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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. WEBSTER).

## DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
*March 7, 2012.*

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

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

## MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 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.

## PAIN AT THE PUMP

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

Mr. WALBERG. Mr. Speaker, we've all had to dig a little deeper in our pocketbooks when visiting the gas station lately. Gas has now reached $4 a gallon in my district. Combined with the stubbornly high unemployment rate in Michigan, I know my constituents are hurting. However, the pain at the pump has sparked more conversations than ever about domestic energy development. Even the harshest of critics are starting to realize that American oil, American gas, and American coal are viable solutions to our energy crisis, with countless numbers of benefits.

The time is ripe for our country to embark on a new chapter in energy production, American energy, an overhaul of this, if you will. Right now we're faced with an abundance of expansion possibilities all there for the taking. New developments in science and technology make this possible. You've probably heard of at least a few terms like ''fracking,'' ''3D mapping,'' and ''horizontal drilling.'' These new practices allow producers to easily extract natural gas, coal, and oil from the ground, all while doing it cheaper, safer, and with less disruption to the landscape above. So why has this administration, contrary to their rhetoric, chosen to obstruct progress, energy independence, and security for our Nation?

House Republicans remain committed to addressing this abundance of energy production and development. That's why we're trying to open up new areas for exploration and development. American energy production is good for the economy because it creates American jobs; it's good for the deficit because of new American royalties; and it's good for our manufacturing because it brings American energy costs down.

If President Obama had chosen to acknowledge this reality 3 years ago, we'd already be seeing more American jobs and cheaper energy. Instead, he has chosen to do little, sometimes even standing in the way of potential growth by letting Big Government be the arbiter of job creation. For proof, just look at the Solyndra fiasco, the rejected Keystone pipeline project, or mounting job-killing EPA regulations.

The private sector, not government, is and will always remain the real job creator for our country. If producers are given more liberty to pursue these techniques, it could put America in a position to become one of the largest energy producers in the world. And why not? We're America. And that would mean more money, more jobs, greater security, and you can bet, lower energy prices.

## NATIONAL SCHOOL LUNCH WEEK

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

Mr. BLUMENAUER. Mr. Speaker, everywhere you go in America, education is a hot-button issue. Everyone has opinions about what should be emphasized, changed, adjusted, where we should spend more, where we should spend it differently. This is a reflection that Americans know what goes on in our schools is very important. That's where we're building America's future for our communities, our economy, for our families.

This deep commitment to our children should extend to one area in schools where we should be building a future that is focusing on the health of these children: physical fitness, their health habits, and importantly, their diet.

When it comes to the health of our children, our legacy is unfortunate. Too many come from families that are food insecure. One-half of American children will, at some point in their life, be on food stamps. Sixty-three percent of American teachers report that each month they buy food for children in their classroom. Over 20 percent of American households are just plain hungry.

Sadly, in my State, those percentages are even worse. Many children who aren't hungry per se, are hungry for the right foods. They consume far too many empty calories. Pizza, soda, and baked goods are the top three sources of calories for our children.



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Since 1980, childhood obesity has doubled, so that today one in three children is overweight or obese.

One of the most direct ways to attack the problem is in our schools, where over 31 million children receive over five billion meals every year for free and reduced lunches. Actually, they are not just fed lunches anymore. They are increasingly getting school breakfasts and now school dinners. For far too many low-income children, this is frankly the only place that they're going to get the food they need.

We have to attack this problem because food in school is too often high in starch and does not feature fresh fruits and vegetables. Indeed, 40 percent of American children do not get fresh fruits and vegetables every day in school.

Congress held up funding for the new nutritional guidelines. It's time for us to get our act together here in Congress. I would suggest that we might honor this National School Lunch Week and build upon the Hunger-Free Kids Act that we had last Congress. Don't we think we can do more than adding 6 cents per meal to the reimbursement rate? Can't we allocate more than $40 million for mandatory farm-to-school funding to help promote the use of local fresh fruits and vegetables? Isn't it time to establish stronger national nutritional standards for all foods provided throughout the school day? Maybe even the House would reconsider and pass my amendment to declare that pizza is no longer a vegetable for school-lunch purposes.

We know what to do. I see it in my community in Abernathy School, as well as more than 40 other schools that are providing education and nutrition and gardening, as well as the math, reading, and science skills, that help kids grow, prepare, and learn to appreciate healthy food. This is healthy not just for the kids, but for the local economy; not only strengthening local farms and ranches, it creates more than 1½ other jobs off the farm. There are now over 9,000 school programs nationally that are dealing with providing this vital connection between food, nutrition, and how kids learn.

I think that it is time for us in Congress to stop being AWOL, to step forward, be more deeply involved, resist the special interests, and make kids' nutrition a priority.

I think our generation ought to be thinking about what we're feeding kids now, when you think about what kids might be feeding us later.

□ 1010

## HONORING OUR TROOPS

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

Mr. JONES. Mr. Speaker, about 3 years ago I initiated a House resolution, and I was joined by many of my colleagues on the Democratic side as well as my friends on the Republican side. The resolution called on the Speaker of the House one time a month, at that time, Ms. PELOSI, that she would stand at the Speaker's stand and ask the Members of Congress to remember our troops in Afghanistan and Iraq. I want to give her credit and thanks that she did it for the whole time that she was Speaker of the House.

After my party, the Republican Party became the majority, I wrote Speaker BOEHNER and asked him if he would continue that moment of remembrance of all of our troops in Afghanistan and Iraq, their families, and those who gave their life and those who were wounded.

I regret that I must say the last time we did this was December 16 of 2011. I intend to prepare a letter to Mr. BOEHNER and ask him, himself, not one time do I remember, maybe one time that he was in the Speaker's chair and he said the words of I thank you, those who have served and those who have given so much.

I don't know if it is just because the war is not on the front page, but last week two Army captains from Fort Bragg, North Carolina, who were trying to train the Afghans, were shot point-blank in their forehead and killed. We have lost 40 Americans who have been in Afghanistan trying to train Afghans to be police and soldiers; 40 have been killed by the trainees. And when you factor in the coalition troops trying to train the Afghans, 70 have been killed, including the 40 Americans.

We need to continue this process of remembering those who have given so much to our country because too many times we get so wrapped up with major issues like the debt, the deficit and jobs, and so many important things, but there is nothing more important than those young men and women over there in Afghanistan who are giving their limbs and their life.

I went to Walter Reed about 3 weeks ago and saw three Marines from my district, Camp Lejeune Marine Base. All three have lost both legs.

So I hope when we get back from the next break next week, again I intend to hand deliver a letter to the Speaker of the House, as I did a year ago, and I want the Speaker, himself, to stand at the Speaker's stand and read the words thanking our men and women in uniform for their service to our Nation and remembering the families who have given a child dying for freedom. I intend to follow through on this, and I hope friends on both sides of the aisle will join me in asking the Speaker to continue this recognition of those who have given so much.

With that, I will ask God to please bless our men and women in uniform, to please bless the families of our men and women in uniform; God, in His loving arms, hold the families who have given a child dying for freedom in Afghanistan and Iraq. I ask God to bless the House and Senate that we will do what is right in the eyes of God for His people here in the United States of America. I will ask God to please bless the President of the United States that he will do what is right in the eyes of God for God's people here in the United States. And three times I will ask, God, please, God, please, God, please continue to bless America.

## SUDAN PEACE, SECURITY AND ACCOUNTABILITY ACT

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

Mr. MCGOVERN. Mr. Speaker, just yesterday the former top U.N. humanitarian official in Sudan, Mukesh Kapila, issued a warning to the world. He said that the Government of Sudan's military is carrying out crimes against humanity in the country's southern Nuba Mountains in the Sudanese state of South Kordofan. He said that these acts remind him of Darfur. Kapila said he saw military planes striking villagers, the destruction of food stocks, and literally a scorched-earth policy. He said the attacks reminded him of what he witnessed in Sudan's Darfur region in 2003 and 2004 when the predominantly Arab government in Khartoum targeted black tribes. Kapila served as the U.N.'s top humanitarian official in Sudan at the time. He said that the world must act now to prevent another Darfur-type situation in the Nuba Mountains.

The people of South Kordofan and Blue Nile, two states inside Sudan along its southern border, are facing a hunger crisis. They haven't been able to plant because the government of President Bashir is bombing them in their fields. Sudan has refused to let humanitarian aid into the region. The United States, the United Nations, and other governments have condemned these attacks against civilians.

My good friend and colleague, Congressman FRANK WOLF, traveled to this border region at the end of February. He interviewed refugees, recorded their stories of terror: bombing from the sky and soldiers burning villages and shooting defenseless civilians; mothers fleeing for their lives with their children, abandoning their homes. I urge my colleagues to go to the Web site of the Tom Lantos Human Rights Commission and watch the video he has posted there. That's at www.tlhrc.house.gov.

We need to speak out, Mr. Speaker. We need to let our government and the world know that people care and that we demand protection for these people from Khartoum's murderous policies.

This is why I and my colleagues, Congressmen FRANK WOLF and MIKE CAPUANO, are introducing today the Sudan Peace, Security and Accountability Act. This bill calls for a comprehensive approach towards Sudan to address and

end the massive human rights violations that are taking place across that country. No longer should we allow President Bashir to blackmail the international community by threatening humanitarian workers in Darfur if the world tries to reach the desperate people in the Nuba Mountains with food and relief supplies.

We need a comprehensive strategy and comprehensive sanctions against Khartoum if the violations continue. We need to let other countries know that if they welcome and provide comfort to President Bashir and members of his government who have been indicted for crimes against humanity, including genocide, that they, too, will face sanctions.

We need to provide the Obama administration with all the tools and all the authority it needs to seek a comprehensive peace in Sudan, end human rights violations, and bring those guilty of crimes against humanity to justice.

For decades the powers that be in Khartoum have toyed with the international community, while its own people paid the price over and over again. It has to stop, Mr. Speaker. It simply has to stop.

Let me end, Mr. Speaker, with a few other remarks.

No one can come to the House floor today and speak about Sudan and protecting the people of Sudan from their murderous government without paying tribute to our dear colleague, Donald Payne.

Congressman Payne passed away yesterday from cancer. He would have been an original cosponsor of the bill I'm introducing today. No one fought harder for human rights in Sudan. He was among the very first to call attention to the genocide taking place in Darfur. He traveled there, often alone, with just one or two aides, to talk to refugees inside Darfur and in camps along the border and to stand witness to their suffering. He was tireless in his commitment to the people of Africa and their well-being.

We all looked to him for leadership, for advice, and for help. He extended this same commitment to the people of African descent in our own hemisphere. I personally know how much he did to promote the rights of Afro-Colombians and to protect their leaders and communities. We will miss him and we will miss his leadership.

Mr. Speaker, he believed that human rights ought to matter. And he believed, as we all should believe, that if the United States of America stands for anything, it ought to stand out loud and foursquare for human rights.

## PROTECT TRICARE

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

Ms. FOXX. Mr. Speaker, I'm extremely disappointed by the President's fiscal year 2013 budget proposal, which would dramatically increase health care costs for our Nation's veterans and military personnel. While I applaud the Pentagon's willingness to make tough choices, these changes are simply unacceptable.

The President's plan would hike annual TRICARE premiums by up to 78 percent in the first year alone. Every 5 years, beneficiaries would face premium hikes ranging from 94 percent to 345 percent—345 percent, Mr. Speaker. This means that a retired Army soldier with a family could see his annual premiums jump from $460 to $2,048. This is disgraceful.

It's wrong to impose crippling rate increases on our Nation's heroes while leaving benefits for unionized civilian defense workers untouched. It is wrong to surreptitiously dismantle TRICARE in an effort to funnel beneficiaries into ObamaCare's subsidized health care exchanges. It is wrong, and it is shameful.

Mr. Speaker, I wear a pin every day that says I support veterans. Every American should be supporting veterans. It is the reason we are here and allowed to speak freely and the reason Americans are able to speak and go about their business every day doing what they do because of the sacrifices that have been made by those who have served.

In every generation, the men and women of America's Armed Forces have answered the call to service. They have sacrificed greatly, and they deserve better than this.

□ 1020

## RUSH LIMBAUGH'S ''APOLOGY''

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

Mr. GUTIERREZ. Here's how sorry Rush Limbaugh is for his attacks on a law school student who dared to give her opinion about access to contraception coverage. He's so sorry that a full transcript of his tirade, including the words he ''apologized'' for, was available yesterday under the heading ''Most Popular'' on the home page of his Web site.

He's so sorry that the verbatim document of his March 1 rant, in which he repeated his name-calling of Sandra Fluke and mocked Democrats for criticizing him, is right on his Web site today under the title ''Left freaks out over Fluke remarks.'' Also on Limbaugh's ''Most Popular'' list today is ''Democrats Are Desperate: Obama Calls Sandra Fluke, the 30-Year-Old Victim.'' I don't mean was on his Web site, before he decided to apologize; I mean it's there today. Just click on the link.

And this Monday, Limbaugh talked at length about the discoveries his staff had made about Ms. Fluke. Apparently, in Rush Limbaugh's world, part of apologizing is researching and criticizing the person you're apologizing to. I want to give you a sample of Limbaugh and his crack research team's eye-opening discoveries:

Here's Limbaugh, verbatim, on March 5:

> This woman, well, we've looked her up. I mean she's a full-fledged activist for women's causes. And she has been to Berkeley, she's traveled all over the place. Cornell, she graduated from the women's studies courses there. She's a full-fledged feminist activist.

America, I join you in being shocked at the discovery of these facts. Sandra Fluke has traveled all over the place. She's even taken women's studies courses at Cornell. Women's studies? No wonder she gives her opinion in public and thinks that women should have some say over their health and reproductive choices. I mean, what would you expect from somebody who went to Cornell?

There's more. You see, I did my own research, Limbaugh. It shows that Toni Morrison, Ruth Bader Ginsburg and Mae Jemison all went to Cornell, too. And what do these three troublemakers have in common? It's obvious. They're women, women who somewhere in their lives, most likely at Cornell, the same place that brainwashed Sandra Fluke, got the idea that they could accomplish anything they wanted to and speak about it in public and have their opinions respected.

