority of his life serving our country in a number of capacities while in the Air Force. Throughout his service, Cliff demonstrated courage, determination, strength, and empathy—he truly illustrated the best of what America has to offer. In 1975, Cliff retired from the United States Air Force and spent the remainder of his life in Atwater, California. Retiring in the heart of California's San Joaquin Valley afforded Cliff the opportunity to purchase an almond orchard and pursue his lifelong passion for agriculture.

Cliff's legacy will live on through his service to our Nation, his work in our Valley, and through his children: Christine, Linda, Michelle, Anita, Chuck, Valerie, Melissa, and Hilary; 14 grandchildren; and one great-grandchild. Perhaps what was most telling of Cliff's character was the importance he placed on family and kinship. Cliff leaves his family with many warm and cherished memories.

In a note to Cliff, his grandson wrote, ''every person is an example of the people they have spent their life with.'' As we reflect on Cliff's life, let us aspire to lead a life like his—one filled with resolve, self-reliance, and love.

Mr. Speaker, I ask my colleagues to join me in paying tribute to the life of Lieutenant Colonel Clifford George Ford, an honorable and respected man with an unwavering commitment to his loving family and our Nation.

IN RECOGNITION OF THE ANNIVERSARY OF LITHUANIAN INDEPENDENCE DAY

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 29, 2012

Mr. KUCINICH. Mr. Speaker, I rise today in honor of the anniversary of the restoration of Lithuania's independence, and the re-establishment of their independence as it is commemorated by the Cleveland Chapter of the Lithuanian American Community.

On February 16, 1918, the people of Lithuania declared their independence to the world as a distinct country with its own culture and traditions. The state was founded on democratic principles and declared its independence in a peaceful manner. However, Lithuania's freedom was short-lived, as the country and its people were subjected to foreign occupation and conquest by the Nazi Germany regime and the U.S.S.R. during World War II. In 1940, the Soviet Union took control of Lithuania without the people's consent. This unjust control of a free people lasted for 50 years. On March 11, 1990, upon the fall of the Soviet Union, the people of Lithuania re-established their independence, and once again, became a sovereign, free state.

The Lithuanian-American Community's Cleveland Chapter has worked to connect the people of Cleveland of Lithuanian descent and to share their rich and vibrant culture with the community. I offer my best wishes for the upcoming celebration of their heritage and their independence.

Mr. Speaker and colleagues, please join me in commemorating the independence of Lithuania and, in wishing the country and its people continued freedom and success.

HONORING SUPERINTENDENT SANDY THORSTENSON

HON. LINDA T. SÁNCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 29, 2012

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, I rise today to honor my good friend Sandy Thorstenson for her leadership and dedication as Superintendent to the Whittier Union High School District.

Born and raised in Whittier, CA, Sandy has served as Superintendent of the Whittier Union High School District for 10 years. She is a graduate of Whittier High School and Whittier College with her Master's Degree in Education from California State University, Fullerton. Sandy started her 34-year career in the Whittier Union High School District as a teacher and quickly ascended to Assistant Principal, Principal, Assistant Superintendent of Educational Services, and ultimately Superintendent.

Under her leadership, Sandy has spearheaded Whittier Union's transformation into a high-achieving district with five comprehensive high schools serving 13,400 students from socio-economically diverse backgrounds. Sandy's ''whatever it takes'' attitude has ensured student achievement for all students, resulting in state and national recognition. Whittier Union High School District has demonstrated remarkable gains in student achievement at every school, becoming one of the top school districts in Los Angeles County.

Sandy is an active advocate for quality and equity in public education at the local, state, and national level as a member of many professional and community organizations. She currently serves on the California State Superintendents' Council, the Pivot Learning Partners Board and is the current President of California City Superintendents Association. She is also a member of the Soroptimist International of Whittier, Whittier College Corporate

Council, and a past member of the Whittier Chamber of Commerce Board of Directors.

Due to these outstanding achievements for the school district and beyond, Sandy has been selected as California's National Superintendent of the Year by the Association of California School Administrators.

Mr. Speaker and distinguished colleagues, please join me in honoring this extraordinary woman whose love and dedication to our students is overwhelmingly obvious. Let us congratulate her on her many accomplishments to the Whittier Union High School District and our community.

24TH ANNIVERSARY OF THE NAGORNO-KARABAKH WAR OF 1988–1994

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 29, 2012

Mr. SHERMAN. Mr. Speaker, this month marks the 24th anniversary of a dark chapter in modern history. During the Nagorno-Karabakh War of 1988 to 1994, Armenian civilians were indiscriminately attacked.

On the evening of February 27, 1988, Armenian civilians living in Sumgait, in Soviet Azerbaijan, were violently targeted in a three-day rampage. Armenian civilians were hunted down and brutally assaulted. Some were raped, and some were burned alive at the hands of rioters. Local police reportedly ignored repeated calls for help by Armenian civilians. The official figure from Soviet authorities, who prohibited journalists from entering the area, was just over 30 people dead and over 200 injured. However, it is believed that more—perhaps hundreds—were murdered by roving mobs.

The Sumgait Pogrom was, sadly, only the beginning.

Despite international condemnation of the pogrom in Sumgait, another anti-Armenian pogrom occurred later that year in Kirovabad, Azerbaijan, from November 21st to 27th Due to the brutality, the Armenians of Kirovabad and the surrounding areas were forced to flee their homes.

Another crime against humanity occurred yet again from January 13th to the 19th, in 1990. Members of the Armenian community of Baku, the capital of Azerbaijan, were assaulted, tortured and killed again by violent mobs.

I would like to commemorate the Armenian victims of the Sumgait, Kirovabad, and Baku massacres to honor the memory of the murdered, and to stop future bloodshed. If we hope to stop future massacres, we must acknowledge these horrific events and ensure they do not happen again.

We will not forget the ethnic-cleansing of the Armenians from Azerbaijan.

But we need to do more—we need to demonstrate to Azerbaijan that the United States is committed to peace and to the protection of Artsakh from coercion.

We must urge Azerbaijan to cease all threats and acts of coercion against the Republic of Nagorno Karabakh.

In 1992, Congress prohibited aid to Azerbaijan because of its continuing blockade against Armenia and Nagorno Karabakh. Unfortunately, Congress in 2001 approved a waiver to this provision and administrations have used the waiver since then to provide aid to Baku. Congress should strengthen Section 907 of the FREEDOM Support Act by removing the President's ability to waive U.S. law prohibiting aid to Azerbaijan because of its continuing blockade against Armenia and Nagorno Karabakh.

I urge the Administration to remove all barriers to broad-based U.S.-Nagorno Karabakh governmental and civil society communication, travel, and cooperation.

We must reaffirm America's commitment to an enduring, peaceful and democratic resolution of the Nagorno Karabakh conflict.

IN RECOGNITION OF JOHNNY KILBANE

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 29, 2012

Mr. KUCINICH. Mr. Speaker, I rise today in honor and memory of Cleveland's Boxing Champion, Johnny Kilbane, on the occasion of the hundredth anniversary of his attainment of the title of World Featherweight Championship.

Johnny Kilbane was born in Cleveland, Ohio on April 9th, 1889. He began his ascent into the boxing world at age eighteen with his first fight in the featherweight division. Throughout his career, Johnny fought in over 140 fights—resulting in 46 victories, 79 no decisions and only four losses. On February 22, 1912, in a 20 rounder in Vernon, California, Johnny Kilbane won his first world title in a fight against Abe Attell. The fight was for the World Featherweight Championship, a title he would hold from 1912 to 1923. Kilbane is believed to have held that title for the longest uninterrupted reign in boxing history.

A Cleveland local, Kilbane held a number of positions after he retired from the boxing world. During World War II, he worked as a boxing instructor at Camp Gordon in Georgia, Camp Sherman in Ohio, and Camp Custer in Michigan. He was also a boxing referee and instructor at local high schools. He operated a training club in Vermillion.

Johnny transitioned into politics as well, and was elected to the Ohio State Senate in 1941. He also held office as a State Representative, and was elected to the Municipal Court Clerk's Office in 1951, a role which he served until his death in 1957.

Mr. Speaker and colleagues, please join me in honoring the life of Johnny Kilbane and the 100th anniversary of his achievement of the title of World Featherweight Championship.

IN RECOGNITION OF THE SOMERSET COUNTY MILITARY FAMILY SUPPORT GROUP

HON. MARK S. CRITZ

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 29, 2012

Mr. CRITZ. Mr. Speaker, I rise to recognize a military support group in my district that provides deployed members of our armed forces and their families with material support, emotional comfort and spiritual sustenance.

Founded in 2003, the Somerset County Military Family Support Group sends deployed service members monthly packages containing food, health products, books, letters and games. The group also counsels family members of deployed military personnel, takes part in festivals and parades in order to pay homage to the sacrifices of our soldiers, gathers and distributes information about pressing issues facing members of the military and their families and holds annual candlelight vigils to honor all those who have worn our nation's colors in battle.

Because the group is comprised largely of veterans and individuals from military families, its members understand the physical and psychological strain our troops experience each day they are separated from their families, and the emotional turmoil the family members of these service members are forced to endure as a result of knowing that someone they love is in harm's way. That they chose to use their first-hand knowledge of these struggles to craft a renowned military support program speaks to their capacity to turn hardship into an outstanding gift for others.

Mr. Speaker, while all of us appreciated the valor and sacrifices of our troops, only the most talented and proactive among us are able to act on this appreciation in a way that makes an impact on thousands of lives. The Somerset County Military Family Support Group has not only accomplished this, but has done so while spreading the spirit of service throughout southwestern Pennsylvania. All of us should seek to emulate the selfless efforts of its members in our own efforts to promote the greater good.

TRIBUTE TO SUNY CANTON FIRST RESPONDERS

HON. WILLIAM L. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 29, 2012

Mr. OWENS. Mr. Speaker, I rise today to honor the heroism of those responsible for safely controlling a fire that broke out on campus at SUNY Canton this month.

Following a fire in the chemistry lab inside Cook Hall, it was the unquestionable valor and commitment of these men and women that protected students, faculty and administrators.

These individuals acted with the utmost professionalism and courage when called to duty and protected members of their community. These first responders prevented untold amounts of injury to our friends and neighbors, and saved the school from a much worse situation.

On behalf of the U.S. House of Representatives, I commend and thank these emergency personnel, agencies and individuals for their bravery, selflessness, and assistance.

AAC Contracting, Atlantic Testing, Aubertine and Currier, Canton Fire & Rescue, Canton Police Department, Clean Harbors Environmental, David Sullivan—St. Lawrence County Law Enforcement Academy, Ecology & Environment, Inc., Gouverneur Fire Department, Heuvelton Volunteer Fire Department, Morley Fire Department, Murnane Building Company, NYS Office of General Services, NYS Police

Department, NYS Department of Environmental Conservation, NYS Department of Health, NYS Department of Labor—PESH, NYS Homeland Security & Emergency Services, Office of Emergency Management, NYS Homeland Security & Emergency Services, Office of Fire Prevention and Control, Fire Operations & Training Branch, NYS Homeland Security & Emergency Services, Office of Fire Prevention and Control, Inspections & Investigations Branch, NYS Homeland Security & Emergency Services, Office of Fire Prevention and Control, Special Operations Branch, NYS Police Aviation Unit, Parishville Fire Department, Pierrepont Fire Department, Potsdam Fire Department, Potsdam Police Department, Potsdam Rescue Squad, President Joseph L. Kennedy, Pyrites Fire Department, Rensselaer Falls Fire Department, RSI, Ryan-Biggs Associates, P.C., St. Lawrence University, St. Lawrence County Fire Investigation Team, St. Lawrence County Hazardous Materials Team, St. Lawrence County Office of Emergency Services, State University Construction Fund, SUNY Canton Emergency Management Team, SUNY Canton Academic Affairs, SUNY Canton Administrative Affairs, SUNY Canton Advancement Affairs, SUNY Canton Student Affairs, SUNY Office of Capital Facilities, SUNY Office of Legal Counsel, SUNY Potsdam University Police Department, West Potsdam Fire Department, West Stockholm Fire Department.

IN RECOGNITION OF MR. EDWARD CRAWFORD

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 29, 2012

Mr. KUCINICH. Mr. Speaker, I rise today in recognition of Mr. Edward Crawford to acknowledge his receipt of the Walks of Life Award from the Irish American Archive Society.

Mr. Crawford was raised in Cleveland Heights, Ohio. He has since become a leader in Cleveland's business sector. Edward began his career as a salesman for Island Steel while enrolled in night school at John Carroll University. In 1962, he founded the Cleveland Steel Container, a company that produced paint cans. Just two years later, in 1964, Crawford established his own investing company, the Crawford Group. In 1992, he became the chairman and chief executive officer for Park-Ohio Industries. Mr. Crawford was named the Ohio Small Businessman of the Year by the Small Business Association in 1969.

Mr. Crawford has also served on the boards of numerous companies throughout his career including Arden Industrial Products, Continental Conveyor & Equipment Company, Continental Crushing & Conveying, Inc., Resilience Capital Partners LLC and Beech Technology Systems, Inc.

In addition to his career, Mr. Crawford has continuously served the Cleveland community. Just several years ago, he led a four year, $400,000 renovation of the Irish Cultural Garden.

Mr. Speaker and colleagues, please join me in congratulating Mr. Edward Crawford as he is honored by the Irish American Archive Society.

IN CELEBRATION OF MRS. GRACE VIRGINIA RICHARDSON HUMPHREY CUTTS' 100TH BIRTHDAY

HON. SANFORD D. BISHOP, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 29, 2012

Mr. BISHOP of Georgia. Mr. Speaker, I rise today to pay tribute to an inspiring mentor, beloved educator, respected community leader and a trans-generational pillar in Dawson, Georgia—Mrs. Grace Virginia Richardson Humphrey Cutts. On Saturday, March 3, 2012, Mrs. Cutts will be honored at an event celebrating her 100th birthday. This highly anticipated event will be attended by Mrs. Cutts' family members, friends, former colleagues, well-wishers and former students.

Mrs. Grace Virginia Richardson Humphrey Cutts was born on March 2, 1912 in Dawson, Georgia to Walter Revenna Richardson and Clara Louise Cochran Richardson. As a 92-year member of the Adoration Temperance Obedience Charity African Methodist Episcopal (AME) Church in Dawson, Georgia, Mrs. Cutts is a woman who has been guided by her strong moral convictions and Christian faith. As a tenured member of Adoration Temperance Obedience Charity AME Church, Mrs. Cutts has served as the church pianist, secretary and a stewardess.

Mrs. Cutts was raised in the rural South in the 1920s, a period in our nation's history in which most African-Americans had limited opportunities to pursue their educational dreams. Despite the numerous societal challenges that lay in her path, Mrs. Cutts would go on to graduate from Allen Normal and Industrial High School. After she obtained her high school diploma, Mrs. Cutts enrolled in Georgia Normal and Agricultural College and graduated from the institution in 1949.

Understanding the importance of a quality education, Mrs. Cutts served as a teacher for 45 years. As an instructor, Mrs. Cutts helped generations of young scholars reach their full potential and obtain excellent educations. Even in retirement, Mrs. Cutts continued to serve as a mentor and tutor for young students in her community.

Mrs. Cutts has achieved numerous successes in her life, but none of this would have been possible without the support of her late first husband Calvin Homer Humphrey; late second husband Sammie Lee Cutts; late son Calvin Walter Humphrey; grandchildren; and great-grandchildren.

George Washington Carver once said, ''How far you go in life depends on your being tender with the young, compassionate with the aged, sympathetic with the striving and tolerant of the weak and strong because someday in your life you will have been all of these.'' Mrs. Cutts has advanced far in life because she never forgot these lessons and always kept God first.

The race of life isn't given to the swift or to the strong, but to those who endure until the end. Mrs. Cutts has run the race of life with grace and dignity and God has blessed her over her lifetime.

Mr. Speaker, I ask my colleagues to join me today in paying tribute to Mrs. Grace Virginia Richardson Humphrey Cutts as she and her family prepares to celebrate her 100th birthday.

On a personal note, I would like to not only congratulate Mrs. Cutts on becoming a distinguished centenarian but also express my profound gratitude to her for her outstanding contributions to America's education system and her principled advocacy on behalf of our nation's students.

NATIONAL KIDNEY MONTH

HON. JESSE L. JACKSON, JR.

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 29, 2012

Mr. JACKSON of Illinois. Mr. Speaker, I rise today with more than 60 of my colleagues of the Congressional Kidney Caucus in support of the goals and ideals of National Kidney Month which begins tomorrow.

Each year, the National Institute of Diabetes and Digestive and Kidney Diseases as well as leading kidney care organizations recognize and celebrate March as National Kidney Month to promote public awareness, education, screening and detection throughout the nation.

Currently, more than 31 million Americans are affected by Chronic Kidney Disease (CKD) and millions more are at risk. Kidney Disease is the slow loss of kidney function over time and, if left untreated, gradually progresses to end-stage renal disease marked by the complete loss of kidney function. While there is no cure for CKD, proper lifelong treatment can slow the onset of kidney failure and help control the symptoms of this devastating disease.

Recently named the eighth leading cause of death in the United States by the Centers for Disease Control and Prevention, nearly 570,000 Americans currently rely on hemodialysis or a kidney transplant for their survival.

The Congressional Kidney Caucus, which was established in 2002, has partnered with a number of kidney organizations to promote policies that benefit patients with kidney disease and provide Members and their staff the most comprehensive, up-to-date information related to this disease.

Throughout the month of March, the Caucus supports the thousands of kidney advocates and groups that are expected to visit Capitol Hill to discuss their experiences and advocate for enhanced patient care, research and public education and prevention.

In the spirit of National Kidney Month, I encourage my fellow Members of Congress to participate in these events on Capitol Hill and events hosted in their districts and to consider joining the Congressional Kidney Caucus in support of these efforts. Please have your staff reach out to my office if you are interested in the schedule of events or if you are interested in joining the Caucus.

IN RECOGNITION OF SISTER KATHLEEN KILBANE

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 29, 2012

Mr. KUCINICH. Mr. Speaker, I rise today in recognition of Sister Kathleen Kilbane and to

acknowledge her receipt of the Walks of Life Award from the Irish American Archive Society. Sister Kathleen has dedicated her life to the homeless and to students of the Greater Cleveland area.

Sister Kathleen attended high school in Cleveland's West Park neighborhood at St. Joseph Academy. She later earned a bachelor's degree in education from St. John College and a master's degree from Cleveland State University.

In 1952, Sister Kathleen entered the nunnery at St. Clement in Lakewood. Early on, she devoted most of her time as a grade school teacher at Annunciation, St. Angela Merici, St. Aloysius, St. Mary and St. Colman schools. In 1977, the West Side Catholic Center was established to assist the elderly and homeless; Sister Kathleen was named the director. Twenty years later, in 1997, Sister Kathleen established Seeds of Literacy, an organization dedicated to helping high school drop-outs earn their diplomas.

Because of her relentless work to support those in need, in 2000, the West Side Catholic Center honored Sister Kathleen with the Dorothy Day Humanitarian Award.

Mr. Speaker and colleagues, please join me in congratulating Sister Kathleen Kilbane as she is honored by the Irish American Archive Society.

CONGRATULATING THE WAIALUA HIGH SCHOOL ROBOTICS TEAM, THE ''HAWAIIAN KIDS,'' ON WINNING THE 2011 FIRST CHAIRMAN'S AWARD

HON. MAZIE K. HIRONO

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 29, 2012

Ms. HIRONO. Mr. Speaker, I rise today to congratulate the Waialua High School Robotics Team, the ''Hawaiian Kids,'' on winning the prestigious Chairman's Award at the 2011 FIRST Robotics World Championships and to recognize its impressive contributions to the founding and expansion of robotics in Hawaii. The FIRST Chairman's Award recognizes a program's contributions to robotics, service to other robotics programs, and overall excellence. Waialua High School was one of 48 teams nationwide competing for the prize.

The judges of the 2011 FIRST Championship described the winning team as ''helping transform the region from an area of agricultural industry decline to one where the accomplishments of these students are celebrated as an indicator of promise for the future.'' All of the team members of the ''Hawaiian Kids'' graduate from high school, compared to the region's average of a less than 30 percent graduation rate, and all of the school's valedictorians in the past four years have been members of the robotics team. The team has shown great promise as science, technology, engineering, and math (STEM) leaders and innovators with 90 percent of the members pursuing careers in STEM fields.

Founded in 1999 by Glenn Lee, a Career and Technical Education teacher and electrical engineer, the Waialua High School Robotics Program has become a model for engaging students in STEM and college-readiness courses. The ''Hawaiian Kids'' were the first FIRST Robotics Competition (FRC) team in Hawaii and initiated the development of other teams statewide. Its accomplishments have been shared with local government representatives, their community, and schools throughout our State. Today, close to one-third of Hawaii's high schools have an FRC team, the highest percentage of involvement in the Nation.

While the ''Hawaiian Kids'' have experienced great success over the past few years, they continue to embrace their program's motto: ''It's not all about winning, it's about teamwork, commitment and responsibility.'' Congratulations to the members of the Waialua High School Robotics Team for all their accomplishments, their dedication sharing robotics and STEM education with their peers, and continuing to raise Hawaii's academic standards.

Mahalo nui loa (thank you very much).

RECOGNIZING THE CARSON WOMEN'S CLUB AND EDWARD TILLMON, A TUSKEGEE FIGHTER PILOT

HON. LAURA RICHARDSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 29, 2012

Ms. RICHARDSON. Mr. Speaker, I rise today in recognition of the Carson Women's Club, based in my congressional district, for the wonderful work it has accomplished over the years and their unwavering commitment to our local community.

The Carson Women's Club was founded in 1968 as a non-profit, non-political organization with a mission to serve as the official hostess of the City of Carson by supporting and promoting scholarships, and by engaging in community service activities focused on making Carson stronger.

The Carson Women's Club plays an active part in local charity work. For example, each year on the 4th of July, Club members bring food to the on-duty firefighters at all stations in Carson. The Club also sends Thanksgiving baskets to 15 adopted Carson elementary schools and organizes a Christmas toy drive for the children at the El Nido Center.

Mr. Speaker, the Carson Women's Club is a shining example of civic commitment, mutual trust, respect, and equal treatment without regard to race, sex, or ethnicity. The Club promotes mutual cooperation between individuals of different backgrounds through its diverse membership and informative community engagement events.

This past weekend, I had the opportunity to attend a Carson Women's Club event in my district honoring members of the Los Angeles Chapter of the Tuskegee Airmen, Inc. The Tuskegee Airmen were the first black military airmen in the United States. This heroic group of 13,000 young African American men overcame institutionalized racism to become one of the most distinguished fighter units in World War II.

At the meeting, we were fortunate enough to be graced with the presence of Mr. Edward Tillmon, a surviving Tuskegee Airman who reminded us of the remarkable accomplishments of the Tuskegee Airmen—both in and out of combat.

Through his experience growing up in a segregated America, Mr. Tillmon learned that hard work and perseverance are the key to overcoming obstacles that seem impenetrable. Mr. Tillmon expressed his appreciation for the challenges and opportunities that accompanied his time at war, and his firm beliefs that the successes of the Tuskegee Airmen would not have been possible if it were not for the strong sense of camaraderie between the members. They were truly a band of brothers.

Edward Tillmon continues to serve his nation by preserving the Tuskegee Airmen legacy through his association with the Los Angeles based ''Tuskegee Airmen Scholarship Foundation'', which was established in 1979 to provide annual scholarships to exceptional young students in their quest for academic excellence.

Mr. Speaker, Edward Tillmon served his nation with pride, even at a time when African Americans were treated like second-class citizens. The legacy of the Tuskegee Airmen is one of courage and heroism in the face of adversity and their story has provided many with the inspiration necessary to achieve their goals.

Mr. Speaker, it is my honor to recognize the contributions of the Carson Women's Club and Edward Tillmon and to thank them for their service to our community and our nation.

INTRODUCTION OF WORKING FAMILIES FLEXIBILITY ACT

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 29, 2012

Mrs. MALONEY. Mr. Speaker, as a result of demographic shifts over the last 50 years, the modern workforce has a different, more diverse set of needs. According to the U.S. Census Bureau, more than 70 percent of children are raised in families that are headed by either a working single parent or two working parents. The number of married households with children where both parents were in the labor force rose to 66 percent in 2010, while the number of single parent families has almost tripled over the last fifty years, from 5 percent in 1960, to 14 percent in 2010. Furthermore, more households are caring for older relatives as medical advances mean people are living longer, with studies showing that almost 60 percent of those who provide unpaid care to an adult or to a child with special needs are employed.

Flexible work arrangements are the key to meeting these diverse workforce needs. Such voluntary arrangements between employees and employers include changing the time, amount, and/or place that work is conducted in order to allow workers to more easily meet the needs of both work and family life. To give employees the right to request flexible work options in terms of hours, schedules, and work location, today I am introducing the Working Families Flexibility Act. This legislation also provides employers with flexibility by encouraging them to review these requests, propose changes, and even deny them if they are not in the best interest of the business.

Having flexible workplace policies has been shown to boost employee satisfaction and morale as well as improve business bottom line.

These policies help businesses retain key talent, reduce absenteeism, and enhance employee productivity. President Obama's Council on Economic Advisors found that as more firms adopt flexibility practices the benefits to society, in the form of reduced traffic, improved employment outcomes, and more efficient allocation of workers to employers, may be greater than the gains to individual firms and workers. In addition, a 2011 U.S. Government Accountability Office report found that a flexible work environment can increase and enhance employment opportunities for people with disabilities.