Morrison—Nobel Prize. Ginsburg—the Supreme Court of the United States of America. Mae Jemison even got that great crazy idea she could be the first black woman in space. Shocking.

Mr. Speaker, here are the facts. A glance at Rush Limbaugh's Web site makes it obvious that he continues to spew nonsense and that he's not the least bit sorry for what he said. It makes plain that he deeply resents women who speak their mind. Those who do are ''full-fledged feminist activists'' who deserve only his scorn.

There are, however, some things to visit Mr. Limbaugh's Web site for. If you want a bumper sticker calling Obama, the President of the United States, a socialist, or a T-shirt promoting Rush Limbaugh for the Nobel Peace Prize, then his Web site is the place for you. But if you want a sincere apology from a man who is sorry that he called a decent young woman a ''slut,'' you're looking in the wrong place.

Now, the truth is that what a radio talk show host thinks about Sandra Fluke really doesn't matter, except for one important point: the Republican Party respects and fears Rush Limbaugh. The three leading Republican contenders for President of the United States won't take him on. Three men who are so tough that they compete daily with each other to say the most disparaging things about President Barack Obama, three tough talkers who promise to keep us safe from terrorists, these tough guys are struck speechless and cowardly by a

man sitting behind a microphone in his mansion out in Palm Beach, Florida.

When a talk show host calls a decent American woman a slut and a prostitute, that's sad and wrong. But when Mitt Romney, the Republican Party's frontrunner for President, is asked about it and all he can say is ''it's not the language I would have used,'' then it's a leadership crisis. I guess Mitt Romney would have said she was a ''lady of the night.'' What he should have said was, ''Rush Limbaugh, you're dead wrong. Stop it.''

It's time for all Americans to say enough is enough. And it's time for anyone who wants to be a leader—even Republicans who are terrified of Rush Limbaugh—to stand up for treating every woman with decency and respect.

## COMMEMORATING MR. LOUIS MICHOT, JR.

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

Mr. LANDRY. Mr. Speaker, it is with great sadness that I rise today as Louisiana mourns the loss of another member of the Greatest Generation. Yesterday evening, Mr. Louis Michot, Jr., passed away, and he passed away at the ripe old age of 89. As I visited with his son this morning on the telephone, he had a nice remark of saying, you know, my dad would constantly say that if he knew he was going to live that long, he would have taken better care of himself. Imagine that.

Mr. Michot was born in 1922 in south central Louisiana. At the age of 24, he bravely served our country during World War II in the Marine Corps. After serving his country, he came back and began living the American Dream. He became an entrepreneur. He started his own businesses. In 1958, he bought a restaurant franchise which he expanded all across south Louisiana. He ventured into other businesses, from cattle ranching to real estate to oil and gas.

Later, in 1960, Mr. Michot sought to serve his community and his State. He was elected to the State House of Representatives, where he served for 4 years before making a run for Governor. He reentered the political arena in 1968, when he won a seat on the Louisiana State Board of Education, and went on to serve the State as the State superintendent from 1972 to 1976.

Outside the political sphere, Mr. Michot was an admirable community leader, a faithful husband, a loyal friend, and a proud father of 10 beautiful children. He passed on his belief of civic responsibility and serving his community to his children; three of them served in public office, one continuing to serve as a district judge, another as a State senator, and another on the parish council. He was a longtime member of the Lafayette Chamber of Commerce, and he received the esteemed Lafayette Civic Cup for his many community service efforts in 1994.

As Mr. Michot is laid to rest, it is my hope that we reflect upon his life and learn from the shining examples of selfless service and civic duty that he set forth. Though I'm sure he will be missed by many, I'm confident that his legacy of hard work and determination will live on for many generations through his children and their children.

## RECOGNIZING THE COURAGE OF CONGRESSMAN JOHN LEWIS

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

Mr. BARROW. Mr. Speaker, I rise today on the 47th anniversary of Bloody Sunday to recognize the courage of our colleague, Congressman JOHN LEWIS, and the many forgotten heroes of the civil rights movement.

Nearly 50 years ago in Selma, Alabama, some 600 demonstrators marched for equal voting rights for African Americans. They got only as far as the Edmund Pettus Bridge, where State and local lawmen attacked them with clubs and tear gas and drove them back into Selma. Journalists captured the brutality of these attacks, sparking the public outrage that eventually led to the passage of the Voting Rights Act of 1965.

This Sunday, Congressman LEWIS returned to that very bridge that changed history. Again, he was met by a large group of police—but this time they served as his congressional escort.

Mr. Speaker, we've come a long way in the last 50 years, but we still have a long way to go in order to ensure equality and justice for all, and I ask that my colleagues join with me in that work.

□ 1030

## JOBS ACT

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

Mr. CANSECO. Mr. Speaker, when it comes to our economy, one thing is abundantly clear: President Obama's policies have failed.

We are experiencing the worst stretch of unemployment since the Great Depression, despite a trillion-dollar stimulus plan that the Obama administration said would hold unemployment below 8 percent and despite record low interest rates.

The unemployment rate has remained above 8 percent for 36 straight months, and the Congressional Budget Office estimates that the jobless rate will remain above 8 percent through 2014. Almost 13 million Americans are out of work, and the share of unemployed people looking for work for more than 6 months, or the long-term unemployment, topped 40 percent in December 2009 for the first time since 1948 and has remained above that level ever since.

Because his policies have failed, President Obama has turned to the politics of envy and division. The only solutions he can come up with involve more spending, more taxes, and more government. These are the policies that failed in the first place.

House Republicans have a plan for America's job creators. It's time for the President and Democrats in the Senate to stop blocking our jobs bills.

This week, the House will consider the JOBS Act, a legislative package designed to jump-start our economy and restore opportunities for America's primary job creators. These are our small businesses, the start-ups, and the entrepreneurs.

In his State of the Union Address, President Obama asked Congress to send him a bill that helps small businesses and entrepreneurs succeed, and the JOBS Act does exactly that.

## CUTS TO AIR NATIONAL GUARD

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

Mr. WELCH. Mr. Speaker, I rise today to discuss the proposed fiscal year 2013 cuts to the Air National Guard.

Let me preface my remarks by acknowledging that this country does have a serious debt problem that requires that everybody tighten their belt. It requires, in my view, that we have more revenues so that we can have a sustainable budget where everybody does their share, from taxpayers to every Department in the government. The Air Force has to be included.

But under the Budget Control Act, the proposal that the Air Force has made to address the cuts that would be required there is to single out and focus its knife on the Air National Guard. Now, that would affect 5,100 guardsmen who would lose their position. It would also demobilize scores of aircraft.

Now, as I mentioned, the Air Guard is not by any means entitled to be exempt from the challenge of coming in compliance with the Budget Control Act. Here's the issue: when any Agency—whether it's the Air Force, the Army, whether it is the Department of Education—makes its recommendations to comply with the Budget Control Act, it should be doing so on the basis of what makes most sense to strengthen that Agency, not to weaken it.

The studies that have been done with respect to the Air Force demonstrate that the Air Guard is extraordinarily cost effective. The Air Guard is getting the job done for less money than any other part of that Guard. Obviously, the full Air Force is extremely important. But why in the world would you focus on the Guard when the Guard is doing the job in a highly professional and successful way—widely acknowledged by all studies that have been done—and is doing it for less money?

So, number one, when studies have shown that guardsmen and reservists cost far less than Active Duty members and you're trying to meet budget constraints, don't demobilize the efficient and effective.

Number two, as our force shrinks as a whole, the Air Guard is key to the military term called ''reversibility,'' that is, they can serve as a critical operational and strategic reserve should a larger force be needed in the future to meet unforeseen circumstances. That is an essential requirement of military readiness.

Third, the Air Guard can deliver—the Air Guard has delivered. Their record in Afghanistan and Iraq has proven that the force can mobilize quickly and accomplish the mission with great professionalism.

Mr. Speaker, I don't doubt that these are very difficult and challenging choices for the Air Force command to make, and cutting the defense budget always involves very difficult choices. But these cuts that focus as significantly as they do on the Air Guard, which has proven to be efficient and effective, in my view are unwise.

I look forward to working with the House Armed Services Committee and the Defense Appropriations Subcommittee to address my concerns.

## JOBS ACT

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

Mr. HUIZENGA of Michigan. Mr. Speaker, I appreciate the opportunity to address the House and to address the Nation today.

As a small business owner, I know the importance of fostering and creating an environment that promotes job creation, economic security and opportunity, and allows especially small businesses to grow.

I also know that Americans and Michiganders and those in the Second District in my home State of Michigan and across the country are looking for real solutions that will grow jobs now. That's why I support the JOBS Act. It will jump-start our economy and restore opportunities for America's primary job creators: our small businesses, start-ups, and entrepreneurs.

Now, I've been around long enough in my first year here, Mr. Speaker, to unfortunately see that sometimes you have to repackage ideas and put a different colored bow on it for people to accept it because what we're going to be passing has been passed. I sit on the Financial Services Committee. We've passed a number of these bills—and all of these bills, I believe. That's part of the America's Job Creators Plan that the House Republicans have put forward. But what we're doing today is we are going to be putting this JOBS Act; it's compromised of six bills that have been approved by the committee. Very quickly, those six bills are:

One, Reopening the American Capital Markets to Emerging Growth Companies Act. What that's going to do is it's going to allow temporary relief from some of the onerous SEC, or Securities and Exchange Commission, regulations that are on those small businesses.

Number two, the Access to Capital for Job Creators Act is going to allow small companies to raise capital by, again, removing some of those regulatory bans that are in there and that say that a small business can't use advertisements to go try to get and attract investors. Well, in an age of Internet and those kinds of things, that has a huge impact. It also brings along a concept that's been out there called crowdfunding.

That's the third bill, Entrepreneur Access to Credit Act. It is also going to ease the requirements that allow things like crowdfunding, people being able to go and spread this out on Facebook and Twitter and Internet and to their friends, to pull in those small-dollar investors that are going to be able to give them the capital that they need to launch that innovative idea.

Well, the fourth is the Small Company Capital Formation Act. It allows small businesses to go public by elevating the threshold that companies are exempt from $5 million to $50 million. That is going to be able to really, truly impact those small entrepreneurs and small business owners who are looking to take their business to the next step.

The fifth one is the Private Company Flexibility and Growth Act. That's expected to give small companies more room to grow before having to go public. Currently, there's a regulation that says you can have no more than 500 investors in your small company. This doubles that. This says you can have up to 1,000. We believe that that is also going to be able to allow those small businesses who are in transition, who are in that acquisition mode, who are in that growth mode, to be able to go up there and be successful.

Finally, number six, the Capital Expansion Act would increase the number of shareholders allowed to invest in a community bank from 500 to 2,000. Why would we include this part? Well, community banks really are the backbone of many of those small investors. They're the ones that they go to church with and shop at the grocery store with. They know their businesses. They may know that it's been a long-term relationship with that local community bank. By being able to expand the footprint of those community banks, we're going to be able to expand their lending power as well to those small businesses.

Well, it's interesting that here we actually have a bipartisan package of bills. This isn't just something that's the Republicans' ideas. In fact, in the Financial Services Committee, we had this as bipartisan votes. And really, it truly is going to help create a healthier environment for small businesses to hire and expand.

□ 1040

In fact, President Obama's administration released what's called a Statement of Administration Policy yesterday supporting this very act. We welcome his support and recognition of this bill's innovative solutions to ensure that small businesses can access capital needed to expand, hire, and invest. And again, that's because you, the American people, we here in the House of Representatives are looking for those real honest solutions.

Well, it's far time that we get government out of the way of small businesses as well, the engine of our economy. We need to focus on the real economy, and our priority has to be that focus.

According to the Kauffman Foundation, start-up companies created nearly 40 million jobs, 40 million jobs since 1980, and the Small Business Administration shows small businesses generate over 60 percent of all the new jobs created here in the U.S. Sixty percent of all those jobs that we are hoping to have in this country are created by these small businesses.

In fact, even the World Bank has a report. It's called ''Doing Business,'' and it showed that the United States has fallen to 13th for the ''ease of starting a business.''

So with that, Mr. Speaker, I appreciate this as a key to lasting, honest economic recovery. And we need—America needs—these real jobs, real solutions, and real results right now.

## STOP MILITARY RAPE

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

Ms. SPEIER. Mr. Speaker, I rise again this morning to highlight the epidemic of rape and sexual assault in the military. I'm here to decry a code of dishonor that protects rapists and punishes victims. I'm here to call out an entrenched chain of command that squashes reports of sexual assault because they bring unwanted attention to the unit.

I stand here today, as I have 15 previous times, to tell the story of a U.S. servicemember who was raped by a fellow servicemember and then robbed of justice by an unfair system that puts too much power in the hands of a single commander.

The current system of injustice is shamefully unfair. The story I'm about to tell is of Airman First Class Jessica Nicole Hinves of the United States Air Force, whose attempt for justice was snatched away by a single commander who was only on the job for 4 days and reversed a decision to move forward with a court-martial.

The Department of Defense estimates that more than 19,000 servicemembers were raped or sexually assaulted in 2010, yet only 13 percent of them actually reported the rape; and of those 13 percent, only 8 percent of the perpetrators were prosecuted and an even smaller number were convicted.

Airman First Class Jessica Nicole Hinves, a former member of the Air Force, was raped in 2009 by a coworker who broke into her room through the bathroom at approximately 3:00 a.m. She sought medical care and bravely reported the rape. Friends of the rapist began harassing her, but Airman Hinves was not intimidated. She rightly pursued the matter through the military's justice system, and the rapist was scheduled to stand trial in his court-martial.

But the airman who raped Airman Hinves was never prosecuted. His new commander intervened and halted the court-martial. The new commander had only been on the job for 4 days and had no legal training, but still he dismissed the prosecution and the man who raped Airman Hinves never was brought to justice. Only 4 days on the job, and the new commander intervened in the judicial proceedings.

So what happened next? Well, the rapist was given the award for Airman of the Quarter, and Airman Hinves, who was then transferred to another base, now suffers from severe panic attacks and anxiety.

Who can blame a victim for not wanting to report a rape or other humiliating assault? The current process for adjudicating sexual assault and rape in the military is shockingly unjust and is more likely to punish a victim than a perpetrator.

Airman Hinves was the victim of a violent crime. In response, she did everything right. But one commander's decision stood in the way of a fair proceeding against the perpetrator.

In the current military chain of command, commanders can issue virtually any punishment or, in this case, the rapist was not punished at all because the command has complete authority and discretion over how a degrading and violent assault under their command is handled.

Command discretion empowers the commander to decide if a case goes forward to court-martial. The same commander is empowered to determine which JAG officer will serve as prosecutor, which will serve as defense counsel, who oversees the investigation, and even serve as convening authority and, in nonjudicial cases, determine disciplinary action. All these functions are given to the discretion of one person. Simply put, command discretion sets up a dynamic fraught with conflict of interest and potential abuse of power.

This chain of command must be disrupted. We can no longer accept that victims of rape and abuse are beholden to the judgment of a single superior. Instead, victims should have the benefit of impartiality by objective experts, which is what my bill, H.R. 3435, the STOP Act does.

The STOP Act would take the prosecution, reporting, oversight, investigation, and victim care of sexual assaults out of the hands of the normal chain of command and place the jurisdiction in the hands of an impartial office staffed by experts, both military and civilian, but retain it in the military.

Now you've heard the story of Airman Hinves. I will continue to tell stories like hers until this broken system is fixed. I promise to continue to speak out for those who have been victims of sexual assault or rape in the military.

I urge you to write me at stopmilitaryrape@mail.house.gov.

## NOMINATIONS FOR THE UNITED STATES SERVICE ACADEMIES FROM PENNSYLVANIA'S SEVENTH DISTRICT

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

Mr. MEEHAN. Mr. Speaker, let me take a moment to associate myself with the remarks of the gentlelady from California and commend her for her efforts in this point to identify the steps that can be taken to alleviate the issue of unaddressed rapes in the military. As a former prosecutor, I commend that effort and urge my colleagues, in a bipartisan fashion, to pay attention to this issue and hope that we might be able to find common ground to alleviate this injustice.

Mr. Speaker, I rise today to honor 36 remarkable young people in my own district. The following students from Pennsylvania's Seventh Congressional District will receive my nomination for the United States Service Academies.

Nominated to the United States Military are: Domenic Luciani from Monsignor Bonner High School, Nicholas Gustaitis from B. Reed Henderson High School, Andrew Helbling from La Salle College High School, Evan Harkins from West Chester Bayard Rustin High School, Kunal Jha from Delaware County Christian High School, Daniel McCormick from The Episcopal Academy, Ryan Fulmer from Devon Preparatory School, Dean Feinman from Haverford High School, and Isacc Wagner graduating from the Pennsylvania Homeschoolers Accreditation Agency.

Nominated to the United States Naval Academy are: Maxwell Wiechec from West Chester East High School, Sean Ridinger from Marple Newtown High School, Timothy Bell from Archbishop John Carroll High School, Micheal Cerrato from Methacton Senior High School, Fletcher Criswell from Spring-Ford Senior High School, Micheal Dartnell from Monsignor Bonner High School, Thomas Dolan from Ridley High School, Andrew Driban from Garnet Valley High School, Peter Guo from Conestoga High School, Joseph Horn from Roman Catholic High School, William Kacergis from The Episcopal Academy, Alexander La Bruno from St. Joseph's Preparatory School, Brian Landi from Marple Newtown High School, Luke Lawrence from West Chester East High School, Michael McKernan from Penncrest High School, Eric Milkowski from Monsignor Bonner High School, Jackson Pierucci from Malvern Preparatory School, Thomas Shiiba from Strath Haven High School, Joseph Sincavage from St. Joseph's Prepatory School, and Eric Csop from Strath Haven High School has been nominated to both the Naval Academy and the Air Force Academy.

Nominated to the United States Air Force Academy are: Caitlin Sullivan from Radnor Senior High School, Rebecca Bates from Villa Maria Academy, Kevin Brewer from Monsignor Bonner High School, Meghan Callahan from Cardinal O'Hara High School, and Kyle Schwirian from Spring-Ford High School.

And lastly, to the United States Merchant Marine Academy are: Kelly Choi from Garnet Valley High School and Peter Heinbockel from Strath Haven High School.

Mr. Speaker, it's my privilege to nominate these fine young men and women to our United States Service Academies, some of the finest institutions in the world. These exceptional students have demonstrated themselves to be the best of the best. I invite the people of southeastern Pennsylvania to join me in honoring them for their willingness to serve our country, and I wish each and every one of them all of the best in their bright futures ahead.

□ 1050

## WE NEED A GREATER COMMITMENT TO PEACE AND SECURITY

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

Ms. WOOLSEY. Mr. Speaker, today marks exactly 125 months to the day that we've been at war with Afghanistan. That's 125 months that we have been sending brave young men and women to be maimed and killed in a conflict that is not advancing our values but actually degrading them.

I've never believed more fervently that this war is a national security disaster, as well as a national tragedy and a moral catastrophe.

What we need, Mr. Speaker, is a greater commitment to peace and security. What we need is a more generous humanitarian spirit. What we need is diplomacy and international dialogue, cooperation, and conflict resolution. What we need is to cherish human life and human dignity here in the United States and on every corner of the globe.

Yesterday, we lost one of this body's fierce champions for these values, our colleague, Donald Payne. He was a peacemaker, a man of conscience, an ambassador of decency and compassion. He would not tolerate genocide and despair. He didn't turn a blind eye to human suffering, and he didn't care if it was happening in Newark or Nigeria. He went to some of the most dangerous places on Earth to make lives

and conditions better. He was a voice for the otherwise voiceless. He used his power to advocate for people who were otherwise powerless.

In the mid-nineties, I observed Representative Payne at a hearing with the Bush State Department. He was arguing, he was pleading with the State Department to designate the Darfur genocide. He actually had tears in his eyes and tears in his voice, and this is a man known for being very mild mannered.

His compelling arguments and his compassion and passion actually made it possible to convince the world to condemn the Sudan/Darfur government's role in planning and executing the militia's campaign to kill. His leadership had an indelible impact on African nations.

Congressman Payne shared my belief that the wars we've been fighting for the last decade are dreadful mistakes. He was one of those who stood with us in 2005, when the war in Iraq was still popular, to say no, this is wrong, we have to bring our troops home. But he also understood that it wasn't just about ending war, Mr. Speaker. It was about also leaving something else behind: hope, opportunity, democracy, and human rights.

He knew that the key to ending violence, terrorism, and instability was to build up human capital, to fight hunger and disease, to defend and advance women's rights, to build strong schools, and provide decent health care worldwide.

We've lost Donald Payne. But in his honor, let's not lose sight of the ideals he made his life's work. Let's not lose sight of the goals he fought for so tenaciously.

Because of Donald Payne's example, I will fight forever for peace and for stability worldwide, and believe me, the beginning of this effort will be to bring our troops home from Afghanistan.

## VOICE OF TEXAS—BILL BAGI: CROSBY, TEXAS

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

Mr. POE of Texas. Mr. Speaker, like many Members of Congress, I receive thousands of emails from my neighbors each month about the issues that are important to them. Since I work for them and I'm their advocate, it is important that I bring their words directly to the House floor and let other Members hear what I call the pulse of Texans.

Bill Bagi, from Crosby, Texas, recently wrote me about the deteriorating condition of our southern border with Mexico. Here's what he has to say:

> I own and operate a heavy, specialized trucking company and transport specialized freight around the USA and Canada. One-fourth of my freight ends up in the south Texas towns of McAllen, Pharr, and Brownsville, and other towns.
>
> Over the last 10 years, I have watched the border in south Texas deteriorate with not only undocumented crossing, but much worse—the cartels. I know from many of my business customers along the U.S. border that this cartel issue is becoming a very serious issue. Many speak of a blood bath to come on the Rio Grande River.
>
> I urge you to ask the Congress and our President to not stop the deployment of people on the southern border, but to increase them tenfold to protect our U.S. citizens living in America.
>
> This is much more serious than the media and the government want to admit.
>
> Does the U.S. government want a blood bath to take place before they protect our U.S. southern home front? We must stop the infusion of these cartels at the Rio Grande, or they will infest the whole United States, as the Chicago cartel did back in the mob days.
>
> Families are not arming themselves for fun in south Texas. They are preparing for the worst to come. Many believe the U.S. government will not be there when the time comes and we need them. If we don't stop them in south Texas, than Houston and Dallas will be infested with cartel influence.
>
> I have great concerns that they are already operating in the Highlands/Baytown area of southeast Texas.
>
> Thanks for your past support and future drive to protect U.S. citizens.

Mr. Speaker, Mr. Bagi tells us that he's scared to even go to the south Texas border region. He is a businessman, and he sees firsthand, as the citizens who live on the border do, the problem with the drug cartels.

He is not alone. Mexico is quickly becoming, in my opinion, a failed state. Texas towns are in danger because the Federal Government just does not adequately defend the homeland. Bureaucrats in Washington should listen to the people who actually live and work on the southern border.

Unlike what our government wants us to believe, the drug cartels do not stop at the Mexican-Texas border. Even just last week, our border patrol came under gunfire on the border in Texas from the Mexican side of the border. Mr. Speaker, we send troops to foreign nations to protect their borders. Why don't we protect our own?

Local sheriffs and the border patrol do the best they can with what they have, but it's just not enough. It's really past time for the Federal Government to step up and make Mr. Bagi and all Americans feel safe again. After all, the Constitution actually requires the Federal Government to protect the homeland.

And that's just the way it is.

## WHERE ARE THE JOBS?

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

Mr. MCDERMOTT. Mr. Speaker, this week is yet another week in which the House of Representatives has done virtually nothing. We heard my colleagues say they're repackaging some bills, putting a new bow around it, and they're going to pass it out of here. It's a press release for the week that they go home.

After 14 months of running the House, Republicans haven't passed a real jobs bill. I'll give a great example.

Economists and business people know that the biggest growth markets for American companies are exports. When we support U.S. exports, we are supporting American economics. But to support, we need the Export-Import Bank.

The Ex-Im Bank is a wonder. It provides extremely low-risk loans for businesses for exports, small business, medium-size, and big. The U.S. Export-Import Bank does not cost the American taxpayers one penny. It actually makes money, and it helps American businesses and workers sell hundreds of billions of dollars of American goods.

In short, the Ex-Im Bank does just what we need to be doing: compete in the world economy with every tool we have.

Study after study, year after year says that American export efforts need a huge overhaul.

The President is doing all he can. He stood in this well and talked about it and has put forward proposals. But with simple legislation like the extension of the Export-Import Bank, we could do very much more. The Export-Import Bank is the center of our export strategy.

□ 1100

Now, how does it work?

General Electric was recently bidding on a $500 million rail project to supply 150 diesel-electric locomotives to Pakistan. Pakistani officials told GE they preferred the GE locomotives and were willing to pay a premium for their high quality and dependability.

There was a complication in that the bid from the Chinese locomotive manufacturer included a financing package with longer terms and drastically reduced fees that GE could not match on its own with private sector financing. The Export-Import Bank stepped in with a financing package that matched the Chinese financing package and enabled Pakistan to make its decision on a true apples-to-apples comparison of American and Chinese goods.

We can win that one. We can win it always when we have a level playing field. That's what the Export-Import Bank does. It helps us compete.

It's not just big businesses—GE, Boeing. It is also that every office in the Congress receives a letter once a month from the Export-Import Bank, telling us of the companies that got that service in our districts. Nucor Steel, Brooks Rand Labs, NOVA Fisheries, American Wine Trade, Coastal Environmental Systems, International Lubricants, which are all in my district, receive the support of the Export-Import Bank. Without it, they could not have done business on their own.

Now, in the past year, not only have we supported $34 billion worth of exports and 227,000 jobs in 3,300 companies in this country, but the U.S. Treasury

has gotten back $3.4 billion in fees from the loans they make.

So where are we?

Fifty countries in the world do this. China is using every tool available to it, including this one; but the House Republicans sit over there with their heads stuck in the sand, and we're about a month away from it expiring. We should increase the amount of money we allow the Export-Import Bank to use. Remember, the Export-Import Bank makes money on extremely low-risk loans to support tens of thousands of jobs in the United States. Why aren't we working on this kind of jobs legislation? Well, it's because the President asked for it. They are so determined, Mr. Speaker, to prevent the President from being reelected that they won't do what's good for American business and what's good for American workers.

This is not partisan. These small companies are all over our districts. They want to make loans. They want to make sales overseas. They need the help of this bank, and the Republican leadership sits—I don't know where they are. They're somewhere in a dark room. Somebody should turn on the light and tell them there is some stuff to be done and to get out here and pass a real bill, not this jobs cockamamie thing we're going to do in a few days about repackaging stuff we've already passed.

## WOMEN'S ACCESS TO HEALTH CARE

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Texas (Ms. JACKSON LEE) for 5 minutes.

Ms. JACKSON LEE of Texas. This is a month that we note as celebrating women and women's history as a major component of the wonderful history of the greatest Nation in the world. How proud we are of a Nation that supports people's rights no matter your walk of life or religious background or ethnic background; and how proud we are now in 2012 to note that there are men and women on the front lines, on the battlefields defending America's freedom.

So I rise today to continue my advocacy for women's rights. I note that I have been a proponent of women's rights from the earliest part of my career as a lawyer, as a civic participant, as a civilian in my hometown of Houston, as a mother, certainly as a wife, and as a public servant now as a Member of the United States Congress.

I am delighted to acknowledge the Congressional Women's Caucus and to note that the mission of the Women's Caucus is to improve the lives of women and their families. Since 1977, the caucus has focused on issues that are pertinent to women—from fair credit to child support, equitable pay, retirement income, preventing domestic violence at home and internationally, and of course preventing sexual assault.