Flexibility is clearly a win-win for employees and employers. I offer special thanks to Senator BOB CASEY for introducing Senate companion legislation, and to my colleagues Representatives JOHN LEWIS, GEORGE MILLER, and JOSÉ SERRANO for their cosponsorship.

HONORING MR. ROELOF VAN ARK

HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 29, 2012

Mr. COSTA. Mr. Speaker, I rise to recognize Mr. Roelof van Ark, who will soon end his term as the chief executive of the California High-Speed Rail Authority (CAHSRA). There is no textbook on how to build high-speed rail in America; it has never been done before. For the past two years Mr. van Ark has written the first chapters of that book by dedicating himself wholly to building the nation's first true high-speed rail system in California. He deserves our recognition and true appreciation for all the work he has done for California and our nation.

For three decades, Mr. van Ark has worked on high-speed rail and other transportation systems throughout the world. Before becoming only the second chief executive since the Authority was formed in 1996, he led ALSTOM Transportation, Inc., for five years. Mr. van Ark previously worked in Germany and South Africa for Siemens Transportation Systems, a global leader in high-speed rail systems. During his more than 20 year tenure with Siemens, he successfully constructed complex infrastructure projects such as the "Skytrain" in Bangkok, several subways throughout China, and high-speed rail lines in Germany. He ended his time with Siemens while working in Sacramento as President and Chief Executive Officer of the company.

His lifetime of experience enabled him to bring such tremendous expertise and leadership to the implementation of California's high-speed rail project.

I applaud Roelof van Ark for his years of tireless work on behalf of the California High-Speed Rail Authority and the state of California. Mr. van Ark has truly laid the groundwork for the nation's first high-speed rail system, and I hope he will join me in riding the first train that departs from San Francisco en route to Los Angeles via the San Joaquin Valley. All Californians will be better off due to the service and sacrifice of this great leader.

Mr. Speaker, it is with great appreciation that I ask my colleagues to stand with me in thanking Roelof for his work in advancing modern modes of transportation within the United States and around the world. Please join me today in recognizing the commitment, dedication and success of Mr. Roelof van Ark and wish him well as he embarks on new endeavors.

IN RECOGNITION OF JANICE G. MURPHY

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 29, 2012

Mr. KUCINICH. Mr. Speaker, I rise today in recognition of Janice G. Murphy and to acknowledge her receipt of the Walks of Life Award from the Irish American Archive Society. A Cleveland native, Mrs. Murphy has dedicated her life to improving the health of others.

Mrs. Murphy began her career in the health care industry while serving as a nun with the Sisters of Notre Dame. She left the convent upon discovery of her true calling in life and began classes at Fairview Hospital's School of Nursing. She later earned a bachelor's degree in nursing from Bowling Green State University and a master's degree from the University of Akron.

Mrs. Murphy worked as a nurse at Fairview Hospital in oncology and later coronary care. She was named chief nursing officer and in 2007, became the hospital's chief operating officer. While leading Fairview Hospital, Mrs. Murphy was also the president of Lakewood Hospital, a role in which she served for nearly three years. Today she remains the president of Fairview Hospital.

In addition to running two of Cleveland's premier hospitals, Mrs. Murphy serves on the boards of the Ursuline Community Advisory Board, North Coast Health Ministry, St. Joseph Academy and Hospice of Western Reserve. She has also been awarded the Cleveland Clinic Western Region Leadership Award and Baldwin Wallace Healthcare Award.

Mr. Speaker and colleagues, please join me in congratulating Janice G. Murphy as she is honored by the Irish American Archive Society.

IN RECOGNITION OF THE 20TH ANNIVERSARY OF U.S.-AZERBAIJAN DIPLOMATIC RELATIONS

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 29, 2012

Mr. GENE GREEN of Texas. Mr. Speaker, I rise today to ask my Colleagues to join me in recognizing the 20th year of diplomatic relations with our friend and key ally, Azerbaijan.

On February 19, 1992, the United States and Azerbaijan initiated formal diplomatic relations and on March 6 of that year Azerbaijan opened their embassy in the United States. The United States opened our embassy in Baku, Azerbaijan on March 16.

After the fall of the former Soviet Union and the independence of the Republic of Azerbaijan, we have seen a growing need for strong allies in the region. Azerbaijan, a predominantly secular Muslim country bordered by Russia to the north and Iran to the south, is a natural partner to promote peace, stability, and economic prosperity in this important part of the world.

Azerbaijan was among the first to join us in the War Against Terror, sending troops to Afghanistan that served alongside our servicemen and women, and later in Iraq. Today, Azerbaijan offers a crucial route to transport supplies to our troops in Afghanistan.

Azerbaijan is also a key contributor in promoting energy security internationally. The opening of the BTC pipeline in 2005 allowed Caspian oil to reach the world market via Georgia and Turkey, bypassing Russia.

With the recent arrival of Ambassador Elin Suleymanov to Washington, DC, I look forward to working with the Embassy to further strengthen this important relationship.

OUR UNCONSCIONABLE NATIONAL DEBT

HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 29, 2012

Mr. COFFMAN of Colorado. Mr. Speaker, on January 20, 2009, the day President Obama took office, the national debt was $10,626,877,048,913.08.

Today, it is $15,442,120,983,663.88. We've added $4,815,243,934,720.08 to our debt in 3 years. This is debt our nation, our economy, and our children could have avoided with a balanced budget amendment.

IN RECOGNITION OF MR. MIKE CLEARY

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 29, 2012

Mr. KUCINICH. Mr. Speaker, I rise today in recognition of Mr. Mike Cleary and to acknowledge his receipt of the Walks of Life Award from the Irish American Archive Society.

Mr. Cleary was raised in East Cleveland by his parents, both of whom were immigrants from Ireland. He graduated from St. Ignatius High School before attending John Carroll University. Mike also served for the U.S. Navy for two years aboard the USS *Lake Champlain,* an aircraft carrier.

Prior to his retirement in 2011, Mr. Cleary worked in the collegiate and professional sports arena for 46 years. Early on in his career, he worked as a general manager for the Cleveland Pipers and Kansas City Steers. He later entered intercollegiate athletics and worked as the director of championship events for the National Collegiate Athletic Association. In 1965, he was hired as the executive director for the National Association of Collegiate Directors of Athletics.

Mr. Cleary was also the fund administrator for the John McLendon Minority Scholarship Foundation and served on the New Jersey Sports and Exposition Authority and U.S. Olympic Committee. He is highly regarded in the athletic world and has been recognized by the National Football Federation, College Hall of Fame, and in 2009, he was inducted into the National Association of Intercollegiate Athletics.

Mr. Speaker and colleagues, please join me in congratulating Mr. Mike Cleary as he is honored by the Irish American Archive Society.

HONORING JOSEPH J. VINCI, SR., ON THE OCCASION OF HIS 100TH BIRTHDAY

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 29, 2012

Ms. DELAURO. Mr. Speaker, it is with great pleasure that I rise today to join family, friends, and the City of Middletown in honoring one of its most outstanding community members, Joseph J. Vinci, Sr. as he celebrates his 100th birthday—a remarkable milestone for this extraordinary citizen.

A lifelong Middletown resident, J.J., as he is affectionately known, married his wife, Mary, in November of 1934. Together, they not only raised three wonderful children, Joseph J. Jr., Robert, and Rosemarie, they also opened and ran the family business, J.J. Vinci Oil. The home heating oil business is not the easiest of businesses to run, but J.J. and Mary worked hard every day to build the business and provide for their family. For more than seven decades, J.J. Vinci Oil has been a staple in the Middletown business community and its success over the years has been because of the dedication of its founder, J.J., who at 100 years young can still be found in the office every day.

J.J. has not only been an outstanding business leader, but an exemplary civic leader as well. He has always understood that his community is only as strong as those who give back to it. Throughout his life, J.J. has devoted countless hours to a variety of local service organizations. The myriad of awards and commendations which have been bestowed on him are testament to his unparalleled efforts on behalf of the community. He is a charter member of the New England Association of Fire Marshals, Connecticut Chiefs of Police Association, twenty-five year charter member of the Connecticut Independent Oil Men's Association, life member of the State of Connecticut 100 Club, one of the original founders of the Middletown Italian-American Civic Order, twenty-five year Chairman of the St. Sebastian Cadillac Committee, member of the St. Sebastian Renovation Committee, lifetime member of the Benevolent Protective Order of the Elks, Moose Club, and Knights of Columbus Fourth Degree, to name but a few. Through his work with each of these organizations, J.J. has made a difference in the lives of others and has enriched the community.

Marking decades of hard work, this birthday celebration reflects J.J.'s extraordinary resilience and strength of spirit. Over the course of his life, he has not only witnessed remarkable changes and tremendous progress he has helped to shape the very character of the City of Middletown. It is with my warmest regards that I join his children, Joseph Jr., Robert, and Rosemarie, his grandson, Michael, and his great-grandchildren, Nicholas, Lauren, and Christian in extending my heartfelt congratulations to Joseph J. Vinci, Sr. as he celebrates his 100th birthday. Happy birthday J.J.! My very best wishes for many more years of health and happiness.

''STOP DEMAGOGUING THE HUNGRY''

HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 29, 2012

Mr. MCGOVERN. Mr. Speaker, demagoguing the hungry, unfortunately, has become a regular occurrence during this Republican presidential primary season. The truth is that the majority of the hungry struggle to put food on their table not because they are lazy but because of circumstances outside of their control. Many are unemployed at no fault of their own. Others simply don't earn enough and need help supplementing their monthly budget. But all of the hungry, all of those who are relying on America's anti-hunger safety net programs, deserve the helping hand they are receiving. And none of these 50 million food insecure people deserve to be demagogued simply because they have trouble putting food on their kitchen tables.

Last week, I met with Andrew Morehouse, the executive director of the Food Bank of Western Massachusetts. Mr. Morehouse shared with me an op-ed he wrote for the Daily Hampshire Gazette titled ''Stop demagoguing our food safety net.'' Mr. Morehouse makes a clear, coherent and smart argument that attacking the hungry is wrong for both moral and economic reasons. I respectfully urge my colleagues to read this important op-ed.

I submit this op-ed into the RECORD.

[From the GazetteNET, Feb. 7, 2012]

ANDREW MOREHOUSE: STOP DEMAGOGUING OUR FOOD SAFETY NET

HATFIELD,—Former Northampton Mayor Clare Higgins made some eloquent points about hunger and food stamps in her recent column, ''Beyond food stamp buzzwords'' (Jan. 28).

I, too, feel compelled to set the record straight so that the general public has a more complete picture of this critical issue at this juncture in our nation's history. Attacks on SNAP (the federal Supplemental Nutrition Assistance Program, formerly known as food stamps) are rampant in some corners of the public discourse these days. Republican presidential candidates have blamed entitlement programs such as SNAP—and those Americans who receive benefits from them—for the country's deficit problem.

Newt Gingrich has even claimed that ''more people are on food stamps today because of Obama's policies than ever in history.''

It's true that the number of food stamp recipients has risen over the past few years, but the unemployment rate has also increased 110 percent since 2006. As millions of Americans find themselves out of work, those same Americans seek assistance from programs like SNAP to help meet their basic needs. The Census Bureau estimates that food stamps helped to keep 3.9 million people above the poverty line in 2010.

Equally misleading is Gingrich's characterization of SNAP as a race issue, with comments like, ''I'm prepared, if the NAACP invites me, I'll go to their convention and talk about why the African-American community should demand paychecks and not be satisfied with food stamps.''

This statement reinforces a false perception that people of color are the primary recipients of SNAP benefits. The truth is that 49 percent of SNAP recipients are white, while blacks comprise 26 percent and Latinos 20 percent of recipients.

SNAP received more biased criticism in a recent Wall Street Journal opinion piece by Warren Kozak (Jan. 30), which declared hunger in America a myth.

Kozak claims that federal government programs like SNAP waste billions of dollars providing food to people that are not really in need of help. Tell that to the 110,000 people in western Massachusetts alone—primarily children, elders, or the disabled—who wouldn't have a meal tonight without their SNAP benefits or food assistance from our region's emergency food network.

What Gingrich and Kozak don't seem to understand is that SNAP is not only a lifeline for millions of households facing hunger, it is also an economic stimulus. SNAP allows families to put food on their table, and provides food dollars that are spent locally.

According to the Massachusetts Department of Transitional Assistance, SNAP generates approximately $406 million annually in total economic activity in western Massachusetts. SNAP doesn't cause recessions, it responds to them until the economy turns around by supporting vulnerable households while injecting much-needed revenue for local food businesses that employ thousands of residents in our communities.

The fact is that hunger is a very real problem in our country—and right here in Western Massachusetts. At least one in every eight residents of western Massachusetts relies on emergency food to avert hunger. More than 45,000 people seek food assistance each month in our region, a 25 percent increase compared just three years ago.

Here at the Food Bank, we believe that no one should have to go hungry. Without jobs that provide the necessary income to support households, SNAP and other government nutrition programs are essential to solving the hunger crisis facing our country. Without these programs, thousands more households in our region would find their cupboards empty on a regular basis.

IN REMEMBRANCE OF MR. STEPHEN O'CONNOR DIEMERT, JR.

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 29, 2012

Mr. KUCINICH. Mr. Speaker, I rise today in remembrance of Mr. Stephen O'Connor Diemert, Jr.

Born in 1932, Stephen was destined to serve his country and the Greater Cleveland community. He served as a private in the United States Army from July 1953 through March of 1955. After returning home, Mr. Diemert began his career as a firefighter in January of 1961. He served as a fireman for 24 years until January of 1985. Mr. Diemert was also a long-time member of the American Legion Firefighter Post 339 and served as the Director of Fire Affairs for Silver and Gold, a fraternal organization dedicated to ''supporting the Safety Forces of Northeast Ohio.''

I offer my condolences to his wife, Carol; children, Stephen (deceased) and Cindy, Robert, Laura and Tony, Mary Lou and Mike and Matthew and Vicki; grandchildren, A.J., Sara, Stephanie, Hanna, Katie and Gary; great-grandchildren, Karen, Fallon and Brucey (deceased) and eight siblings.

Mr. Speaker and colleagues, please join me in honoring the memory of Mr. Stephen O'Connor Diemert, Jr.

RECOGNIZING ANGELA BRUSCATO

HON. RODNEY ALEXANDER

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 29, 2012

Mr. ALEXANDER. Mr. Speaker, on behalf of the United States Congress, it is with enormous pride and admiration that I rise today to recognize Angela Bruscato.

Angie joined the St. Francis Medical Center volunteer program in May of 1975, and recently surpassed 20,000 hours of service. Needless to say, this is a tremendous feat.

In her long-standing role as a volunteer, Angie has been recognized for her caring service. Over the years, this extraordinary woman has been awarded the Auxilian of the Year, bestowed St. Francis Medical Center's Certificate of Merit for Dedicated Auxiliary Service, and last year, Angie was named one of my Hometown Heroes.

Angie has provided decades of consistent strength and a caring heart for the patients and staff of St. Francis Medical Center. I am honored to bring forth her exceeding 20,000 volunteer hours before this body and our Nation today.

IN RECOGNITION OF THE 60TH ANNIVERSARY OF THE MARINE CORPS LOGISTICS BASE IN ALBANY, GEORGIA

HON. SANFORD D. BISHOP, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 29, 2012

Mr. BISHOP of Georgia. Mr. Speaker, I rise today to pay tribute to the men and women who have served and currently serve at the Marine Corps Logistics Base (MCLB) in Albany, Georgia. On Thursday, March 1, 2012 base personnel, Armed Services veterans and local dignitaries will celebrate the facility's 60th anniversary.

Over the last 60 years, the brave men and women who have served at MCLB, Albany have made significant contributions in defending our homeland and safeguarding our liberties.

On March 1, 1952, MCLB, Albany was commissioned as the Marine Corps Depot of Supplies. By 1954 the station was sufficiently complete with warehouses and administration buildings to assume supply support for Marines east of the Rocky Mountains and in the Atlantic area.

In 1967, the base became a Storage Activity and Depot Maintenance Activity.

On January 17, 1990, the Commandant of the Marine Corps designated the Commanding General, Marine Corps Logistics Base, Albany to also be Commander, Marine Corps Logistics Bases. The reorganization placed control of Marine Corps Logistics Base, Barstow, California; Blount Island Command, Jacksonville, Florida, as well as Marine Corps Logistics Base, Albany under this single command.

Over the last several decades, MCLB, Albany has provided exceptional support to the Marine Air Ground Task Forces sent to Southwest Asia. The MCLB, Albany military and civilian team's hard work and dedication, combined with equal efforts from MCLB, Barstow and Blount Island Command, have reaped outstanding results for our nation's Armed Services.

Mr. Speaker, I have had the pleasure of traveling to many U.S. military installations around the world and the Marine Corps Logistics Base in Albany, Georgia is one of the finest military bases I have ever had the pleasure of visiting.

Through my ongoing interaction with MCLB, Albany personnel, one of the things I have come to admire about our nation's Marines is that their commitment to serving our country does not end once they separate from Active Duty.

MCLB, Albany Marines hold themselves to a higher standard—that service to our nation is a lifelong commitment, not just a tour of duty.

Whether it is going on to work as policemen, fire fighters, teachers or business professionals, a MCLB, Albany Marine's commitment to making our nation better remains at the fundamental core of what not only makes them great during their Armed Services career, but what will also make them invaluable members of our society once their military careers end and their transition into civilian life begins.

Mr. Speaker, I ask my colleagues to join me today in paying tribute to the men and women who have served at the Marine Corps Logistics Base in Albany, Georgia over the last 60 years for their outstanding valor and patriotic service.

PERSONAL EXPLANATION

HON. JESSE L. JACKSON, JR.

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 29, 2012

Mr. JACKSON of Illinois. Mr. Speaker, on Monday, February 27, and Tuesday, February 28, 2012, I was unavoidably detained for personal reasons, and missed the recorded vote for the Senate Amendment to H.R. 347, the Federal Restricted Buildings and Grounds Improvement Act, H. Res. 563, providing for consideration of H.R. 2117, the Protecting Academic Freedom in Higher Education Act.

If present, I would have recorded my votes as the following: On Monday, February 27, ''yea,'' on rollcall vote 73; on Tuesday, February 28, ''nay,'' on rollcall vote 74, ''yea'' on rollcall vote 75, ''yea'' on rollcall vote 76, ''yea'' on rollcall vote 77, ''yea'' on rollcall vote 78, and ''nay'' on rollcall vote 79.

CELEBRATING ST. FRANCIS MEDICAL CENTER'S AUXILIARY MEMBERS

HON. RODNEY ALEXANDER

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 29, 2012

Mr. ALEXANDER. Mr. Speaker, I rise today in celebration of the St. Francis's Auxiliary Members ringing in their 85th year of service and assistance to the patients of the medical center. These men and women have dedicated countless hours to help those during times of need, and I am evermore grateful.

To say that this group is a source of strength within the Monroe community is an understatement. Bringing comfort and hope to patients and their families is a priceless gift. They have made a real difference in the lives of many, and I commend each member, past and present, for their admirable service and leadership.

This group is among Louisiana's finest, and it is an honor to pay tribute to the 85th anniversary of such devoted and selfless individuals. Mr. Speaker, I ask my colleagues to join me today in applauding such an outstanding benchmark.

A TRIBUTE IN HONOR OF BARBARA DOUGLAS

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 29, 2012

Mr. TOWNS. Mr. Speaker, I rise today in great sadness to mark the passing of Barbara Douglas, an exceptional businesswoman and a champion of the game of golf who displayed tremendous courage during her three-year battle with cancer.

Although Barbara faced challenges and endured discrimination as a female and minority, she never let that get in the way of her personal and professional goals. She was a successful executive for IBM, but what she was most well-known for was her passion and contributions to the game of golf.

Barbara started playing golf on New York-area public courses and went on to compete as an adult in the U.S. Women's Amateur Public Links, a United States Golf Association national tournament.

Among her many accomplishments was serving as the first minority chairman of the U.S. Golf Association's Women's Committee in 2009 and 2010; receiving the Golf Writers Association of America's 2011 Ben Hogan Award for overcoming a physical disability to remain active in golf, serving as president of the National Minority Golf Foundation, and being inducted as a member of the National Black Golf Hall of Fame. She also found time to champion causes such as the LPGA-USGA Girls Golf Program.

The world has lost a true champion. Those who knew her will miss her compassionate spirit, but her legacy to the game of golf will live on forever. My deepest sympathies and my prayers go out to her friends and family and the many lives she touched along her 69-year journey.

THE RECENT VISIT OF GEORGIAN PRESIDENT MIKHEIL SAAKASHVILI

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 29, 2012

Mr. BURGESS. Mr. Speaker, I rise to note the recent visit of Georgian President Mikheil Saakashvili to Washington. He met with President Obama, Vice President BIDEN, Secretary Clinton, and many Members of Congress. President Saakashvili's high-profile visit helped consolidate bilateral relations, and the NATO Summit in Chicago in May could witness progress towards Georgia's membership.

At home, however, Georgia confronts the unresolved conflicts in Abkhazia and South Ossetia. In December, I chaired a briefing by the Helsinki Commission that examined the conflicts in the Caucasus, including Abkhazia and South Ossetia as well as Nagorno-Karabakh. I was impressed by the witnesses' expert testimony but concerned by their warning about the possibility of renewed hostilities in this strategically important region.

Despite mediation by the OSCE Minsk Group, the parties seem no closer to a resolution of the Nagorno-Karabakh dispute than they were years ago. Prospects for settling the conflicts in Abkhazia and South Ossetia are even more remote, with Russia having recognized the independence of those separatist regions, where OSCE monitors have also been excluded.

Of course, the U.S. Government has for years been involved in negotiating a settlement of these conflicts, through participation in the Minsk Group and by attempting to move Russia toward a constructive approach in the Geneva talks on Abkhazia and South Ossetia. Washington's efforts have unfortunately not resulted in a resolution of these protracted disputes.

We have seen how quickly so-called ''frozen'' conflicts can come unfrozen, with terrible consequences. It is my understanding that Secretary Clinton is planning a trip to Georgia. I hope this is a sign that the region will receive a continuing and high priority in U.S. diplomacy.

IN RECOGNITION OF MR. MARK S. NEWMAN

HON. GEOFF DAVIS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 29, 2012

Mr. DAVIS of Kentucky. Mr. Speaker, I rise today in recognition of Mr. Mark S. Newman, the Chairman and Chief Executive Officer of DRS Technologies, as he retires after thirty-nine years of dedicated service to the defense industry and our servicemen and women.

Mark's leadership and inspirational concern for providing our warriors with the very best technology this nation can produce has led to the development and fielding of products which have directly saved lives on the battlefield, created enhanced situational awareness and provided superior advantages to our armed forces. He has, for his entire career, sought to place equipment in the hands of our troops that ensured they not only completed their missions, but returned home safely.

Mark joined DRS Technologies in 1973, four years after the company's founding, and was named a director in 1988. After serving many years as the company's Chief Financial Officer, he was named President and CEO in 1994, and in 1995 was elected Chairman of the Board. Under his watch, the company grew from a small specialty electronics supplier to a highly diversified defense technology provider with 10,000 employees—over 15% of whom have served in the U.S. Armed Forces. In short, Mark has built a company that is a true American success story.

In 2005, Mark established the DRS Technologies Charitable Foundation, with a focus on helping those who serve—a cause he knew would resonate throughout the entire DRS workforce. Through the years that followed, he has raised about $600,000 to support the Intrepid Fallen Heroes Fund and their efforts to build a world-class, state-of-the-art physical rehabilitation center at Brooke Army Medical Center in San Antonio, Texas. Mark also helped raise over $500,000 to assist the USO with the initiative ''Operation Enduring Care,'' becoming a Global Partner with the USO in the process. In 2009, Mark helped raise over $600,000 for the building of the state-of-the-art Intrepid Center of Excellence to research, diagnose and treat Traumatic Brain Injury (TBI) suffered by those injured while serving in Iraq and Afghanistan, and just last year Mark made it his personal mission to support ''Operation Mend'' at UCLA Medical Center matching the $240,000 donated by DRS leadership with $240,000 of his own money. His patriotism and philanthropic initiatives supporting military charities makes him a hero in his own right.

Mr. Speaker, I ask House—me in recognizing Mark S. Newman's contributions and thanking him for his dedication to our servicemen and women.

HONORING THE THADDEUS KOSCIUSZKO SOCIETY AS THEY CELELBRATE THEIR 100TH ANNIVERSARY

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 29, 2012

Ms. DELAURO. Mr. Speaker, it gives me great pleasure to rise today to join the many families and community leaders who have gathered today to celebrate the 100th Anniversary of the Thaddeus Kosciuszko Society—a remarkable milestone for this very special organization.

Like so many others of its kind, the formation of the Thaddeus Kosciuszko Society was rooted in the common need of immigrants to support one another. Milford, Connecticut was an ideal location for Polish farmers who had recently immigrated to America to settle because of the agricultural opportunities the land presented. In a new country and beginning new farms, these families faced many challenges. Seeing the need to have someone or something available to them to assist in a time crisis, a group of seven men met on Sunday, April 1, 1912, and established an organization through which they could not only help each other, but also future generations. Their mission, as stated in their original bylaws was simple: ''To promote social activities, recreation and mental improvement among its members and to provide relief benefit therefor in cases of sickness or trouble.''