So I rise today with a degree of consternation and a resounding stand against the siege and onslaught of women's access to health care. Let me be very clear: women's access to health care is not a battle about a woman's choice or the utilization of contraceptives or family planning. It is, simply, women's access to health care. The issue of birth control is an issue of women's health care. Let me give you a recent study's commentary by the National Women's Law Center:

It found that 25-year-old women have been charged up to 84 percent more than their male contemporaries for individual health plans that specifically exclude maternity coverage. Let me be very clear: 84 percent higher than a male's plan to allow a woman to have access to health care. Therein lies the purpose of the Affordable Care Act—not individual mandates but to be able to even the playing field for women's health care. Therefore, let me indicate that using or not using birth control or family planning is an individual matter, but you cannot obtain those without a prescription. It should be a decision between a woman, her conscience, her doctor, and certainly her faith. So I wish to address the recent tenor of the debate on birth control.

A young law student, Sandra Fluke, came before this body, before the Members of Congress, and testified regarding coverage for family planning and contraceptives. She was then publicly derailed as being a slut and a prostitute. I would hope the days of derogatory terms to silence women's opinions are over forever, particularly when they speak about truth. She recounted the story of a young friend who lost an ovary.

Let me repeat: she, Ms. Fluke, recounted a story of a young friend who lost an ovary due to polycystic ovarian fibroids, which can be managed by contraceptives through prescription. Unfortunately, that young woman could not afford contraceptives and had to endure terrible pain. As a result of asking for help to address female law students' health concerns, Ms. Fluke, in coming to this body as an American citizen, as is her right to petition and speak to the Members of Congress, was called a slut and a prostitute by an entertainment talk-show host.

Calling women these sorts of names is no more than vile, underhanded and a way of defeating one's right to speak. I don't deny the right of entertainers and talk-show entertainers and flamboyant conversationalists to speak all day, but there has to be a defining moment of dignity and respect to anyone's disagreement. So I hope more and more advertisers will recognize that a woman's power is greater than the individual entertainer's power. Drop off of that show. Drop off one by one, day by day. Leave them to the old-fashioned medicine of the 1800s—the pills that will cure all. Let the old doc medicine be their advertisers. That's about the level that they should be at.

Women's health is so very important; and at some point, reproductive health is very much a part of it. Polycystic ovarian syndrome is helped by contraceptives. Mr. Speaker, all of these—endometriosis, the lack of menstrual periods, menstrual cramps, premenstrual syndrome—are helped by treatment and access to women's health.

Let me finally say in conclusion that when you cut Medicaid, you cut poor women's access to health care. I will stand and fight for women's access to health care and their own decisions because it is part of the American way. So let us stand together, united as a Nation, being fair and open to all opinions, but never denying a woman, along with every other American, access to health care.

## 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 9 minutes a.m.), the House stood in recess.

□ 1200

## AFTER RECESS

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

## PRAYER

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

God of the universe, we give You thanks for giving us another day.

Lord, You have promised to be with all people wherever they are, whatever their need. We reach out in prayer for the homeless, the poor, those anxious about the future, those who are ill, or those to whom freedom has been denied.

Bless the Members of this people's House. Inspire them as representatives of the American people to labor for justice and righteousness in our Nation and our world, mindful of Your concern for those most in need.

For all the riches of our human experience, O Lord, we give You thanks. Make us aware of our responsibilities as stewards of Your divine gifts and empower us with Your grace to faithfully and earnestly use our talents in ways that bring understanding to our communities and our Nation and peace to every soul.

May all we do be done for Your greater honor and glory.

Amen.

## THE JOURNAL

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

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

## PLEDGE OF ALLEGIANCE

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

Mr. THOMPSON of Pennsylvania 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.

## MESSAGE FROM THE SENATE

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

S. 1886. An act to prevent trafficking in counterfeit drugs.

The message also announced, that pursuant to the provisions of S. Con. Res. 35 (One Hundred Twelfth Congress), the Chair, on behalf of the Vice President, appoints the following Senators to the Joint Congressional Committee on Inaugural Ceremonies:

The Senator from Nevada (Mr. REID);

The Senator from New York (Mr. SCHUMER); and

The Senator from Tennessee (Mr. ALEXANDER).

## ANNOUNCEMENT BY THE SPEAKER

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

## PORTS CAUCUS

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

Mr. POE of Texas. Mr. Speaker, last week, Congresswoman JANICE HAHN (CA) and I hosted the inaugural event for the bipartisan congressional PORTS Caucus.

The PORTS Caucus currently includes a bipartisan group of 42 Members of Congress, representing 19 States and two territories.

I represent several ports in southeast Texas, and I am pleased that our Nation's ports now have a voice in Congress. Ms. HAHN represents ports on the west coast.

Ports are critical to our national security and our economic security. They are America's link to the rest of the world, whether it's the food we eat, the car we drive, the light bulb we use in our homes, or the clothes we wear. Every American household is impacted by some activity at our ports.

The PORTS Caucus will raise awareness and educate others about the major issues important to American ports.

I look forward to working with Congresswoman HAHN, and I want to thank her for thinking of this idea; I look forward to working with other Members of Congress to ensure economic growth in America.

And that's just the way it is.

## GIRL SCOUTS OF 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 Girl Scouts of Rhode Island, a program that strives to help young girls become model citizens.

In honor of the 100th anniversary of the Girl Scouts of America, as well as National Women's History Month, I'm pleased to recognize the contributions that the Girl Scouts have made in Rhode Island where it has reached 9,400 girls through its 770 troops in the past year.

More than just going door to door selling Thin Mints and Tagalongs to their friends and neighbors, the Girl Scouts of Rhode Island provide young women and girls across our State with the opportunity to take part in a group that builds girls of honor, confidence, courage, and character who make the world a better place and giving them a foundation for success later in life.

The Girl Scouts of Rhode Island should take great pride in the work they do every day.

I congratulate the Girl Scouts of Rhode Island on their incredible work.

## CBO PROJECTS HIGH UNEMPLOYMENT UNTIL 2014

(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, last month the Congressional Budget Office released a report which stated that our Nation's unemployment rate is not expected to dip below 8 percent until 2014, which reveals the President's policies have failed and destroyed jobs. America is experiencing the longest stretch of high unemployment since the Great Depression. The study also concluded that if every American searching for employment were counted, sadly our unemployment rate would be around 15 percent.

When the President lobbied for his economic plan, he promised that our unemployment rate would not exceed 8 percent. Instead, February marks the 36th month where the unemployment rate has been above 8 percent. This is a tragedy for American families.

House Republicans are focused on putting American families back to work. I urge the President and the liberal-controlled Senate to take immediate action of the dozens of job-creation bills that have passed the House with bipartisan support.

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

## TEXAS INDEPENDENCE DAY

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

Mr. GENE GREEN of Texas. Mr. Speaker, last Friday, March 2, 2012, marked Texas Independence Day.

It was 176 years ago that the Texas Declaration of Independence was ratified by the convention of 1836 at Washington-on-the-Brazos, Texas.

A military dictatorship took over Mexico, abolishing the Mexican Constitution. The dictatorship refused to provide trial by jury, freedom of religion, public education for its citizens, and allowed the confiscation of firearms. The last one being the most intolerable, particularly among Texans.

Failure to provide these basic rights violated the sacred contract between a government and its people. Texas did what we still do today, stood up for our rights. In response, the Mexican Army marched to Texas, waging a war on the land and the people, enforcing the decrees of the military dictatorship through brute force and without any democratic legitimacy.

As future Texas President and Governor Sam Houston, along with other delegates, signed the Texas Declaration of Independence, General Santa Anna's army besieged the independence forces at the Alamo in San Antonio.

Yesterday, March 6, 176 years ago, 4 days after the signing, the Alamo fell with Lieutenant Colonel William Barrett Travis, former Tennessee Congressman David Crockett, and approximately 200 other Texas defenders.

In a dramatic turnaround, Texans achieved their independence several weeks later on April 21, 1836. Roughly 900 members of the Texas Army overpowered a larger Mexican force. I'm proud to represent the San Jacinto Battlefield and State Park.

God bless Texas and God bless America.

## THE JOBS ACT

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

Mrs. CAPITO. Mr. Speaker, today we're considering a bipartisan legislative package called the JOBS Act, Jumpstart Our Business Startups. This is what our constituents want us to do, and they want to see us get it done.

The JOBS Act is a legislative package designed to move our economy and restore opportunities for America's primary job creators, our small businesses, start-ups, and entrepreneurs. These measures create capital formation, will spur the growth of start-ups and small businesses, and pave the way for more small-scale businesses to go public and create more jobs.

As I said, this has broad bipartisan support. Of the six bills, only 32 Members voted ''no'' on all six of these bills as they moved through the House and the committee.

In his State of the Union, the President asked us to send him a bill that

helps small businesses and entrepreneurs, and that's exactly what the JOBS Act does. We're presented with an opportunity to act in a truly bipartisan fashion that will promote job growth across our Nation. So we should join together, I believe, as Republicans and Democrats, House and Senate, to give the President the piece of legislation so he can sign it into law.

## CASSIUS S. WILLIAMS

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

Mr. BUTTERFIELD. Today, I rise to congratulate Cassius S. Williams, a dear friend, who is the recipient of North Carolina State University's Watauga Medal Award.

Each year, NC State honors alumni for outstanding contributions to the university by bestowing on them the Watauga Medal Award.

Recipients of this historic award understand the enormous value of education, and their commitment to that idea has generated immeasurable prosperity for communities across America.

Watauga Medal Award recipients are candles in the dark, men and women of great purpose who have injected their talents into the lifeblood of North Carolina State University.

Mr. Speaker, this week Cassius S. Williams of Greenville, North Carolina, joined the ranks of great servants as its newest honoree. Without a doubt, his work will continue to foster a better education for our children that will create a brighter future for North Carolina.

The House of Representatives appreciates Cassius Williams.

□ 1210

## MORE IMPORTANT THAN EVER TO STAND BY ISRAEL

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

Mr. HULTGREN. Mr. Speaker, yesterday I had the opportunity to meet with many of my constituents who were here to advocate for continued support for Israel. I had the opportunity to listen to Prime Minister Netanyahu's remarks on the importance of the American-Israeli alliance and friendship. I'm here to tell them today that I could not agree more, and that at no time has the bond between our countries been more important.

In an increasingly uncertain and unstable region in the world, Israel has proven time and again to be a steadfast friend. In a region governed at best by fledgling democracies with uncertain futures and at worst by brutal authoritarian dictatorships, Israel is a champion of democracy and freedom.

But today Israel is surrounded by increasingly unstable neighbors. Just over the horizon, they're faced with an Iranian regime that threatens them with annihilation.

In these circumstances, we must do what is right and stand with our friends and allies, the Israeli people. I've been proud to do so in this Chamber, and I will continue to do so in the weeks and months ahead.

## CREATE JOBS

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

Mr. BACA. Mr. Speaker, 56 percent of Americans think that creating new jobs should be Congress' number 1 priority, but since taking control of the House, the Republicans have yet to pass one single jobs bill.

Republicans have been more interested in obstructing than finding solutions. They said ''no'' to the American Jobs Act. Then they introduced a transportation bill that would cut 550,000 jobs. Now with gas prices on the rise, they refuse to roll up their sleeves and get to work.

We should be voting today on legislation to cut billions in tax breaks for big oil companies, crack down on speculators who are inflating prices at the pump, and invest in new sources such as solar energy and new energy. But instead, we have more of the same partisan gridlock from the Party of No.

Our constituents deserve more. America deserves more. Let's get to work now. Lower the gas prices and create jobs.

## HIGH ENERGY PRICES

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

Mr. YODER. Mr. Speaker, today I rise to call attention to the millions of families and small business owners across America who are feeling the impact of high energy prices.

According to AAA, the national average of a gallon of gasoline currently stands at $3.77, with no sign of relief in the near future. Couple this with higher utility rates, and Americans are struggling under the weight of ever-increasing energy costs. Yet Washington continues to attempt to pile more regulations and higher taxes on energy producers in this country.

Let's be clear: higher energy taxes, more utility mandates, and bigger regulatory burdens drive up the cost of energy production. Washington will not lower energy costs for Americans by placing further roadblocks in the way of energy production in this country.

As workers sit idly waiting to construct the Keystone pipeline and utility and energy producers work to remove government burdens and barriers, the American people are losing. It's time we get the Federal Government out of the way and work together towards bipartisan solutions that get America producing domestic sources of energy in all forms.

Let's lower energy costs for all Americans, and let's get our economy growing again.

## GAS PRICES

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

Ms. CHU. Mr. Speaker, have you been to the gas station recently and been shocked? Gas is above $4 a gallon, in many parts of the country, and climbing. That's 29 cents more than only a month ago. Families everywhere are feeling the pinch.

But why?

It doesn't make sense. Supply is up. We've quadrupled U.S. drilling rigs over the past 3 years. Oil production is at its highest in a decade. Last year, the import of oil fell to its lowest level in 16 years.

The answer is Wall Street speculators who buy oil and hoard it. They take it off the market and lower supply until the price goes way up. Then they sell it and make a killing off the American people. That's not fair.

We can't drill our way out of this problem. We must end Wall Street speculation, end subsidies for the oil companies, and end the political rhetoric. Let's have real solutions to the problems.

## AFTER-BIRTH ABORTION

(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, on February 23, the Journal of Medical Ethics published an article, entitled, ''After-birth abortion: why should the baby live?''

The authors argue that an infant child can be killed since they do not have the same moral status as a ''person.'' They go even further to say that adoption is not always in the best interest of an unwanted child.

The furor over this article has been immense. Unfortunately, the editors defend publishing this article on the basis that there should be reasoned engagement on the subject.

This article may have the form of scholarly argument, but its substance is madness. The authors maintain that a baby can only be granted personhood through the recognition of other human beings. They fundamentally reject something that we all hold dear: that all men are endowed by their Creator with the right to life.

A healthy amount of anger over this article is not only natural but also right. It is shocking and sad to see such destructive arguments given credence in a premier medical journal.

## WHERE ARE THE JOBS?

(Mr. JOHNSON of Georgia asked and was given permission to address the

House for 1 minute and to revise and extend his remarks.)

Mr. JOHNSON of Georgia. Mr. Speaker, this is supposed to be the people's House, but for 428 days of Republican leadership, the American people have been stuck on the outside looking in. House Tea Party Republicans have locked millions of Americans out of this economy and thrown away the key.