From that handful of farmers, the Society has grown throughout the years. Many of today's seventy-five members are descendents of the original seven. Throughout its 100-year history, the Society has often been a source of comfort and support for newly immigrated families. Over that time, the Society Treasury, funded by member dues and modest fundraising events, has enabled the Society to provide financial support to relatives and survivors of the sick and deceased as well as more than $50,000 in scholarships to students of Polish decent seeking higher education.

Keeping with the practice started by their founders, the Thaddeus Kosciuszko Society still meet once a month on a Sunday afternoon and their Annual Summer Picnic, now a well-known community tradition, is still held on a mid-summer Sunday afternoon. Though times and the needs of members have changed, the Society continues to make a difference in the lives of those in need, strengthening the bonds of friendship and community from one generation to the next. Today, as they celebrate their 100th Anniversary, they can proudly look back on their rich history and be secure in the knowledge that the Thaddeus Kosciuszko Society will remain a source of support and encouragement for many more families in the years to come.

RECOGNIZING LOUISIANA'S LONGEST MARRIED COUPLE

HON. RODNEY ALEXANDER

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 29, 2012

Mr. ALEXANDER. Mr. Speaker, on behalf of the United States Congress, it is with great pride that I rise today to recognize Louisiana's longest-married couple, Norman and Norma Burmah.

The Marksville couple, who celebrated their 81st wedding anniversary, will be inducted into the Louisiana Family Forum's Marriage Hall of Fame, and were recently commended by Governor Bobby Jindal in a reception held in their honor on Valentine's Day.

After an introduction by Norma's friend, the couple began their courtship in 1930 at the Roof Garden Dance Hall in New Orleans. The following year, Norman and Norma were married at Holy Ghost Church in the Crescent City.

Known as ''Maw'' and ''Paw'' to their loved ones, they are the proud parents of two daughters, and have been blessed with six grandchildren and 13 great-grandchildren. After Hurricane Katrina destroyed their home in 2005, Norman and Norma relocated to Marksville where their strong commitments to each other, family and God have continued.

It is an honor to recognize Norman and Norma Burmah and give my heartfelt congratulations to them on this truly incredible event in their lives. I ask my colleagues to join me in extending best wishes to Louisiana's longest married couple.

EARTHQUAKE AWARENESS MONTH IN MISSOURI

HON. RUSS CARNAHAN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 29, 2012

Mr. CARNAHAN. Mr. Speaker, I rise to bring the important issue of earthquake awareness to the attention of the members of the House.

February is Earthquake Awareness Month in Missouri. My district lies within the New Madrid Seismic Zone, the nation's most active earthquake zone east of the Rocky Mountains. Every year there are more than 200 small earthquakes in this region and there have been earthquakes as strong as magnitude 7.0

in the past. These natural disasters aren't predictable so we must remain vigilant in our preparation for and awareness of the hazards associated with earthquakes.

This month I had the opportunity to speak with high school students from my district about what they are doing to prepare themselves for an earthquake. On February 7th they joined other students from 414 Missouri schools in the 2012 Great Central US ShakeOut. We discussed how the students can prepare their schools and homes for an earthquake and they told me about their experience practicing an earthquake drill. The safety of our children is of the utmost importance and schools play a key role during disasters so when they are well prepared the whole community benefits.

The Saint Louis University Earthquake Center is a world leader in the field of earthquake seismology. I had the opportunity to tour this facility and to learn about the groundbreaking research they are doing. As part of this year's Earthquake Awareness Month, Saint Louis University hosted a seminar entitled ''Earthquakes: Mean Business'' that focused on disaster preparedness and business continuity planning. The St. Louis Science Center also hosted an Earthquake Awareness Day to introduce our citizens to the science behind earthquakes.

I applaud the citizens and businesses of the St. Louis region for their vigilance in preparing for earthquakes and I encourage our continued investment in studying and preparing for these potentially devastating natural events.

HONORING NATIONAL KIDNEY MONTH

HON. TOM MARINO

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 29, 2012

Mr. MARINO. Mr. Speaker, I rise today to ask the House to join me on March 1, 2012 in recognition of Kidney Action Day and recognition of March as National Kidney Month. With over 31 million Americans affected by kidney disease, it is critical that we make every effort to raise awareness and stress the importance of early detection and treatment of the nation's 8th most deadly disease.

The effects of chronic kidney disease can go undetected for years without showing any symptoms but can evolve into a condition with the worst of consequences. As a survivor of kidney cancer, I know the importance of getting checked and beginning the fight at the earliest possible stage. A blood or urine screening can determine whether an individual is showing signs of a renal condition and in early stages, the disease can be treated with medication along with a diet and exercise program.

However, if left untreated, kidney disease may harbor other conditions such as diabetes or hypertension which increases the risk for a stroke, heart attack, or other cardiac-related issues. Dialysis may be needed in the later stages of chronic kidney disease as it aids in cleaning the bloodstream of toxins and in the most severe cases a kidney transplant may be needed. While there is no cure for chronic kidney disease, proper lifelong treatment can slow the onset of kidney failure and help control the symptoms of this devastating disease.

On March 1, 2012, I will be attending Kidney Action Day on the Hill in order to raise consciousness and spread knowledge that could potentially mitigate the tragic effects of this disease. I ask my fellow members of the House to join me on March 1, 2012 to recognize Kidney Action Day and National Kidney Month all across the United States so that we may spread awareness and lend a hand in saving the lives of those we serve.

PERSONAL EXPLANATION

HON. CHRISTOPHER S. MURPHY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 29, 2012

Mr. MURPHY of Connecticut. Mr. Speaker, on February 28, 2012 I was unavoidably detained and missed rollcall vote 79. If present, I would have voted ''nay.''

SUPPORTING GREAT LAKES WEEK

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 29, 2012

Ms. KAPTUR. Mr. Speaker, this week in Washington is Great Lakes Week. It could not come at a more important time.

Last Thursday, the Administration released the 2012 Asian Carp Control Strategy Framework, which is important in establishing the fight to protect our Great Lakes against invasive Asian carp that threaten our $7 billion fishing industry. No lake is more important than Lake Erie—The largest fishery on the Great Lakes.

We should be thankful that President Obama is elevating Asian carp as a priority. I encourage him to do more to stop the carp from migrating into our precious ecosystem.

Last month, another important study was released, outlining a necessary path forward to separate our Great Lakes from the Mississippi watershed. This is the only real solution for stopping the enemy at the gate.

For the same reason, I am a cosponsor of the Stop Asian Carp Act, which calls for that barrier to be built now, not delayed for over a decade. Too much is at risk.

I represent the largest portion of costal Ohio along Lake Erie—which contains more native fish than all the other Lakes combined. We must protect this valuable ecological treasure, and the local multi-billion dollar economy it supports. This involves the lake itself, the maritime industry, coastal tourism, recreation, wildlife refuges, energy protection, industrial plants and so much more.

These endowments extend far beyond Asian carp. This year, lakeside communities again are grappling with an expanding algal bloom that can be poisonous if ingested, creates biological dead-zones, and just plain stinks.

Residents stay inside to avoid the putrid smell, charter boat captains suffer as fishing declines, and hotels and restaurants in popular vacation spots sit empty as travelers take their recreational dollars elsewhere.

Under the Western Lake Erie Basin Partnership, I have brought together researchers, non-profits, and local-residents to work with federal agencies including the EPA, Department of Agriculture, and Army Corps of Engineers to address this huge challenge.

Under President Obama, many of these efforts were integrated into a new program called the Great Lakes Restoration Initiative, which is proving effective at addressing the enormous needs facing our Great Lakes.

Through the GLRI, specific areas of concern like the Cuyahoga, Maumee, and Black Rivers are receiving much needed federal dollars to improve these watersheds.

After years of work to develop the Ottawa National Wildlife Refuge, the GLRI is helping expand their efforts in wetland habitat restoration and enhancement.

In the Black River, we are removing steel mill slag and restoring habitat for native fish species.

This fall in Sandusky, we dedicated a new research vessel for Lake Erie—The ''USS *Muskie*.''

And, the University of Toledo is undertaking a study to assess the benefits provided by a newly created wetlands to prevent agricultural runoff that can produce algal blooms and increase nearshore health concerns, such as e coli and other bacteria.

I, along with a broad range of costal stakeholders, continue to work closely with the agency officials to ensure that the most fragile Great Lakes ecosystem—Lake Erie—receives funding levels in line with the great need.

And, it is essential that our Great Lakes delegation work with my colleagues in Congress to ensure that we continue sufficient funding to the Great Lakes Restoration Initiative

America has done so much to help certain areas like the Everglades and expanses of Alaska that few Americans will ever get to enjoy. More than one quarter of our country lives in a Great Lakes state and depends on healthy lakes for water, farming, business and pleasure.

During this Great Lakes Week, and throughout the upcoming months in which we will determine our spending priorities, I urge my colleagues, especially those in our region who have not already gotten on board, to support the Great Lakes Restoration Initiative and other programs to protect these national and global treasures for today and tomorrow.

RECOGNIZING INTERNATIONAL RARE DISEASE DAY

HON. TIMOTHY H. BISHOP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 29, 2012

Mr. BISHOP of New York. Mr. Speaker, I rise to recognize the fifth International Rare Disease Day, a day reserved to promote awareness of the approximately 6,800 rare diseases afflicting 30 million Americans.

In the United States, a rare disease is one that affects fewer than 200,000 people. The National Organization of Rare Disorders estimates that one in ten Americans are suffering today from a rare disease. Thanks to patients and their families, the medical community, and organizations established to advocate for greater awareness and research, advances have been in the diagnosis and treatment of many of these diseases. With a renewed commitment to scientific research and discovery,

we can provide much more than treatments and disease management to millions of our suffering constituents, we can provide cures.

In my congressional district, I have met with countless constituents and their families whose lives have, in one way or another, been impacted by a rare disease such as Epidermolysis Bullosa, commonly known as EB, which is characterized by the presence of extremely fragile skin that results in the development of recurrent, painful blisters, open sores, and in some forms of the disease, in disfiguring scars, disabling musculoskeletal deformities, and internal blistering. EB affects approximately 12,000 individuals in the United States.

I have also met with families impacted by Duchenne Muscular Dystrophy. This is a form of muscular dystrophy found in boys who experience a progressive loss of muscle function. Parent Project Muscular Dystrophy estimates that 15,000 young men suffer from Ducherme.

Marfan Syndrome is another rare disease that has impacted my constituents. Marfan Syndrome is a disorder of the connective tissue that can affect the skeletal, cardiovascular, and nervous systems, the skin, eyes, and lungs. While there is no cure, an early diagnosis and proper treatment can provide a normal life-span. The National Marfan Foundation estimates that 200,000 are affected by Marfan Syndrome.

Finally, I would like to take this opportunity to also mention Dysautonomia, a group of disorders that cause a breakdown or failure of the autonomic nervous system which regulates involuntary functions of the body: heart rate, blood pressure, body temperature, and perspiration. Some forms of this order are characterized as rare diseases such as Multiple System Atrophy and Familial Dysautonomia. Although other forms such as Postural Orthostatic Tachycardia Syndrome, Neurocardiogenic Syncope, and Autoimmune Autonomic Ganglionopathy are not, this does not detract from their importance and should not result in a federal commitment less than resolute in discovering advances to help increase accurate diagnosis and better treatment. Together, the National Dysautonomia Research Foundation estimates that over one million Americans are impacted by an autonomic system disorder.

Today, Mr. Speaker, I join with patients, their families, and millions in the United States and around to the world to recognize this important day. I urge my colleagues to take a moment today to think about what more Congress can do to help Americans and their families suffering from rare diseases. Together, we can do more for all.

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, March 1, 2012 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MARCH 6

9:30 a.m.
Armed Services
To hold hearings to examine U.S. Central Command and U.S. Special Operations Command in review of the Defense Authorization request for fiscal year 2013 and the Future Years Defense Program; with the possibility of a closed session in SVC–217 following the open session.
SH–216

10 a.m.
Banking, Housing, and Urban Affairs
To hold hearings to examine spurring job growth through capital formation while protecting investors, part II.
SD–538

Budget
To hold hearings to examine perspectives on the President's proposed budget request for fiscal year 2013 for the Department of Defense.
SD–608

Energy and Natural Resources
To hold hearings to examine the President's proposed budget request for fiscal year 2013 for the Forest Service.
SD–366

Finance
To hold hearings to examine tax reform options, focusing on incentives for capital investment and manufacturing.
SD–215

10:30 a.m.
Homeland Security and Governmental Affairs
To hold hearings to examine the nomination of Tony Hammond, of Missouri, to be a Commissioner of the Postal Regulatory Commission.
SD–342

2:30 p.m.
Foreign Relations
To hold hearings to examine the President's proposed budget request for fiscal year 2013 for international development priorities.
SD–419

Homeland Security and Governmental Affairs
To hold hearings to examine the nominations of Mark A. Robbins, of California, to be a Member of the Merit Systems Protection Board, and Roy Wallace McLeese III, to be an Associate Judge of the District of Columbia Court of Appeals.
SD–342

Commerce, Science, and Transportation
Science and Space Subcommittee
To hold hearings to examine keeping America competitive through investments in research and development.
SR–253

Intelligence
To hold closed hearings to examine certain intelligence matters.
SH–219

MARCH 7

9 a.m.
Armed Services
To hold hearings to examine the situation in Syria; with the possibility of a closed session in SVC–217 following the open session.
SD–106

9:30 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings to examine healthy food initiatives, local production, and nutrition.
SH–216

10 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings to examine risk management and commodities in the 2012 farm bill.
SH–216

Commerce, Science, and Transportation
To hold hearings to examine priorities, plans, and progress of the nation's space program.
SR–253

Homeland Security and Governmental Affairs
To hold hearings to examine the President's reorganization plan, focusing on retooling government for the 21st century.
SD–342

Judiciary
To hold hearings to examine lending discrimination practices and foreclosure abuses.
SD–226

Appropriations
Departments of Labor, Health and Human Services, and Education, and Related Agencies Subcommittee
To hold hearings to examine proposed budget estimates for fiscal year 2013 for the Department of Health and Human Services.
SD–124

Veterans' Affairs
To hold joint hearings to examine a legislative presentation from the Veterans of Foreign Wars (VFW).
SD–G50

10:30 a.m.
Appropriations
Department of Defense Subcommittee
To hold hearings to examine proposed budget estimates for fiscal year 2013 for the Department of the Navy.
SD–192

2 p.m.
Aging
To hold hearings to examine opportunities for savings, focusing on removing obstacles for small business.
SD–562

2:30 p.m.
Commerce, Science, and Transportation
Oceans, Atmosphere, Fisheries, and Coast Guard Subcommittee
To hold hearings to examine the President's proposed budget request for fiscal year 2013 for the Coast Guard and the National Oceanic and Atmospheric Administration.
SR–253

Energy and Natural Resources
National Parks Subcommittee
To hold hearings to examine S. 29, to establish the Sacramento-San Joaquin Delta National Heritage Area, S. 1150, to establish the Susquehanna Gateway National Heritage Area in the State of Pennsylvania, S. 1191, to direct the Secretary of the Interior to carry out a study regarding the suitability and feasibility of establishing the Naugatuck River Valley National Heritage Area in Connecticut, S. 1198, to reauthorize the Essex National Heritage Area, S. 1215, to provide for the exchange of land located in the Lowell National Historical Park, S. 1589, to extend the authorization for the Coastal Heritage Trail in the State of New Jersey, S. 1708, to establish the John H. Chafee Blackstone River Valley National Historical Park, H.R. 1141, to authorize the Secretary of the Interior to study the suitability and feasibility of designating prehistoric, historic, and limestone forest sites on Rota, Commonwealth of the Northern Mariana Islands, as a unit of the National Park System, H.R. 2606, to authorize the Secretary of the Interior to allow the construction and operation of natural gas pipeline facilities in the Gateway National Recreation Area, S. 2131, to reauthorize the Rivers of Steel National Heritage Area, the Lackawanna Valley National Heritage Area, and the Delaware and Lehigh National Heritage Corridor, and S. 2133, to reauthorize the America's Agricultural Heritage Partnership in the State of Iowa.
SD–366

MARCH 8

9:30 a.m.
Armed Services
To hold hearings to examine the Department of the Army in review of the Defense Authorization request for fiscal year 2013 and the Future Years Defense Program.
SD–106

10 a.m.
Health, Education, Labor, and Pensions
To hold hearings to examine the key to America's global competitiveness, focusing on a quality education.
SD–430

2:15 p.m.
Indian Affairs
To hold hearings to examine the President's proposed budget request for fiscal year 2013 for Native Programs.
SD–628

2:30 p.m.
Homeland Security and Governmental Affairs
To hold hearings to examine the President's proposed budget request for fiscal year 2013 for the Department of Homeland Security.
SD–342

Intelligence
To hold closed hearings to examine certain intelligence matters.
SH–219

MARCH 13

9:30 a.m.
Armed Services
To hold hearings to examine U.S. Southern Command and U.S. Northern Command in review of the Defense Authorization request for fiscal year 2013 and the Future Years Defense Program;

with the possibility of a closed session in SVC–217 following the open session.

SD–G50

10 a.m.

Energy and Natural Resources

To hold hearings to examine the report of the Independent Consultant's Review with Respect to the Department of Energy Loan and Loan Guarantee Portfolio.

SD–366

10:30 a.m.

Homeland Security and Governmental Affairs

Contracting Oversight Subcommittee

To hold hearings to examine contractors, focusing on how much they are costing the government.

SD–342

Judiciary

To hold hearings to examine the Freedom of Information Act, focusing on safeguarding critical infrastructure information and the public's right to know.

SD–226

MARCH 14

10 a.m.

Veterans' Affairs

To hold hearings to examine ending homelessness among veterans, focusing on Veterans' Affairs progress on its five year plan.

SR–418

2 p.m.

Armed Services

Personnel Subcommittee

To hold hearings to examine the Active, Guard, Reserve, and civilian personnel programs in review of the Defense Authorization request for fiscal year 2013 and the Future Years Defense Program.

SR–232A

MARCH 15

9:30 a.m.

Armed Services

To hold hearings to examine the Department of the Navy in review of the Defense Authorization request for fiscal year 2013 and the Future Years Defense Program; with the possibility of a closed session in SVC–217 following the open session.

SD–G50

2:15 p.m.

Indian Affairs

To hold an oversight hearing to examine Indian water rights, focusing on promoting the negotiation and implementation of water settlements in Indian country.

SD–628

MARCH 20

9:30 a.m.

Armed Services

To hold hearings to examine the Department of the Air Force in review of the Defense Authorization request for fiscal year 2013 and the Future Years Defense Program; with the possibility of a closed session in SVC–217 following the open session.

SD–G50

MARCH 21

10 a.m.

Veterans' Affairs

To hold joint hearings to examine the legislative presentations of the Military Order of the Purple Heart, Iraq and Afghanistan Veterans of America (IAVA), Non Commissioned Officers Association, American Ex-Prisoners of War, Vietnam Veterans of America, Wounded Warrior Project, National Association of State Directors of Veterans Affairs, and The Retired Enlisted Association.

SD–G50

2 p.m.

Judiciary

Antitrust, Competition Policy and Consumer Rights Subcommittee

To hold hearings to examine Verizon and cable deals.

SD–226

MARCH 22

10 a.m.

Veterans' Affairs

To hold joint hearings to examine the legislative presentations of the Paralyzed Veterans of America, Air Force Sergeants Association, Blinded Veterans Association, American Veterans (AMVETS), Gold Star Wives, Fleet Reserve Association, Military Officers Association of America, and the Jewish War Veterans.

345, Cannon Building

MARCH 28

10 a.m.

Veterans' Affairs

To hold hearings to examine the nominations of Margaret Bartley, of Maryland, and Coral Wong Pietsch, of Hawaii, both to be a Judge of the United States Court of Appeals for Veterans Claims.

SR–418

2 p.m.

Armed Services

Personnel Subcommittee

To resume hearings to examine the Active, Guard, Reserve, and civilian personnel programs in review of the Defense Authorization request for fiscal year 2013 and the Future Years Defense Program.

SR–232A

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S1099–S1158

Measures Introduced: Seven bills and three resolutions were introduced, as follows: S. 2138–2144, and S. Res. 382–384. **Page S1147**

Measures Passed:

Read Across America Day: Senate agreed to S. Res. 382, designating March 2, 2012, as ''Read Across America Day''. **Page S1143**

Rare Disease Day: Senate agreed to S. Res. 383, designating February 29, 2012, as ''Rare Disease Day''. **Pages S1143–44**

Measures Considered:

Moving Ahead for Progress in the 21st Century—Agreement: Senate continued consideration of S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, taking action on the following amendments proposed thereto: **Pages S1106–42**

Pending:

Reid Amendment No. 1730, of a perfecting nature. **Pages S1106–42**

Reid (for Blunt) Amendment No. 1520 (to Amendment No. 1730), to amend the Patient Protection and Affordable Care Act to protect rights of conscience with regard to requirements for coverage of specific items and services. **Pages S1106–42**

A unanimous-consent-time agreement was reached providing for further consideration of the bill at approximately 9:30 a.m. on Thursday, March 1, 2012, with the time until 11 a.m. equally divided and controlled between the two Leaders, or their designees; that at 11 a.m., Senate vote on or in relation to Reid (for Blunt) Amendment No. 1520 (listed above), and that all provisions under the order of Tuesday, February 28, 2012, remain in effect. **Page S1156**

Nominations Received: Senate received the following nominations:

John E. Dowdell, of Oklahoma, to be United States District Judge for the Northern District of Oklahoma.

Brian J. Davis, of Florida, to be United States District Judge for the Middle District of Florida.

25 Air Force nominations in the rank of general.

1 Army nomination in the rank of general.

1 National Oceanic and Atmospheric Administration nomination in the rank of admiral.

1 Navy nomination in the rank of admiral.

Routine lists in the Air Force, Army, Foreign Service, and Navy. **Pages S1157–58**

Messages from the House: **Pages S1145–46**

Measures Referred: **Page S1146**

Executive Communications: **Pages S1146–47**

Additional Cosponsors: **Pages S1147–48**

Statements on Introduced Bills/Resolutions: **Pages S1148–51**

Additional Statements: **Pages S1144–45**

Amendments Submitted: **Pages S1151–55**

Notices of Intent: **Pages S1155–56**

Authorities for Committees to Meet: **Page S1156**

Privileges of the Floor: **Page S1156**

Adjournment: Senate convened at 9:30 a.m. and adjourned at 6:56 p.m., until 9:30 a.m. on Thursday, March 1, 2012. (For Senate's program, see the remarks of the Majority Leader in today's Record on page S1156.)

Committee Meetings

(Committees not listed did not meet)

APPROPRIATIONS: DEPARTMENT OF THE INTERIOR

Committee on Appropriations: Subcommittee on Department of the Interior, Environment, and Related Agencies concluded a hearing to examine proposed budget estimates for fiscal year 2013 for the Department of the Interior, after receiving testimony from Ken Salazar, Secretary, David Hayes, Deputy Secretary, and Pam K. Haze, Deputy Assistant Secretary for Budget, Finance, Performance, and Acquisition, all of the Department of the Interior.

PUTTING HEALTH CARE SPENDING ON A SUSTAINABLE PATH

Committee on the Budget: Committee concluded a hearing to examine putting health care spending on a sustainable path, after receiving testimony from David M. Cutler, Harvard University, Cambridge, Massachusetts; Len M. Nichols, George Mason University College of Health and Human Services, Fairfax, Virginia; and James C. Capretta, Ethics and Public Policy Center, Washington, D.C.

CRISIS IN SYRIA

Committee on Foreign Relations: Committee received a closed briefing on the crisis in Syria from national security briefers.

DENTAL CRISIS IN AMERICA

Committee on Health, Education, Labor, and Pensions: Subcommittee on Primary Health and Aging concluded a hearing to examine dental crisis in America, focusing on the need to expand access, after receiving testimony from Burton Edelstein, Columbia University, New York, New York; Shelly Gehshan, Pew Center on the States Children's Dental Campaign, Washington, D.C.; Grant Whitmer, Community Health Centers of the Rutland Region, Rutland, Vermont; Gregory J. Folse, Outreach Dentistry, Lafayette, Louisiana; and Christy Jo Fogarty, Children's Dental Services, Farmington, Minnesota.

DUE PROCESS GUARANTEE ACT

Committee on the Judiciary: Committee concluded a hearing to examine the "Due Process Guarantee Act", focusing on banning indefinite detention of Americans, including S. 2003, to clarify that an authorization to use military force, a declaration of war, or any similar authority shall not authorize the detention without charge or trial of a citizen or lawful permanent resident of the United States, after receiving testimony from Representatives Landry and Garamendi; Lorraine K. Bannai, Seattle University School of Law, Seattle, Washington; Stephen I. Vladeck, American University Washington College of Law, and Steven G. Bradbury, former Acting Assistant Attorney General, and Principal Deputy, Office of Legal Counsel, Department of Justice, both of Washington, D.C.

NOMINATIONS

Committee on the Judiciary: Committee concluded a hearing to examine the nominations of Richard Gary Taranto, of Maryland, to be United States Circuit Judge for the Federal Circuit, who was introduced by Senator Franken, Gershwin A. Drain, to be United States District Judge for the Eastern District of Michigan, who was introduced by Senator Levin, and Robin S. Rosenbaum, to be United States District Judge for the Southern District of Florida, who was introduced by Senator Nelson (FL), after the nominees testified and answered questions in their own behalf.