Republicans have gambled on tax cuts for millionaires, oil companies, and special interests and fought to lay off droves of teachers, cops, and firefighters, all in an effort to see President Obama and our recovery fail.

Now, after 2 years of private sector job growth under President Obama, Republicans claim that they now have a jobs plan. Well, I'm going to tell you, rooting against the President, hoping that he will fail, is not a jobs plan. That's called sabotage.

Republicans have defaulted on their promises to the American people that they would work to create jobs. Instead, they have started a war against women's health.

How much longer will Americans with no jobs, no hope, and no money have to wait before the Republicans pass a jobs bill?

## THE BENEFITS OF CONTRACEPTION

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

Ms. SCHAKOWSKY. Mr. Speaker, at a speak-out on women's right to birth control, I solicited comments from the huge audience that attended, and here are a few.

Reverend Luke Pepper writes:

> As a Christian and as a minister, I believe that it is important and necessary that we promote the quality of health care and livelihood of the families in this country. Providing access and availability of quality contraception to women is the right and moral thing to do.

A young anonymous woman wrote:

> I'm a virgin. I take birth control because I have polycystic ovary syndrome, and it will reduce my risk of uterine cancer.

Diane writes:

> My oldest son is on the autism spectrum. Nearly 6 years after he was born, my husband and I judged our family ready to support and nurture a second child. If, through the lack of access to birth control, we had been forced to risk an unplanned pregnancy before we were ready, we would not have had the resources—financial or emotional—to give our older son the care and support he needed that enabled him to become the fine young man he is. Nor would we have been able to devote full care and attention to his beloved young brother.

## TRIBUTE TO JAN DOMENE

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

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I rise today to pay tribute to a true champion for education, Jan Harp Domene, who passed away this past Monday.

Jan was a fervent advocate for children. She was serving our community for more than 35 years with the Parent Teacher Association, and she eventually became the head of the PTA in 2007, the National PTA.

During her time with the PTA, Jan facilitated collaborative partnerships with many education, health, safety, and child advocacy groups to benefit children and provide valuable resources to PTA members. As President, she raised the level of parent involvement nationwide by increasing PTA membership and also by accessing very diverse communities.

Jan Harp Domene was the product of public schools in Orange County, and she knew firsthand the intricate needs of our community and children. After serving as the national president of the PTA, she returned to Anaheim and became a trustee on our Anaheim Union High School board.

She was a role model. She actually was a family friend. I remember, as a young child, my mother would get calls from Jan if I was out of line.

Both locally and nationally, we are better off because of Jan, and I am honored, and I hope that my colleagues will honor her, also.

□ 1220

## THE ROAD TO ECONOMIC PROSPERITY AND ENERGY INDEPENDENCE

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

Mr. MORAN. Mr. Speaker, we need a multiyear, adequately funded transportation authorization before it expires at the end of this month.

There is no question but gas prices are too high, but when the speculation subsides and when the world's oil price starts to decline, the price at the pump won't go down proportionately because it will be seized by the big oil companies as an opportunity to further pad their profits. That's when we need to implement a substantially but gradually funded Federal gas tax. That's what we need to fund our Nation's infrastructure that has deteriorated for the last 20 years while the gas tax has not been increased.

That's what we need to do, Mr. Speaker, because the fact is that the big oil companies have been taking us for a ride on a pothole-filled highway. It's time to get into an energy-efficient vehicle and on the road to economic prosperity and energy independence.

## SUPPORT THE DISCLOSE ACT

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

Ms. HAHN. I would like to thank my colleague, Congressman TED POE, for giving a shout-out to the PORTS Caucus, showing this country that we can work together on issues that matter to the people of America.

Mr. Speaker, yesterday was Super Tuesday, but this year's campaign has been anything but super. Thanks to the Supreme Court's misguided decision in the Citizens United case, a handful of Super PACs, funded by billionaires and special interest groups, have dominated this year's elections. But it doesn't have to be this way. Four years ago, the Republican nominee for President, JOHN MCCAIN, was a leading voice in reforming how we pay for campaigns. In this body, Republican Chris Shays fought to clean up elections.

That's why I've come to the floor today, to ask my Republican friends to join with me and with people like JOHN MCCAIN and Chris Shays in supporting the DISCLOSE Act, a law that would shine a very bright light on these Super PACs. This law would let us know who is paying for these ads, and it would require these invisible power brokers to appear in their ads just like the candidates do. If we came together to change this, it really would be super.

## NATIONAL TEACH AG DAY

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

Mr. CHANDLER. I rise today to honor the third annual celebration of National Teach Ag Day, on March 15, which is a day designed to raise awareness of the need for more agriculture teachers. It encourages people to consider a career as an agriculture teacher, and it celebrates the positive contributions these teachers make in their schools and communities.

Every day, agriculture teachers help students develop the skills necessary to become leaders and contributing members of society. These educators teach by doing, not just by telling. And by sharing their passion with young people, they prepare students for successful careers, whether they choose to go into the field of agriculture or not. There are currently over 10,000 agriculture teachers serving almost 1 million students in all 50 States and in Puerto Rico, but it is estimated that there will be hundreds of unfilled positions across the United States this year.

National Teach Ag Day is a nationwide effort to bring attention to the need for more agriculture educators in the U.S. and to raise awareness of the valuable role these teachers fill in our schools and communities.

## GAS PRICES

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

Mr. ROGERS of Alabama. I want to talk today about gas prices.

I represent a poor, rural congressional district where, unlike in the big

cities, you have to have an automobile to get around. In the 10 years I've been in Congress, I have not had any issue that has upset my constituents more, including the wars, than the gas prices we had 3 years ago. Yet here we are back in the same situation, with the prices of $105 for a barrel and $3.75 for a gallon of gas, and nothing has been done over the last 3 years by this administration to deal with this issue. More recently, the Keystone pipeline, which would have helped bring a lot more oil into the marketplace by bringing it down from Canada to our refineries on the coast, has been denied by the President.

He needs to be doing some things to help us. He says that people say, Drill, drill, drill, and that that won't solve our problem. Well, the fact is it might have if we'd started 3 years ago when we had the last burst of high gas prices. He's right, it won't help deal with the current problem, but this is going to continue to be a perpetual problem if he doesn't make some changes. He needs to authorize the drilling in the Outer Continental Shelf and in ANWR, and he needs to pass the Keystone pipeline.

## GAS PRICES ARE RISING

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

Ms. HANABUSA. Gas prices are rising. We'll see an average, some predict, of $5 per gallon by this summer. Some places are already there.

Voices are rising, asking us, What are we doing to bring gas prices down?

Mr. Speaker, we can agree that we must go beyond short-term fixes and that we must cure ourselves of this Nation's petroleum addiction. Yes, it is an addiction.

Our constituents are asking, What's causing it? What's causing these gas prices?

We know, when Iran threatens to close the Strait of Hormuz, prices soar. This is because one-fifth of the world's oil supply goes through those straits.

Mr. Speaker, America's vision of our energy future must go beyond the next gas pump. We must look at the fundamentals of a new policy. Yes, diplomacy is part of that, but more importantly, it's us. We must join hands to self-sufficiency and truly be committed to renewable resources. The President proudly pointed out to the marines and Navy in the State of the Union: 50 percent sustainability. Let's adopt that policy.

## WE MUST PUT FREEDOM AND HUMAN RIGHTS FIRST

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

Mrs. DAVIS of California. Mr. Speaker, I rise today to speak on an international issue that merits our attention here in Congress. This month, hundreds of thousands of concerned citizens, 140,000 and counting, have signed a petition to the White House. The petition calls on the administration to stop expanding trade with Vietnam at the expense of human rights.

I know it's hard for all of us here in this Chamber to imagine, but in Vietnam, the mere act of composing songs can be sufficient grounds for the Communist government to put someone in jail. In fact, that's exactly what happened to Viet Khang, a Vietnamese citizen who was arrested and who is currently being detained for merely composing and singing two protest songs about his own country. This arrest and many others in recent years are issues that have to be at the forefront of our trade negotiations with the Vietnamese Government.

I urge my colleagues to join me in urging the President to put freedom and human rights first.

## COMMENDING PRESIDENT BARACK OBAMA'S COMMITMENT TO AMERICAN ENERGY

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

Mr. FALEOMAVAEGA. Mr. Speaker, President Obama recently announced $30 million in new funding as part of his energy research strategy to reduce our reliance on foreign oil and to provide Americans with new choices for vehicles that do not rely on gasoline. This crucial investment in advanced energy research will promote American innovation to diversify our Nation's energy resources and create new jobs.

Under President Obama's leadership, America is now producing more oil than at any time in the last 8 years, and our dependence on foreign oil is at a 16-year low. Over the last 3 years, the Obama administration has approved dozens of new pipelines and has opened millions of acres for oil and gas exploration. The Obama administration has also implemented the toughest fuel economy standards in history, which will cut oil consumption by 12 billion barrels and save American families $1.7 trillion over the next 10 years.

Mr. Speaker, I commend President Obama for taking these important steps to promote and to enhance our Nation's energy needs.

□ 1230

## PROVIDING FOR CONSIDERATION OF H.R. 3606, JUMPSTART OUR BUSINESS STARTUPS ACT

Mr. SESSIONS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 572 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 572

*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. 3606) to increase American job creation and economic growth by improving access to the public capital markets for emerging growth companies. 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 Financial Services. 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 Financial Services now printed in the bill, an amendment in the nature of a substitute consisting of the text of the Rules Committee Print 112–17 shall be considered as adopted in the House and in the Committee of the Whole. The bill, as amended, shall be considered as the original bill for the purpose of further amendment under the five-minute rule and shall be considered as read. All points of order against provisions in the bill, as amended, are waived. No further amendment to the bill, as amended, shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such further 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 further amendments are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill, as amended, to the House with such further amendments as may have been adopted. The previous question shall be considered as ordered on the bill, as amended, and any further amendment thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. THOMPSON of Pennsylvania). The gentleman from Texas is recognized for 1 hour.

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

GENERAL LEAVE

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

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

There was no objection.

Mr. SESSIONS. Mr. Speaker, today I rise in support of this rule and obviously the underlying bill. House Resolution 572 provides a structured rule for H.R. 3606, that Jumpstart Our Business Startups, or what we also call the JOBS Act. The bill was introduced on December 8, 2011, by my friend, a bright young man who is one of the

brand-new leaders of our conference, a freshman, the gentleman from Tennessee, STEPHEN FINCHER, and was ordered reported by Chairman BACHUS and the Committee on Financial Services on February 16, 2012, by a near-unanimous vote of 54–1.

Members on both sides of the aisle have had an opportunity and will have opportunities to submit perfecting ideas. Thank goodness the Rules Committee allows this sort of thing to happen now that Republicans are in charge. The structured rule before us allows for 17 amendments, Mr. Speaker: 13 from Democrats, 3 from Republicans, and one which is a bipartisan amendment, meaning that Republican and Democrat Members of this House have a chance to work together on legislation for jobs for our country.

The chairman of the Rules Committee, DAVID DREIER, has once again allowed the House to work its will through this important legislation by allowing us to have a rule not only where Members of Congress can come and share their ideas with the Rules Committee but, once again, have them made in order so they can come down on the floor, express their ideas, work with colleagues to perfect the legislation and then to vote for the bill, because they were a part of it. Those are ideas that I think are good for this body. DAVID DREIER, as chairman of the committee, deeply believes this is the way the floor should operate.

Today, we're going to consider a package of commonsense job-creating bills that stand out for a unique reason, and that unique reason is the President of the United States now supports what we're doing, also. Unfortunately, Senate Democrats have yet to give their blessing on this bill and the package that's included. So we're just going to have to do the best we can and then hope for the best. Maybe the Senate will decide they want to take action on bills that will not only better enable our country to have jobs and job creation, but also a chance to work for the best interests of the American people.

House Republicans are on the floor again today, as we have been doing now for a year and a few months, to persistently make the case about job creation, why jobs are important to our country, why the Congress should be all about trying to work with the free enterprise system, work with Members of Congress who see the big need for jobs, not only at home, but all across this country in every single State so that we can have job creation as a major goal of what this Congress and hopefully the President would be for. Over 30 bills that we've already passed through this body over the last year and a couple months await consideration by Senate Democrats. That means that this body, just like the bills we are going to handle today, we have been on the floor for a year talking about jobs, job creation, the way we can aid and abet the free enterprise system, investors, and opportunities back home. Those bills are waiting over in the Senate, and today we're simply going to add to that.

The big difference is the President has now said, You guys have got a good idea. The day the President agrees with House Republicans and House Democrats is a great day for our country. So, the good news out of Washington today is STEPHEN FINCHER had a good idea the President agrees with, and we're going to do something about that.

Our economy has a credit problem, too, Mr. Speaker, not just a jobs problem. Companies are unable to receive the credit they need to grow their businesses, and as banks and other traditional credit providers face stricter Federal restrictions by the Obama administration, it decreases the ability for lending to take place, and companies that need lending and cash and capital available to them are looking for innovative funding mechanisms that will provide the liquidity necessary so they can keep their businesses current, so they can expand their business, so they can meet the needs of the marketplace. This administration continues to promote policies that slow economic growth and make it more difficult for businesses and, in particular, small business, to obtain capital and have a source of funding. Republicans believe that we must create an environment that changes that, that encourages investment in small business. Small business, as we know, is really the engine of our economy and really the national job creator. The underlying bill does just that.

The JOBS Act consists of numerous pro-growth provisions, and I would like to talk about those because it's important for us to remind our colleagues that a pro-growth bill or a pro-growth environment that our free enterprise system would be involved in encourages not just the creation of capital, but also the ability of that formation of capital to make jobs in America to come about as a result of that.

□ 1240

This bill from Congressman FINCHER creates a new category of what's called emerging growth companies that will reduce costs for small companies to go public. Great idea.

There is legislation from our majority whip, KEVIN MCCARTHY from California, that will allow small businesses to advertise for the purpose of soliciting capital from potential investors. In other words, this was not allowed by law. Small companies that have great ideas need the opportunity to advertise in the marketplace and have people see that there are good ideas. KEVIN MCCARTHY is right.

A bill from Congressman MCHENRY from North Carolina would allow what is called crowdfunding for initial public offerings under $1 million. In other words, it opens up the ability to gather more capital to come in. And Congressman MCHENRY is right, we need to utilize market-based solutions, and we need to make it legal.

There are two bills from Congressman SCHWEIKERT from Arizona: one that would allow more businesses to go public, gathering investment and growth, and a second bill which raises the threshold number of shareholders required from mandatory Securities and Exchange Commission registration for all companies.

And finally, there is a bill by Congressman QUAYLE from Arizona which increases the threshold number of shareholders permitted to invest in community banks; in other words, bringing more investors to an important part of our economy, and that is called community banks, banks that exist for the purpose of trying to make our communities, local communities, stronger and better.

The banks and small businesses of the district which I represent, the 32nd Congressional District of Texas, which is primarily Dallas, Richardson, Addison, and Irving, Texas, consistently describe to me about how they have an inability to raise capital investment, not due to a lack of willing investors, but as a result of burdensome regulations that are placed on them by the Federal Government. Oftentimes we discuss the need for the SEC limit on individual investors, and we know that it restricts their ability to raise funds through community participation in local business creation. I am proud to tell them now that, as a result of this bill today and the legislation included, help is on the way.

These important changes not only provide businesses with the necessary ability to expand, but also they provide individuals with new mechanisms to invest and grow with their own personal assets in companies that they know best.

The rules adjusted in the underlying bill have proven restrictive to economic growth, so we've got to adjust these problems in the marketplace and come up with new and creative ideas. We must push these constructive proposals without political delay. This is why Members of this body, including, I believe, the gentleman from Colorado (Mr. POLIS), support this bill. The reason why we can work together is to make sure we push constructive ideas that are good for people back home.

Mr. Speaker, our Nation is still in crisis. We do not have enough jobs. We are in a dwindling marketplace because of the excessive number of rules and regulations that have been passed by prior Congresses. With unemployment persistently over 8 percent, we cannot continue the failed policies of government spending, rules, and regulations, and the inability to pass laws that help job creation to overcome these problems. The underlying bill will do exactly that. It will help foster not only an environment, but provide the underpinning through law that will allow the private sector to more fully participate.

The future success of our economy rests in the hands of small, private business, not the Federal Government. What we are doing today is unleashing their potential so that they can focus on the things that they do best. This is part of having a Republican majority: pro business, pro economic development for jobs, the formation of capital, and the ability for American entrepreneurship to flourish. The result is going to be an economic environment that promotes growth and generates more revenue for the Federal Government.

I am delighted not only to be on the floor once again talking about economic growth, but once again trying to act as a soundpiece for the American people who are asking the United States Congress to please understand the plight that we are in, to please help work on what will help the free enterprise system job creation.

So today as we are on the floor, we offer a hearty reminder to the American people that there are people who get what this is about. That's partially why this Republican majority has been and will continue to be successful. We will push for reform, a pro-growth environment, and the opportunity to help people back home, instead of with a handout, to give them the ability to do things on their own.

I urge my colleagues to vote for this fair rule, and I reserve the balance of my time.

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

I rise in support of this bill, Mr. Speaker. I would like to thank my colleagues on both sides of the aisle who have worked long and hard on a number of these bills.

In my remarks today, Mr. Speaker, I want to talk about the good, the bad, and the ugly: the good that these bills can do to free up our capital markets, but the bad and the ugly of issues that are more substantial to job creation and the fiscal integrity of our country, which this Congress continues to ignore.

First, to respond to my colleague from Texas who several times blamed one particular party in the Senate for advancing these bills, I would just like to remind my colleague that many of these bills are sponsored by Democrats in the Senate. It's not Democrats or Republicans in the Senate; it is the Senate that needs to pass this. And as we know, the Senate requires 60 votes. So I would hope that the gentleman from Texas would amend his future remarks and call upon the Senate to pass the JOBS Act rather than just the Democrats in the Senate, of course recognizing that Republican votes are needed to reach the necessary 60 votes to advance any legislation.

Mr. SESSIONS. Will the gentleman yield?

Mr. POLIS. I am happy to yield.

Will the gentleman amend his remarks?

Mr. SESSIONS. I remind the gentleman that the Republican minority leader, Mr. MCCONNELL, has been asking for some 30 jobs bills to at least go through committee or to be on the floor, and I do not think that a jobs bill would be a problem for a Republican to object to.

So I would once again advise the gentleman that I think my statement was correct. The Senate minority leader has asked for every single one of these 30 bills that have been passed by the House to be debated and voted on, and Republicans have pledged their support of all 30.

Mr. POLIS. Reclaiming my time, again, just as many of them are sponsored by Democrats as by Republicans. It will take votes from both sides to get to 60 votes. I think they can do that. And many of these bills before the House have had 400 votes, 90 percent of this body. Hopefully, they will command similarly large supermajorities in the Senate, comprised of both Democrats, many of whom sponsored these bills, and Republicans, who may be opposed to certain elements but hopefully, in the name of moving the country forward, will pass this JOBS Act.

Here's what this bill will do.

First of all, it's not a JOBS Act, per se. The JOBS name is an acronym. It actually is called Jumpstart Our Business Startups Act, or JOBSA, but I guess JOBS sounds better. But what it really affects is capital markets. It is really a capital market bill. It is a good bill. It has several components that have already passed the House. My colleague from Texas outlined several of them. I want to explain why they are so important.

First and foremost, it makes it easier for many small companies to go public. It rolls back some of the Sarbanes-Oxley regulations that were put in place in 2002 for small and medium-cap companies. Again, when you're looking at the compliance cost of Sarbanes-Oxley, they don't scale with the business. So it's de minimis for a $10 billion business, but it's substantial and, in fact, a deterrent to accessing the capital markets for a $100 million or a $300 million business. So this, in fact, rolls them back in a very thoughtful way.

And I would further call for reexamination, of course, of the requirements for businesses of all sizes, but this will allow many small and mid-cap businesses to access the public capital markets.

□ 1250

In addition, it allows people to invest in start-ups, a concept that's called crowdfunding, which is very exciting. Of course, heretofore, essentially, investing in start-ups has been restricted to what are called accredited investors. Now, an accredited investor is not just some investor that goes through some process of getting accredited; it's basically somebody who's wealthy. They have to be worth several million dollars; and then, all of a sudden, they're accredited.

Now, we all know that some wealthy people are poor investors and some are good investors. One's wealth has nothing to do with how accredited or how good an investor one is. And families who are worth $100,000 or families that are worth $300,000 are perfectly within their rights under current law to go to Las Vegas or Atlantic City and bet their entire lifesavings on one roll of the dice; and yet they're not allowed, under current law, to invest in start-ups.

So, we, with this bill, would allow families of all means to invest in start-up companies, some of which will work out and some of which will not. American families will enter this being aware of the risks. But, again, it is their money, they earned it, they've paid taxes on it, and they should be able to invest it and/or gamble it as they see fit.

Another thing we do under this bill is increase the number of shareholders that is required for mandatory registration with the FCC from 500 to 1,000. This is very important because many companies use stock options, which is a good practice. It gets the employees to own part of the company, to own part of the fruits of their labor, and to have some of the upside on the equity. But companies have effectively been limited on this because once they have 500 shareholders, they're forced to file as public. So we're allowing them to stay private longer, as the need fits them, and not have to scale back on their option policy with their employees. Inevitably, some of those options get exercised, and employees become outright owners over time. This would prevent them from being forced into a backdoor IPO.

In addition, we, again, allow community banks to raise additional capital. We remove some of the requirements around that. Community banks are important lenders in our community; and that's an important step, as well, towards allowing capital to flow more freely.

So, in sum, the several bills, most of which have already passed this House, that we are packaging in the JOBS Act, this act that we're doing here today, are good bills that will free up the capital markets. And, yes, in the medium and long term, there will likely be some jobs created, because where will that capital go? It will flow to businesses that will encourage job growth. This is not something that happens overnight, but this is something that happens as a fruit of the investment. Some of these start-ups that are funded through crowdfunding might, in fact, be employers of 1,000 people in 5 years or 10 years. And that's what's so exciting about the potential of these mechanisms to create value in the economy.

But what are we not doing? And what would be a real jobs bill? In my opinion, there's really several things that are holding back our private sector recovery. First and foremost is our budget deficit and the questions about the

fiscal integrity of this country. This Congress continues to avoid taking action on a default scenario under which debt as a percentage of GDP would rise from about 70 percent where it is now to about 200 percent of our GDP by 2040, a far worse situation than many of the fiscally beleaguered nations in Europe that are currently undertaking bailouts.

This is widely known on both sides of the aisle, and, in fact, the solution is widely known, as well. There are several that have been presented. There's a bipartisan group that emerged from the Senate, including Democrats and Republicans, that proposed a plan to reduce the deficit as a percentage of GDP down to 1.9 percent by 2021. There's been a similar effort on behalf of the Bowles-Simpson Commission, again, to rein in fiscal spending so that debt as a percentage of GDP would be 35 percent instead of 200 percent by 2040.

This Congress has not advanced either and, in fact, quite to the contrary, has passed an operational budget that only serves to continue these deficits through the next 10 years. Again, giving fiscal certainty around the integrity of our Nation would do a lot more to free up capital and improve the flow of capital and credit markets and create jobs than these relatively minor, but still important, bills that we're considering here today.

The other reform that would create a lot more jobs in this bill, and I think would better be called a Jobs Act, if they could come up with a fancy acronym for it, is business tax reform.

I'd like to submit to the RECORD a recent report from the White House and the Department of the Treasury on a framework for business tax reform.

INTRODUCTION

America's system of business taxation is in need of reform. The United States has a relatively narrow corporate tax base compared to other countries—a tax base reduced by loopholes, tax expenditures, and tax planning. This is combined with a statutory corporate tax rate that will soon be the highest among advanced countries. As a result of this combination of a relatively narrow tax base and a high statutory tax rate, the U.S. tax system is uncompetitive and inefficient. The system distorts choices such as where to produce, what to invest in, how to finance a business, and what business form to use. And it does too little to encourage job creation and investment in the United States while allowing firms to benefit from incentives to locate production and shift profits overseas. The system is also too complicated—especially for America's small businesses.

For these reasons, the President is committed to reform that will support the competitiveness of American businesses—large and small—and increase incentives to invest and hire in the United States by lowering rates, cutting tax expenditures, and reducing complexity; while being fiscally responsible.

This report presents the President's Framework for business tax reform. In laying out this Framework, the President recognizes that tax reform will take time, require work on a bipartisan basis, and benefit from additional feedback from stakeholders and experts. To start that process, this report outlines what the President believes should be five key elements of business tax reform.

PRESIDENT OBAMA'S FIVE ELEMENTS OF BUSINESS TAX REFORM

I. Eliminate dozens of tax loopholes and subsidies, broaden the base and cut the corporate tax rate to spur growth in America: The Framework would eliminate dozens of different tax expenditures and fundamentally reform the business tax base to reduce distortions that hurt productivity and growth. It would reinvest these savings to lower the corporate tax rate to 28 percent, putting the United States in line with major competitor countries and encouraging greater investment in America.

II. Strengthen American manufacturing and innovation: The Framework would refocus the manufacturing deduction and use the savings to reduce the effective rate on manufacturing to no more than 25 percent, while encouraging greater research and development and the production of clean energy.

III. Strengthen the international tax system, including establishing a new minimum tax on foreign earnings, to encourage domestic investment: Our tax system should not give companies an incentive to locate production overseas or engage in accounting games to shift profits abroad, eroding the U.S. tax base. Introducing a minimum tax on foreign earnings would help address these problems and discourage a global race to the bottom in tax rates.

IV. Simplify and cut taxes for America's small businesses: Tax reform should make tax filing simpler for small businesses and entrepreneurs so that they can focus on growing their businesses rather than filling out tax returns.

V. Restore fiscal responsibility and not add a dime to the deficit: Business tax reform should be fully paid for and lead to greater fiscal responsibility than our current business tax system by either eliminating or making permanent and fully paying for temporary tax provisions now in the tax code.

The President has proposed eliminating loopholes and special interest tax deductions in our corporate Tax Code to lower the rate to 25 to 28 percent from 35 percent. American corporations are currently among the highest taxed in the world. Most of our peer countries tax their corporations in the 20 to 25 percent range, and capital can flow across borders, operations of companies in a global economy can flow across borders. Why would a for-profit company with a fiduciary responsibility to its shareholders choose to domicile in an area where they have to pay a 35-percent tax rate when they can pay a 20- or 25-percent tax rate and also exist in an environment that ensures the surety of law?

What the President's tax reform proposal will do—and many of us on both sides of the aisle have been calling for similar reforms over the last several years—is, again, on a revenue-neutral basis remove many of the special interest tax considerations that were put there by lobbyists in our Tax Code and bring down the overall rate to 25 to 28 percent so that companies can reinvest in their growth. It tends to be the more profitable companies, the companies that are therefore paying corporate tax, that are the highest growth companies.

So it directly affects job creation to say that profitable American companies should be paying 25 to 28 percent instead of 35 percent, discouraging them from outsourcing jobs, discouraging them from domiciling overseas, and also discouraging the improper allocation of capital through special interest tax breaks in our Tax Code that give money arbitrarily to everybody from wooden arrow manufacturers to the oil and gas industry simply because some central planner in Washington determined that that's where capital should go.

So, again, if we really want a jobs act, let's solve the deficit, let's reform our uncompetitive business Tax Code, as the President has indicated; but, yes, let's also move forward with these bills to free up capital flow for start-ups that will hopefully lead to the next great American companies.

But by no means should somehow this Congress think that just because there's some letters that stand for the word ''jobs'' that somehow the jobs issue is solved or addressed by allowing companies to stay private with 1,000 instead of 500 shareholders, allowing a few small and mid-cap companies in the margins to go public because of relaxed Sarbanes-Oxley requirements. These are great things.

Let's pass this bill. I'm confident it will pass overwhelmingly. Let's call upon the Senate to pass it. But let's not pretend that this is some kind of jobs bill for our country or that this, in any way, shape, or form restores the fiscal integrity of our Nation.