DEPARTMENT OF VETERANS AFFAIRS BUDGET

Committee on Veterans' Affairs: Committee concluded a hearing to examine the President's proposed budget request for fiscal year 2013 for Veterans' Programs, after receiving testimony from Eric K. Shinseki, Secretary, Robert A. Petzel, Under Secretary for Health, Allison A. Hickey, Under Secretary for Benefits, Steve L. Muro, Under Secretary for Memorial Affairs, Roger W. Baker, Assistant Secretary for Information and Technology, and W. Todd Grams, Executive in Charge for the Office of Management and Chief Financial Officer, all of the Department of Veterans Affairs; Carl Blake, Paralyzed Veterans of America, Jeffrey C. Hall, Disabled American Veterans, Raymond Kelley, Veterans of Foreign Wars of the United States, Tom Tarantino, Iraq and Afghanistan Veterans of America, and William F. Schrier, and Tim Tetz, both of the American Legion, all of Washington, D.C.; and Diane M. Zumatto, AMVETS, Lanham, Maryland.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 11 public bills, H.R. 4105–4115; and 3 resolutions, H.J. Res. 105; H. Con. Res. 106; and H. Res. 567, were introduced. **Pages H1099–H1100**

Additional Cosponsors: **Pages H1100–01**

Reports Filed: There were no reports filed today.

Speaker: Read a letter from the Speaker wherein he appointed Representative Woodall to act as Speaker pro tempore for today. **Page H1019**

Recess: The House recessed at 11:13 a.m. and reconvened at 12 noon. **Page H1027**

Chaplain: The prayer was offered by the guest chaplain, Reverend Gerald Theriot, The American Legion, Schriever, Louisiana. **Page H1027**

Journal: The House agreed to the Speaker's approval of the Journal by a yea-and-nay vote of 283 yeas to 127 nays with 2 answering ''present'', Roll No. 82. **Pages H1027, H1041**

Order of Business: Agreed by unanimous consent that it be in order at any time through the legislative day of March 1, 2012 to consider in the House H. Res. 562; that the resolution shall be considered as read; and that the previous question shall be considered as ordered on the resolution and preamble to adoption without intervening motion or demand for division of the question except one hour of debate equally divided and controlled by the Majority Leader and the Minority Leader or their respective designees. **Page H1031**

Meeting Hour: Agreed that when the House adjourns today, it adjourn to meet at 9 a.m. tomorrow, March 1st. **Page H1041**

San Joaquin Valley Water Reliability Act: The House passed H.R. 1837, to address certain water-related concerns on the San Joaquin River, by a recorded vote of 246 ayes to 175 noes with 1 answering ''present'', Roll No. 91. **Pages H1041–79**

Rejected the Garamendi motion to recommit the bill to the Committee on Natural Resources with instructions to report the same back to the House forthwith with an amendment, by a recorded vote of 178 ayes to 248 noes, Roll No. 90. **Pages H1077–78**

Pursuant to the rule, the amendment in the nature of a substitute consisting of the text of Rules Committee Print 112–15 shall be considered as an original bill for the purpose of amendment under the five-minute rule, in lieu of the amendment in the nature of a substitute recommended by the Committee on Natural Resources now printed in the bill. **Page H1055**

Agreed to:

McClintock manager's amendment (No. 1 printed in H. Rept. 112–405) that makes several technical and clarifying changes to the bill. **Pages H1061–62**

Rejected:

Thompson (CA) amendment (No. 2 printed in H. Rept. 112–405) that sought to prevent several provisions of this Act from going into effect if any agriculture, agriculture-related, fishery, or fishery-related job is lost North of the Sacramento-San Joaquin River Delta (by a recorded vote of 178 ayes to 239 noes, Roll No. 83); **Pages H1062–63, H1072**

McNerney amendment (No. 3 printed in H. Rept. 112–405) that sought to prevent several provisions of the Act from taking effect until it is determined that it will not harm the quality or safety of drinking water supplies for residents of California's Delta region (Contra Costa, Sacramento, San Joaquin, Solano, and Yolo Counties) (by a recorded vote of 178 ayes to 242 noes, Roll No. 84); **Pages H1063–65, H1072–73**

McNerney amendment (No. 4 printed in H. Rept. 112–405) that sought to prevent several provisions of the Act from taking effect until it is determined that it will not harm water quality or water availability for agricultural producers in California's Delta region (Contra Costa, Sacramento, San Joaquin, Solano, and Yolo Counties) (by a recorded vote of 177 ayes to 243 noes, Roll No. 85); **Pages H1065–66, H1073–74**

Garamendi amendment (No. 5 printed in H. Rept. 112–405) that sought to remove provisions of the bill that seek to privatize a public resource and restores the Secretary of the Interior's discretion over water contract renewals (by a recorded vote of 181 ayes to 243 noes, Roll No. 86); **Pages H1066–67, H1074**

Napolitano amendment (No. 6 printed in H. Rept. 112–405) that sought to create a revenue stream through the elimination of a subsidy that allowed irrigators to repay project debt with no interest (by a recorded vote of 174 ayes to 250 noes, Roll No. 87); **Pages H1067–69, H1074–75**

Garamendi amendment (No. 7 printed in H. Rept. 112–405) that sought to remove provisions of the bill that seek to decrease the current supply of water to the Delta region (by a recorded vote of 178 ayes to 247 noes, Roll No. 88); and **Pages H1069–70, H1075–76**

Markey amendment (No. 8 printed in H. Rept. 112–405) that sought to replace provisions in H.R. 1837 that override state law with a provision upholding state law and requiring use of the best available science (by a recorded vote of 180 ayes to 244 noes, Roll No. 89). **Pages H1070–72, H1076**

H. Res. 566, the rule providing for consideration of the bill, was agreed to by a recorded vote of 245 ayes to 173 noes, Roll No. 81, after the previous question was ordered by a yea-and-nay vote of 241 yeas to 178 nays, Roll No. 80. **Pages H1031–40**

Suspensions: The House agreed to suspend the rules and pass the following measure:

Amending the District of Columbia Home Rule Act to revise the timing of special elections for local office: H.R. 3902, amended, to amend the District of Columbia Home Rule Act to revise the timing of special elections for local office in the District of Columbia. **Pages H1085–87**

Suspensions—Proceedings Postponed: The House debated the following measures under suspension of the rules. Further proceedings were postponed:

St. Croix River Crossing Project Authorization Act: S. 1134, to authorize the St. Croix River Crossing Project with appropriate mitigation measures to promote river values. **Pages H1079–85**

Condemning the Government of Iran for its continued persecution, imprisonment, and sentencing of Youcef Nadarkhani on the charge of apostasy: H. Res. 556, amended, to condemn the Government of Iran for its continued persecution, imprisonment, and sentencing of Youcef Nadarkhani on the charge of apostasy. **Pages H1087–91**

Board of Visitors of the United States Military Academy—Appointment: The Chair announced the Speaker's appointment of the following Members of the House to the Board of Visitors of the United States Military Academy: Representatives Hinchey and Loretta Sanchez. **Page H1091**

Quorum Calls—Votes: Two yea-and-nay votes and 10 recorded votes developed during the proceedings of today and appear on pages H1039–40, H1040, H1041, H1072, H1073, H1073–74, H1074, H1075, H1075–76, H1076, H1078, and H1078–79. There were no quorum calls.

Adjournment: The House met at 10 a.m. and adjourned at 9:02 p.m.

Committee Meetings

COMMODITY FUTURES TRADING COMMISSION

Committee on Agriculture: Full Committee held a hearing entitled "The Commodity Futures Trading Commission 2012 Agenda". Testimony was heard from Gary Gensler, Chairman, Commodity Futures Trading Commission.

APPROPRIATIONS—DEPARTMENT OF STATE

Committee on Appropriations: Subcommittee on State, Foreign Operations, and Related Programs held a hearing on FY 2013 Budget for the Department of State. Testimony was heard from Hillary Rodham Clinton, Secretary, Department of State.

APPROPRIATIONS—CUSTOMS AND BORDER PROTECTION

Committee on Appropriations: Subcommittee on Homeland Security held a hearing on FY 2013 Budget for the Customs and Border Protection Agency. Testimony was heard from the following Customs and Border Protection officials: Michael Fisher, Chief; Kevin McAleenan, Assistant Commissioner (Acting), Office of Field Operations; Mark Borkowski, Assistant Commissioner, Office of Technology Innovation and Acquisition; and Michael Kostelnik, Assistant Commissioner, Office of Air and Marine.

APPROPRIATIONS—DEPARTMENT OF ENERGY

Committee on Appropriations: Subcommittee on Energy and Water Development, and Related Agencies held a hearing on FY 2013 Budget for the National Nuclear Security Administration, Department of Energy, Weapons Activities; and National Nuclear Security Administration. Testimony was heard from the following National Nuclear Security Administration officials: Thomas D'Agostino, Administrator; Donald Cook, Deputy Administrator for Defense Programs; and Brigadier General Sandra E. Finan, Principal, Assistant Deputy Administrator for Military Application.

APPROPRIATIONS—DEPARTMENT OF HEALTH AND HUMAN SERVICES

Committee on Appropriations: Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies held a hearing on FY 2013 Budget for the Department of Health and Human Services, Food and Drug Administration. Testimony was heard from Margaret Hamburg, Commissioner, Food and Drugs, Food and Drug Administration; Patrick McGarey, Assistant Commissioner for Budget, Food and Drug Administration; and Norris Cochran, Deputy Assistant Secretary for Budget, Health and Human Services.

APPROPRIATIONS—EPA

Committee on Appropriations: Subcommittee on Interior, Environment, and Related Agencies held a hearing on FY 2013 Budget for the Environmental Protection Agency. Testimony was heard from Lisa Jackson, Administrator, EPA; and Barbara Bennett, Chief Financial Officer, EPA.

APPROPRIATIONS—OFFICE OF SCIENCE AND TECHNOLOGY POLICY

Committee on Appropriations: Subcommittee on Commerce, Justice, Science, and Related Agencies held a hearing on FY 2013 Budget for the Office of Science and Technology Policy. Testimony was heard from John P. Holdren, Director, Office of Science and Technology Policy.

APPROPRIATIONS—DEPARTMENT OF AGRICULTURE

Committee on Appropriations: Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies held a hearing on FY 2013 Budget for the Department of Agriculture. Testimony was heard from the following officials from the Department of Agriculture: Phyllis Fong,

Inspector General; David Gray, Deputy Inspector General; Karen Ellis, Assistant Inspector General for Investigations; and Gil Harden, Assistant Inspector General for Audit.

NATIONAL DEFENSE AUTHORIZATION BUDGET REQUEST FROM U.S. EUROPEAN AND U.S. AFRICA COMMANDS

Committee on Armed Services: Full Committee held a hearing on Fiscal Year 2013 National Defense Authorization Budget Request from U.S. European Command and U.S. Africa Command. Testimony was heard from Admiral James G. Stavridis, USN, Commander, U.S. European Command, NATO Supreme Allied Commander, Europe; and General Carter F. Ham, USA, Commander, U.S. Africa Command.

DEPARTMENT OF DEFENSE FISCAL YEAR 2013 SCIENCE AND TECHNOLOGY PROGRAMS

Committee on Armed Services: Subcommittee on Emerging Threats and Capabilities held a hearing on Department of Defense Fiscal Year 2013 Science and Technology Programs. Testimony was heard from Zachary Lemnios, Assistant Secretary of Defense for Research and Engineering, Office of the Undersecretary of Defense for Acquisition, Technology, and Logistics; Marilyn Freeman, Deputy Assistant Secretary of the Army for Research and Technology, Office of the Assistant Secretary of the Army for Acquisition, Logistics, and Technology; Rear Admiral Mathew Klunder, USN, Chief of Naval Research, Office of Naval Research; Steven Walker, Deputy Assistant Secretary of the Air Force for Science, Technology and Engineering, Office of the Assistant Secretary of the Air Force for Acquisition; and Kaigham J. Gabriel, Deputy Director, Defense Advanced Research Projects Agency.

DEPARTMENT OF DEFENSE FISCAL YEAR 2013 BUDGET

Committee on the Budget: Full Committee held a hearing entitled ''The Department of Defense and the Fiscal Year 2013 Budget''. Testimony was heard from Leon E. Panetta, Secretary, Department of Defense; and General Martin E. Dempsey, Chairman, Joint Chiefs of Staff.

MISCELLANEOUS MEASURE

Committee on Energy and Commerce: Subcommittee on Health held a markup of H.R. 452, the ''Medicare Decisions Accountability Act of 2011''. The measure was forwarded without amendment.

MONETARY POLICY AND THE STATE OF THE ECONOMY

Committee on Financial Services: Full Committee held a hearing entitled ''Monetary Policy and the State of the Economy''. Testimony was heard from Ben Bernanke, Chairman, Board of Governors of the Federal Reserve System.

ASSESSING U.S. FOREIGN POLICY PRIORITIES AMIDST ECONOMIC CHALLENGES

Committee on Foreign Affairs: Full Committee held a hearing entitled ''Assessing U.S. Foreign Policy Priorities Amidst Economic Challenges: The Foreign Relations Budget for Fiscal Year 2013''. Testimony was heard from Hillary Rodham Clinton, Secretary of State, Department of State.

FEDERAL EMERGENCY MANAGEMENT AGENCY BUDGET

Committee on Homeland Security: Subcommittee on Emergency Preparedness, Response and Communications held a hearing entitled ''The President's FY 2013 Budget Request for the Federal Emergency Management Agency''. Testimony was heard from Richard Serino, Deputy Administrator, Federal Emergency Management Agency, Department of Homeland Security.

DEPARTMENT OF JUSTICE COMMUNITY ORIENTED POLICING SERVICES OFFICE

Committee on the Judiciary: Subcommittee on Crime, Terrorism, and Homeland Security held a hearing entitled ''The U.S. Department of Justice Community Oriented Policing Services Office''. Testimony was heard from Bernard K. Melekain, Director, Office of Community Oriented Policing Services, Department of Justice.

MISCELLANEOUS MEASURES

Committee on Natural Resources: Full Committee began markup of the following: H.R. 491, to modify the boundaries of Cibola National Forest in the State of New Mexico, to transfer certain Bureau of Land Management land for inclusion in the national forest, and for other purposes; H.R. 1038, to authorize the conveyance of two small parcels of land within the boundaries of the Coconino National Forest containing private improvements that were developed based upon the reliance of the landowners in an erroneous survey conducted in May 1960; H.R. 1335, to revise the boundaries of the Gettysburg National Military Park to include the Gettysburg Train Station, and for other purposes; H.R. 2050, the ''Idaho Wilderness Water Resources Protection Act''; H.R. 2157, to facilitate a land exchange involving certain National Forest System lands in the Inyo National

Forest, and for other purposes; H.R. 2240, the ''Lowell National Historical Park Land Exchange Act of 2011''; H.R. 2489, the ''American Battlefield Protection Program Amendments Act of 2011''; H.R. 2512, the ''Three Kids Mine Remediation and Reclamation Act''; H.R. 2745, to amend the Mesquite Lands Act of 1986 to facilitate implementation of a multispecies habitat conservation plan for the Virgin River in Clark County, Nevada; H.R. 2947, to provide for the release of the reversionary interest held by the United States in certain land conveyed by the United States in 1950 for the establishment of an airport in Cook County, Minnesota; H.R. 3263, the ''Lake Thunderbird Efficient Use Act of 2011''; H.R. 3409, the ''Coal Miner Employment and Domestic Energy Infrastructure Protection Act''; H.R. 3411, to modify a land grant patent issued by the Secretary of the Interior; H.R. 3440, the ''Recreational Shooting Protection Act''; H.R. 3452, the ''Wasatch Range Recreation Access Enhancement Act''; H.R. 4089, the ''Sportsmen's Heritage Act of 2012''; S. 271, the ''Wallowa Forest Service Compound Conveyance Act''; S. 292, the ''Salmon Lake Land Selection Resolution Act''; S. 404, to modify a land grant patent issued by the Secretary of the Interior; S. 684, to provide for the conveyance of certain parcels of land to the town of Alta, Utah; and S. 897, to amend the Surface Mining Control and Reclamation Act of 1977 to clarify that uncertified States and Indian tribes have the authority to use certain payments for certain noncoal reclamation projects and acid mine remediation programs.

HONORING GEORGE WASHINGTON'S LEGACY: DOES AMERICA NEED A REMINDER?

Committee on Oversight and Government Reform: Subcommittee on Federal Workforce, U.S. Postal Service and Labor Policy held a hearing entitled ''Honoring George Washington's Legacy: Does America Need a Reminder?''. Testimony was heard from Representative Wolf and public witnesses.

PREVENTING STOLEN VALOR

Committee on Oversight and Government Reform: Subcommittee on National Security, Homeland Defense and Foreign Operation held a hearing entitled ''Preventing Stolen Valor: Challenges and Solutions''. Testimony was heard from Lernes Hebert, Director of Office and Enlisted Personnel Management, Office of the Under Secretary of Defense for Personnel and Readiness, Department of Defense; Colonel Jason Evans, Adjutant General, U.S. Army; Colonel Kari Mostert, Director of Awards and Decorations, Air Force; James Nierle, President, Department of the Navy's Board of Decorations and Medals, U.S. Navy; and Scott Levins, Director, National Personnel Records Center and public witnesses.

PROMOTING INNOVATION, COMPETITION, AND ECONOMIC GROWTH: PRINCIPLES FOR EFFECTIVE DOMESTIC AND INTERNATIONAL STANDARDS DEVELOPMENT

Committee on Science, Space, and Technology: Subcommittee on Technology and Innovation held a hearing entitled ''Promoting Innovation, Competition, and Economic Growth: Principles for Effective Domestic and International Standards Development''. Testimony was heard from Mary H. Saunders, Director, Standards Coordination Office, National Institute of Standards and Technology.

NASA CYBERSECURITY: AN EXAMINATION OF THE AGENCY'S INFORMATION SECURITY

Committee on Science, Space, and Technology: Subcommittee on Investigations and Oversight held a hearing entitled ''NASA Cybersecurity: An Examination of the Agency's Information Security''. Testimony was heard from Linda Y. Cureton, Chief Information Officer, National Aeronautics and Space Administration; and Paul K. Martin, Inspector General, National Aeronautics and Space Administration.

REVIEW OF CRUISE SHIP SAFETY AND LESSONS LEARNED FROM THE COSTA CONCORDIA ACCIDENT

Committee on Transportation and Infrastructure: Subcommittee on Coast Guard and Maritime Transportation held a hearing entitled ''A Review of Cruise Ship Safety and Lessons Learned from the COSTA CONCORDIA Accident''. Testimony was heard from Vice Admiral Brian M. Salerno, Deputy Commandant for Operations, U.S. Coast Guard; and public witnesses.

PRESIDENT OBAMA'S TRADE POLICY AGENDA

Committee on Ways and Means: Full Committee held a hearing on President Obama's trade policy agenda. Testimony was heard from Ron Kirk, Trade Representative, Office of the United States Trade Representative and public witnesses.

ONGOING INTELLIGENCE ACTIVITIES

House Permanent Select Committee on Intelligence: Full Committee held a hearing on ongoing intelligence activities.

Joint Meetings

No joint committee meetings were held.

COMMITTEE MEETINGS FOR THURSDAY, MARCH 1, 2012

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Appropriations: Subcommittee on Transportation and Housing and Urban Development, and Related Agencies, to hold hearings to examine proposed budget estimates for fiscal year 2013 for the Department of Housing and Urban Development, 10 a.m., SD–138.

Subcommittee on Legislative Branch, to hold hearings to examine proposed budget estimates for fiscal year for 2013 for the Office of the Architect of the Capitol, the Library of Congress, the Office of Compliance, and the Open World Leadership Center, 2:30 p.m., SD–138.

Committee on Armed Services: to hold hearings to examine U.S. European Command and U.S. Africa Command in review of the Defense Authorization request for fiscal year 2013 and the Future Years Defense Program; with the possibility of a closed session in SVC–217 following the open session, 9:30 a.m., SH–216.

Committee on Banking, Housing, and Urban Affairs: to hold hearings to examine the semiannual Monetary Policy Report to the Congress, 10 a.m., SD–538.

Committee on the Budget: to hold hearings to examine tax reform to encourage growth, reduce the deficit, and promote fairness, 10 a.m., SD–608.

Committee on Commerce, Science, and Transportation: to hold an oversight hearing to examine the cruise ship industry, focusing on if current regulations are sufficient to protect passengers and the environment, 10 a.m., SR–253.

Committee on Foreign Relations: to hold hearings to examine Syria, focusing on the crisis and its implications, 10 a.m., SD–419.

Committee on the Judiciary: business meeting to consider S. 1002, to prohibit theft of medical products, and the nominations of Andrew David Hurwitz, of Arizona, to be United States Circuit Judge for the Ninth Circuit, Patty Shwartz, of New Jersey, to be United States Circuit Judge for the Third Circuit, Jeffrey J. Helmick, to be United States District Judge for the Northern District of Ohio, Mary Geiger Lewis, to be United States District Judge for the District of South Carolina, Timothy S. Hillman, to be United States District Judge for the District of Massachusetts, and Thomas M. Harrigan, of New York, to be Deputy Administrator of Drug Enforcement, Department of Justice, 10 a.m., SD–226.

Select Committee on Intelligence: to hold closed hearings to examine certain intelligence matters, 2:30 p.m., SH–219.

House

Committee on Appropriations, Subcommittee on Homeland Security, hearing on the FY 2013 Budget for National Protection and Programs Directorate, 9:30 a.m. This is a closed hearing.

Subcommittee on Interior, Environment, and Related Agencies, hearing on the FY 2013 Fish and Wildlife Service Budget, 9 a.m., B–308 Rayburn.

Subcommittee on Commerce, Justice, Science, and Related Agencies, hearing on FY 2013 Budget, 10 a.m., H–309 Capitol.

Subcommittee on Military Construction, Veterans Affairs, and Related Agencies, hearing on FY 2013 Budget, 10 a.m., 2359 Rayburn.

Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies, hearing on the FY 2013 Budget for the Department of Agriculture, 10:30 a.m., 2362–A Rayburn.

Subcommittee on Defense, hearing on the FY 2013 Navy/Marine Corps Budget, 1 p.m., H–140 Capitol.

Committee on Armed Services, Full Committee, hearing on the Fiscal Year 2013 National Defense Authorization Budget Request from U.S. Pacific Command, 10 a.m., 2118 Rayburn.

Committee on Energy and Commerce, Subcommittee on Health, hearing entitled ''The FY 2013 HHS Budget'', 10 a.m., 2123 Rayburn.

Subcommittee on Commerce, Manufacturing, and Trade, hearing entitled ''Prescription Drug Diversion: Combating the Scourge'', 10:15 a.m. 2322 Rayburn.

Committee on Financial Services, Subcommittee on Financial Institutions and Consumer Credit, hearing entitled ''Understanding the Effects of the Repeal of Regulation Q on Financial Institutions and Small Businesses'', 9:30 a.m., 2128 Rayburn.

Committee on Foreign Affairs, Subcommittee on Terrorism, Nonproliferation, and Trade, markup of H.R. 3783, the ''Countering Iran in the Western Hemisphere Act of 2012'', 10 a.m., 2127 Rayburn.

Committee on Homeland Security, Subcommittee on Oversight, Investigations, and Management, hearing entitled ''Building One DHS: Why Can't Management Information be Integrated?'', 9:30 a.m., 311 Cannon.

Committee on Natural Resources, Subcommittee on Indian and Alaska Native Affairs, hearing entitled H.R. 1272, the ''Minnesota Chippewa Tribe Judgment Fund Distribution Act of 2011'', 11 a.m., 1324 Longworth.

Committee on Oversight and Government Reform, Subcommittee on Government Organization, Efficiency and Financial Management, hearing entitled ''The Status of Government Financial Management: A Look at the FY 2011 Consolidated Financial Statements'', 10 a.m., 2154 Rayburn.

Committee on Science, Space, and Technology, Full Committee, hearing entitled ''An Overview of the Department of Energy Research and Development Budget for Fiscal Year 2013'', 9:30 a.m., 2318 Rayburn.

Committee on Transportation, Subcommittee on Economic Development, Public Buildings, and Emergency Management, markup of the following: H.R. 2903, the ''FEMA Reauthorization Act of 2011''; H.R. 3182, the ''James M. Fitzgerald United States Courthouse''; H.R. 3556, the ''Robert H. Jackson United States Courthouse''; the ''John F. Kennedy Center Reauthorization Act of 2012''; and General Services Administration resolutions, 10 a.m., 2167 Rayburn.

Committee on Ways and Means, Full Committee, markup of views and estimates submission, 9:30 a.m., 1100 Longworth.

Next Meeting of the SENATE

9:30 a.m., Thursday, March 1

Senate Chamber

Program for Thursday: Senate will continue consideration of S. 1813, Moving Ahead for Progress in the 21st Century, and vote on or in relation to Reid (for Blunt) Amendment No. 1520, at approximately 11 a.m.

Next Meeting of the HOUSE OF REPRESENTATIVES

9 a.m., Thursday, March 1

House Chamber

Program for Thursday: Consideration of H. Res. 562—Directing the Office of the Historian to compile oral histories from current and former Members of the House of Representatives involved in the historic and annual Selma to Montgomery, Alabama, marches, as well as the civil rights movement in general, for the purposes of expanding or augmenting the historic record and for public dissemination and education.

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