Mr. Speaker, I rise in support of the rule and the underlying bill, the Jumpstart Our Business Startups Act, which consists of six separate pieces of legislation: the Access to Capital for Job Creators Act, the Entrepreneur Access to Capital Act, the Small Company Capital Formation Act, the Private Company Flexibility and Growth Act, the Capital Expansion Act and the Reopening American Capital Markets to Emerging Growth Companies Act.

This package will further American job creation and economic growth by improving small businesses and startups' access to capital. At the same time that this bill eases restrictions on capital formation to help our struggling economy and enhance our nation's global competitiveness, this bill also maintains necessary protections for investors. This is exactly the approach long advocated for by President Obama in his American Jobs Act and in the Startup America Legislative Agenda. And just yesterday, the President announced his support for the underlying package. I am pleased that the House leadership has brought this bill to the floor and urge my colleagues to vote in favor of this bipartisan package.

While I strongly support the passage of the underlying legislation, make no mistake that the package of bills before us today cannot be called a comprehensive ''jobs'' bill no matter how you dress it up. Of the six bills we are considering today, four of these bills have already been overwhelmingly approved by this body only months ago. And one of these bills looks remarkably similar to a bill sponsored by my good friend and Democrat from Connecticut, Mr. HIMES, which passed the House

420–2 last November. The meat of both the bill before us and Mr. HIMES' bill are identical. The only difference between the two pieces of legislation is that the bill before us does not require an SEC study of certain public reporting requirements.

Indeed even the legislation's name is a misnomer. The acronym for the Jumpstart Our Business Startups Act is not J-O-Bs. A more appropriate name for this jobs package would be a suspension sandwich.

While this bill lacks the spark to turn around our troubled economy, it will help raise needed capital to small businesses and startups. According to the Kauffman Foundation, since 1980, startup firms less than five years old have created almost 40 million new jobs—the majority of the new jobs created in this country. Research shows that 90 percent of this job growth occurs after companies go public. Unfortunately, over the last decade, startups companies are taking more time than ever before to go public because of certain administrative and compliance regulations currently in place. The bills included in the underlying package would put in place reforms that would address some of the challenges startups face today.

Part of this legislative package includes the Entrepreneur Access to Capital Act introduced by Representative MCHENRY. This bill permits ''crowdfunding'' which enables individuals investing up to $10,000 in small businesses over the internet to pool their funding without requiring the business to register first with the SEC. By loosening the current SEC restrictions on crowd funding, this legislation would help empower entrepreneurs and start ups to pursue their innovative ideas.

The Small Company Capital Formation Act of 2011 would make it easier for small and medium-sized companies to raise more funds through SEC's streamlined security offering process, instead of the more complicated and costly full registration requirements that larger issuances have to use. This bill, sponsored by Rep. SCHWEIKERT, strikes the right balance between allowing these companies to access capital and maintaining sufficient investor protections.

The underlying bill also includes the Access to Capital for Job Creators Act sponsored by Representative MCCARTHY. This bill would remove the SEC ban that prevents small privately held companies from using advertisements to solicit investments for private offerings as long as the securities are ultimately sold only to ''accredited investors,'' or sophisticated investors who don't require the SEC's protection.

In addition, the package before us contains the Private Company Flexibility and Growth Act. This bill, introduced by Rep. SCHWEIKERT, would raise the requirement for mandatory registration with the SEC for privately held companies from 500 shareholders to 1,000, expanding companies' ability to access capital and provide companies with flexibility in attracting and maintaining employees.

The measure also consists of the Capital Expansion Act, a bill introduced less than two weeks ago by Rep. QUAYLE, whose language is nearly-identical to a bill sponsored by Rep. HIMES and passed by this House under suspension last November. Rep. QUAYLE's bill—which was never marked up—would increase the number of shareholders that a community bank can have before it must register with the SEC.

The only truly new bill before us is the Reopening American Capital Markets to Emerging Growth Companies Act introduced by Reps. FINCHER and CARNEY, which I am proud to cosponsor. This bill will help lower the costs for certain small and medium-sized companies, called ''emerging growth companies,'' to access the public markets. The cost of ''emerging growth companies'' to go public would be reduced by phasing in some regulatory procedures including prohibitions on initial public offering (IPO) communications and independent audits of internal controls over financial reporting. Importantly, these provisions would incentivize IPOs while ensuring that as they expand they come into compliance with these regulations.

Collectively this package is a good first start towards rebuilding our economy in the medium and long term—but not right now. Even after these bills are enacted, the SEC must issue new regulations, accredited investors must start buying these private securities and then startups and small businesses must do something constructive with that capital before any jobs are ever created. Realistically, this bill could take years to produce meaningful results.

CLOSE

Mr. Speaker the underlying package will undoubtedly have a positive impact on our economy and create a more accessible capital market for the benefit of small businesses and investors. The legislation we are considering today will encourage more entrepreneurs to grow businesses and allow more start-ups to go public and hire more American workers.

But simply labeling it a comprehensive jobs bill does not make it so.

Let's not pull the wool over the American peoples' eyes and make-believe that we are passing real jobs-stimulating legislation today. Our number one priority should remain sincere job growth—not just reconsidering bills previously debated and adopted by this House.

To get serious about growing our economy we should be working together to pass the President's American Jobs Act which consists of common sense proposals that have been supported by both parties, such as modernizing our public schools and investing in our nation's infrastructure.

Instead of spending time on stale bills, we should be debating real tax reform legislation. President Obama has put forth a solid business tax reform plan that would stimulate job creation and investment in the United States. The Administration's tax plan would reduce the corporate rate to ensure American companies remain competitive, eliminate overseas deductions and other tax expenditures and simplify the tax code. Obama's plan would also strengthen American manufacturing and innovation, double the deduction entrepreneuers can deduct for start-up costs and cut certain taxes for small businesses to help them expand and hire. President Obama's proposal would generate American jobs without adding to our deficit and demands serious consideration by this body.

We can also boost our economy by addressing our debt challenges. We should be considering and enacting a bold and balanced deficit reduction plan that puts all options on the table. An outline to achieve comprehensive deficit reduction already exists in the Bowles-Simpson plan. I urge the Republican Majority to work with Democrats in the House to find a deficit reduction agreement that can be brought to this floor for a vote.

For more immediate job creation we need look no further than the federal highway authorization which is fast approaching down the track at the end of this month. We desperately need a new federal transportation bill to put Americans back to work, repair our crumbling roads and bridges and improve our mass transit systems. Yet Republicans have struggled for weeks to bring a transportation bill before this House.

I urge my colleagues on the other side of the aisle to work quickly to bring a bipartisan transportation bill to the floor to assist with our economic recovery in the very near future.

Passing the underlying bill will put us on the path towards a fruitful economy. I encourage Republicans to continue further down this path and bring to the floor the job-creating legislation that the American people want and deserve.

I strongly support the underlying bill and encourage its passage.

I reserve the balance of my time.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would ask Members not to traffic the well while another Member is under recognition.

Mr. SESSIONS. Mr. Speaker, I applaud the gentleman, my friend, Mr. POLIS, for not only coming to our defense and aid in this but also aiming for things that people all across this country need, and it's called action by Congress for jobs.

Mr. Speaker, at this time, I'd like to yield 4 minutes to the young gentleman from Tennessee (Mr. FINCHER).

Mr. FINCHER. Mr. Speaker, I thank my colleague from Texas for yielding and keeping the main theme the main theme—jobs and the economy. As an original cosponsor to H.R. 3606, the Jumpstart Our Business Startups Act, I rise in support of this rule.

Since last year, the gentleman from Delaware and I, along with many members of the Financial Services Committee, have worked in a bipartisan manner to develop legislation that would enhance job creation and expand access to capital for America's job creators.

Title I of this bill's legislation I introduced with Congressman CARNEY, the Reopening American Capital Markets to Emerging Growth Companies Act, which will help more small and mid-size companies go public.

During the last 15 years, fewer and fewer start-up companies have pursued initial public offerings because of burdensome costs created by a series of one-size-fits-all laws and regulations. According to testimony from IPO Task Force Chair Kate Mitchell, from 1990 to 1996, there were 1,272 U.S. venture-backed companies that went public on U.S. exchanges during that 6-year time frame.

□ 1300

However, in 6 years, from 2004 to 2010, there were just 324 offerings.

Even the President's Jobs Council, in its 2011 end-of-year report, cited that

the United States ranks 12th now in ease of access to venture capital behind Israel, Hong Kong, Norway, and Singapore, among others. The bottom line is that fewer and fewer companies are choosing to go public, and those that do are not necessarily going public on exchanges in the United States.

H.R. 3606 would reduce the costs of going public for small and medium-sized companies by phasing in certain regulatory requirements. Reducing these burdensome regulations will help small companies raise capital, grow their business, and create private jobs for Americans.

I have reviewed the amendments made in order by the Rules Committee to H.R. 3606, and I will be supporting some and opposing others. Also, the gentleman from Delaware and I will be offering a manager's amendment which will make some technical improvements to the bill.

I look forward to a lively debate here in this Chamber, and I support the rule to consider this bill.

Mr. POLIS. Mr. Speaker, I yield 4 minutes to the gentleman from Massachusetts (Mr. FRANK), the ranking member of the Financial Services Committee.

Mr. FRANK of Massachusetts. Mr. Speaker, this is a perfectly nice bill, but things are sometimes judged in comparison. It is being hailed as a bigger bill than it is, but that's what happens when you grade on a curve as we grade on a curve.

One of the great philosophers of the 20th century was a man named Henny Youngman. One of his philosophical bits of wisdom was expressed in the question and answer:

How's your wife?
Compared to what?

Well, compared to the output of this House so far, this is a very, very, very major bill. Compared to our economy in general, it's a good bill, but of no immediate significance in terms of jobs, and useful for the future. But as I said, I think it's important just getting pumped up a little bit so we can avoid here, as a collective body, the charge that we haven't done anything.

I do have one criticism of the rule, and I had expressed this hope yesterday and I was frustrated. A number of amendments were made in order, and I appreciate that, but every single amendment is to be debated for only 10 minutes. That's unworthy of a deliberative body. There are important questions here that are involved in these issues. And if you think these bills are important, then the amendments to them are important.

Now, that's within the context of support. In most cases, we are talking about people who support the concept but have some differences about what should be there. But to say that every amendment gets debated for only 10 minutes, 5 minutes on each side, is to denigrate the deliberative function to a point which is of great concern to me. It is not as if we've been so busy that we couldn't carve out time for 20 minutes or even a half hour of debate. So I regret the dumbing down of the House, which is represented by saying that no issue will be debated for more than 10 minutes.

Then I only have one other question of a procedural sort as the ranking member of the Financial Services Committee. Most of these bills have been through the committee. There were six bills; four have even passed the House. Two bills, I was told, were from the committee. But one of the bills, H.R. 4088, it's got a new sponsor, the gentleman from Arizona (Mr. QUAYLE), and we've never seen that in our committee. I've checked. That bill was introduced February 24 or something. It's never had a hearing. It's never been through committee. So why are we getting a bill on the floor now that has never been seen in our committee?

I would yield to the gentleman from the Rules Committee.

Mr. SESSIONS. Well, I'm not seeking recognition, but I would say that the gentleman from Arizona has a good bill, and I encourage you to read it.

Mr. FRANK of Massachusetts. Well, I have read the bill. But to be told that we're going to, in a party that says they're devoted to regular order, bring out a bill—H.R. 4088 has had no committee consideration whatsoever; the other bills have, the other five. But it's never been brought up in a hearing; it's never been in subcommittee; it's never been in committee. The notion that it's a good bill and therefore should be immune from any committee process is very discouraging.

This is a bill that's only been in existence for a couple of weeks. The gentleman says, well, it's a good bill; read it. Well, then I guess we don't need committees. We don't need to do anything. If it's a good bill, you read it. But the process is supposed to be one where these things go through some vetting. So I am disappointed that we have a rule that brings a bill to the floor that has literally had no committee consideration whatsoever—brand-new bill, apparently, because it's got a brand-new sponsor. We've seen nothing like this. There have been some other bills that we've had, but I've seen no bill from the gentleman from Arizona (Mr. QUAYLE). I've seen no bill like H.R. 4088 that hasn't had a hearing, that hasn't been to committee.

At the same time, the Rules Committee thinks that we can take all these interesting questions—should there or shouldn't there be an examination, say, on pay? Is the billion number right?—and debate them all in only 10 minutes, 5 minutes on each side. That hardly serves the deliberative process.

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

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

Mr. FRANK of Massachusetts. I'd say that some Members think the bills may have more impact than I do. I hope I'm wrong and they have it. But if you really believe the bills are this important, why then is the debate only for 10 minutes on every single amendment, on the size, on the reporting requirements?

We have amendments that have been requested by the North American Securities Administrators, the State regulators; 5 minutes on the side. That is hardly a mark of people who take the deliberative process in the U.S. House of Representatives very seriously.

I thank the gentleman from Colorado.

Mr. SESSIONS. Mr. Speaker, just so you know, the gentleman is correct, and I appreciate his viewpoint of this.

This is a copy of Mr. QUAYLE's bill right here. It's about one-third of a page long. It's a good idea that says we're going to increase the number of people who can invest in a community bank. I hope that should not require us to have to go back and do too much thinking about how great this would be. We're trying to perfect, instead of by just having an amendment, to allow all Members to take part in these things with their good ideas.

So I do take that what the gentleman said is correct, but good ideas are part of this bill. That should be what we're about here on the floor, just as an amendment that may not have gone through.

Mr. FRANK of Massachusetts. Will the gentleman yield?

Mr. SESSIONS. I wish I could. I'm out of time. I've got a whole bunch of speakers. But I appreciate the gentleman. He'll have plenty of time.

At this time, Mr. Speaker, I yield 4 minutes to the gentleman from North Carolina (Mr. MCHENRY).

Mr. MCHENRY. I want to thank my colleague, Mr. SESSIONS, for his leadership on the Rules Committee and otherwise in this House. I also want to commend Mr. FINCHER from Tennessee for offering this legislation. It's a very important bill.

Mr. Speaker, I rise today to support and speak in favor of the JOBS Act. What this legislation does is address a key concern that I hear from my constituents in western North Carolina.

We know that entrepreneurship here in the United States is at a 17-year low. We also realize that the rest of the world has caught up to us in terms of their capital markets and business formation. We also know that small businesses create the majority of new jobs in the United States. So it's very important for us, in light of the new regulatory changes that have happened in the last couple of years here in Washington—the advent of Dodd-Frank that increases the cost of lending and makes it less available for small businesses, the CARD Act that makes credit cards less available to the average person who tries to start their business, like my father did, on his credit card. We also realize that the regulatory changes, the more, higher red tape that we have here in Washington makes it

more expensive to do business here in the United States.

These are major concerns. These are major concerns for my constituents in western North Carolina.

I want to commend Mr. FINCHER for offering the JOBS Act. We've got some very important pieces of information and policy changes in this bill.

If you look at the 1990s, we had 530 IPOs, on average, every year. We had fewer than 65 in the year 2009. We realize that going public is not the avenue for every business, though the dream of many small business folks. So an important component of the JOBS Act is a piece of legislation we passed that I authored here in the House, with the help of my colleague from New York (Mrs. MALONEY), the crowdfunding act, which allows small businesses to access the capital markets to sell equity, rather than ask for debt, sell equity in their great start-up or new idea.

Crowdfunding takes the best of microfinance and crowdsourcing and uses the power of the Internet for small businesses to have offerings in their company. Now, it could be used for a tech company, certainly, to raise up to $2 million, but it could be used for a coffee shop in Hickory or in Asheville in western North Carolina to raise $50,000 and sell equity in their business.

These regulatory changes are very important. We have regulations and laws on the books—the 1933 Securities Act, the 1934 Securities and Exchange Act—that really were the reaction to the problems and challenges of their day.

□ 1310

They put in restrictions in terms of advertising about your security. Well, that was a problem when the telephone was the new technology of the day. But we have the power of the Internet, and people are more informed today than they were 100 years ago about investing. So we're changing these regulatory structures so that small businesses can get the capital they need to grow and expand. That's what this is all about.

It doesn't fix every problem that we face today, but this is a bipartisan bill. It's a good idea. The President has spoken in favor of many of the components of this legislation, and we hope, not to simply pass it out of the House on a bipartisan basis, but to ensure that we pass it through the Senate and the President signs it.

These are good ideas that can have an impact and help us grow and create jobs. It helps entrepreneurs. It helps small businesses. Those folks are the lifeblood of economic growth, and that's what we need to be focused on.

I urge the adoption of the rule, and ask my colleagues to vote for passage.

Mr. POLIS. Mr. Speaker, I yield 4 minutes to the gentlewoman from New York (Mrs. MALONEY), an author of key provisions of this bill.

Mrs. MALONEY. I thank the gentleman for yielding, and for his leadership on the Rules Committee.

I rise in support of this rule and the underlying bill. It's a package of bills designed to encourage the growth of smaller companies and start-ups, and it contains six separate bills, four of which have already passed this body by overwhelming majorities.

I share the concerns of the ranking member, Mr. FRANK, that these 17 amendments that were put in place, adequate time has not been given to fully debate them.

I do want to take issue with my good friend from North Carolina in his criticism of the CARD Act, saying that it has made it harder for Americans to receive cards. This bill that passed this body overwhelmingly, with Democratic leadership, I was proud to be the lead sponsor on it, working with all of my colleagues on the Democratic side. And what it did is it stopped unfair deceptive practices.

Money magazine called this bill the best friend a credit card holder ever had, and The Pugh Foundation came out with a report earlier this year saying that this Democratic bill alone saved consumers in our country $10 billion in 1 year. I would say that's an advantage for consumers, an excellent goal that was championed by our President and by the Democratic leadership.

I would like to take issue with this comprehensive jobs agenda. I do support it, but I think that we should be working on major job-creating opportunities, such as the transportation bill and the President's Jobs Act, and these two bills would create half a million jobs. Here we are repackaging a group of old bills that we've passed before, and it does not constitute a comprehensive jobs bill.

As I said, four of the six bills have already passed the House with major support on both sides of the aisle. And I'm disturbed that one bill was taken from my Democratic colleague, JIM HIMES.

I would like to quote The Washington Post. The Washington Post said:

> The JOBS Act is not new legislation but is instead a grab bag of items that have already passed at the committee level or on the House floor by wide bipartisan votes.

These previously-passed bills make some useful yet modest steps forward, but they are no substitute for a major job-creating highway bill or passage of the full American Jobs Act. These bills make modest changes for start-up companies, making it easier for them to raise capital through the Internet and the solicitation of accredited investors, and loosening certain filing and regulatory requirements for start-ups and small banks.

I would say the prime goal of the Democratic leadership is to reignite the American Dream by building the pillars of success for small businesses, our entrepreneurs, and by making our economy stronger. These bills before us do help in many ways, although they are not a comprehensive jobs package. It rightly gives smaller companies and start-ups greater flexibility to grow and flourish.

I urge the adoption of the rule and the underlying bills. I do want to mention the Entrepreneur Access to Capital Act, which creates a new exemption from registration for crowdfunding securities. It permits a company to raise up to $2 million a year, with investors permitted to invest the lesser of $10,000 or 10 percent of their income annually in such companies.

I was pleased to work with my colleague, Mr. MCHENRY, on this bill. It has a number of others that would reduce the cost of going public, and would aid in the capital formation for job creation in our country.

I do want to note that the President of the United States, his administration, is supporting these bills, and I urge passage of them.

Mr. SESSIONS. Mr. Speaker, the gentlewoman from New York makes a good point about the President's jobs bill, except it picks winners and losers, and has hundreds of billions of dollars of tax increases that will continue to kill the free enterprise system, along with the other administrative things that this President is doing to the free enterprise system. So this body will not, will not pass hundreds of billions of dollars of tax increases and then say we're trying to help people doing that.

The President, I'm sure, is entitled to his own beliefs. We're going to do the things which work, that empower the free enterprise system.

Speaking of working and empowering the free enterprise system, I yield 4 minutes to the gentleman from Arizona (Mr. SCHWEIKERT), who has brought great ideas to this bill and they are included in this.

Mr. SCHWEIKERT. First, I want to thank my good friend from Texas. I appreciate him yielding me 4 minutes.

Mr. Speaker, I rise in support of the rule and also the underlying bill, and I may have somewhat of a unique perspective here. Being on the Financial Services Committee, we actually started building and moving these bills and working on them, I think, as early as a year ago, last March. So almost everything that's in here has been well vetted, well understood, even down to the amendments and the concepts and the discussion from the last year.

And why is it important, doing this JOBS Act and bringing it together, in many ways, as a single piece of legislation? Because conceptually, they all link together. It is about capital formation. It is about those small-growth companies that create the next wave of employment.

Let's face it, this truly is about jobs. It is about economic growth. The creativity we need in our economy that creates that next generation of excitement and employment comes from the types of business that need access to capital, and these are the very ones that this bill moves forward.

There's also another point that I hope sort of moves universally from right to left here. I'm one of the believers that capital formation is going to

look very different in the future. You know, the old days of you go find an angel investor, and then you go find VC capital, and then you go public, are going to look different. Some of this is because of Dodd-Frank. Some of this is because of what's happened in the regulatory environment.

And the beauty of this legislation is going to provide opportunity and options, particularly for those growing employers, those small companies that want to grow, want to employ in my home district in Arizona.

Mr. POLIS. Mr. Speaker, if we defeat the previous question, we'll offer an amendment to the rule to provide that, immediately after the House adopts this rule, it will bring up Mr. BISHOP's bill, H.R. 1748, the Taxpayer and Gas Price Relief Act and that would simply do it, in addition to this bill, with broad bipartisan support. I know there is also broad bipartisan concern about gas prices, a very substantial issue that many on my side of the aisle, Mr. BISHOP included, would like to do something about so that American consumers have more of their money to take home.

So to talk about his proposal, I yield 3 minutes to the gentleman from New York (Mr. BISHOP).

□ 1320

Mr. BISHOP of New York. Mr. Speaker, I thank my friend from Colorado for yielding.

I rise in opposition to the rule and in support of moving the previous question. This motion would amend the bill with strong provisions to stop price gouging at the gas pumps and remove unwarranted tax subsidies from the Big Five oil companies.

We're long overdue for a serious debate about gas prices. Scoring political points on this issue serves no one and doesn't solve the problem.

Here are the facts: domestic production is at an 8-year high; imports of oil are at a 17-year low; there are more oil and gas rigs drilling in the United States today than in the rest of the world combined. Let me say that again: there are more oil and gas rigs drilling in the United States today than in the rest of the world combined. The number of oil rigs in operation right now has quadrupled since President Bush left office. Last year, the U.S. became a net exporter of oil for the first time in 62 years. Clearly, rising gas prices do not result from a U.S. supply-driven problem, and this administration cannot be blamed for doing enough to encourage and to facilitate drilling. Nor is rising gas prices a U.S. demand-driven problem. Demand is down by 6½ percent in just 1 year and 17 percent since 2008. There are several factors that contribute to rising gas prices, but U.S. supply and U.S. demand are not among them.

Gas prices in the eastern part of my district are up over 60 cents in a matter of weeks. Rampant speculation accounts for most of that, with over 60 percent of the market controlled by speculators. The speculators' overriding goal is profit-taking, which our legislation targets. Nothing is wrong with profits. They made our Nation strong, but profits should not be pursued at the expense of middle class families, nor at the expense of our fragile economic recovery. This legislation makes sure it doesn't by cutting out speculators. It strengthens penalties for manipulating the market, which forces up gas prices and leads to price gouging. The legislation also cuts out subsidies for Big Oil, and we should reinvest those dollars in a long-term strategy focused on clean and renewable sources.

Mr. Speaker, our debate should focus on a green-energy policy free of market speculation and subsidies our Nation can't afford. We must tackle this problem rather than use it to point fingers and to try to score political points.

Thus I urge my colleagues to vote ''no'' on the previous question and vote ''no'' on the rule.

Mr. SESSIONS. Mr. Speaker, at this time I would like to yield 4 minutes to the gentleman from Indiana (Mr. PENCE), a man who I believe is one of the clearest thinkers in this Congress. He is a person who studies well, applies logic, and comes out with a deduction for making things better for people who are not in this town, but rather people who are the real part of America.

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

Mr. PENCE. I thank the gentleman for yielding, for his leadership, and for his gracious esteem.

I rise in support of H. Res. 572, the rule supporting the JOBS Act and underlying bill.

Mr. Speaker, everywhere I go across the Hoosier State, I hear job creators struggling in this economy, talking to me about the obstacles to growth, the obstacles to getting this economy moving again for their business. And again and again, I hear about the weight of Federal red tape that stands in the way of capital formation, business expansion, and jobs.

Just today I was talking to a manufacturer in the State of Indiana who said to me, MIKE, the environment in Indiana is very positive. Our problem is Washington, D.C.

And I was able to report to him that in a bipartisan manner today, the Congress was going to take a small, but significant, step in lifting a regulatory burden on capital formation. And that Hoosier, like I hope all Americans looking in today, was encouraged.

The JOBS Act will actually facilitate capital formation, business expansion, and growth by lifting the burden from job creators in a number of ways. It exempts emerging growth companies from certain SEC regulations; it raises offering thresholds for SEC registration; it exempts securities issued through innovative crowdfunding sources from SEC regulation. All of those in plain English mean that we are going to change the regulatory environment to help start-ups and small businesses access public markets.

I've always believed throughout more than a decade of working on this floor that politics is the art of the possible, and today we will not do everything those of us on this side of the aisle believe that we should do to jump-start this economy. But we will do what we can do in a bipartisan fashion in passing this rule and moving the bipartisan Jumpstart Our Business Startups, or JOBS, Act, H.R. 3606.

On behalf of the hardworking taxpayers in Indiana, on behalf of that job creator I talked to this morning, I urge my colleagues to come together today to join us in supporting the JOBS Act. Let's give entrepreneurs and investors all across this country the incentive and the regulatory relief they need to get this economy back on track.

Mr. POLIS. I would like to inquire if the gentleman from Texas has any remaining speakers.

Mr. SESSIONS. I thank the gentleman for asking.

We did have one person who we believe is attempting to get here, to run here; but I would at this time tell you he is not here. So I would encourage the gentleman to go ahead and close as he would choose, and I would then do the same.

Mr. POLIS. Thank you.

I will certainly extend the courtesy to the gentleman. If the gentleman in his closing wants to yield some time to his speaker, I will not object to that.

Mr. SESSIONS. I appreciate that. Thank you very much.

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

Mr. Speaker, this bill here today is a good bill, an important bill. It's not a job solution for our country. It's not a jobs bill. In fact, I think the frustration of some is that to a certain extent it represents the spinning of the wheels that has typified this Congress in that most of these bills have actually already passed this House. That being said, if packaging them together and passing them again and trying to put pressure on the Senate to pass it is a constructive step towards making them law, then let's do it. I think a strong bipartisan vote of support will help do that. President Obama said he will sign this bill.

I call upon my colleagues of both sides of the aisle to support these bills. These bills help free up our capital markets in positive and constructive ways by allowing small investors the same opportunities as large investors, allowing companies a little bit more flexibility on remaining private over who their investors are, allowing small and mid-cap companies easier access to public marketplaces. This in turn makes it easier for venture capitalists and angel funders to invest in start-up companies, knowing that there's a better prospect of an exit should they succeed at smaller mid-cap stages.

We all know there's a number of contributing factors to the decrease in public offerings that have occurred over the last 10 years, a trend that I think is beginning to reverse. One of those aspects—certainly not the only aspect—is the excess regulation that we abolish through this act. Other things include simply the appetite of the capital markets for public offerings at any given time and other legal and administrative risks that are not dealt with in this bill that perhaps call for additional legislation.

This is not by any stretch of the imagination a recovery or a jobs bill, but these are very constructive steps that, again, cycling our wheels, yes, we've already passed. We are passing two new ones as well. Let's package them together; let's put pressure on the Senate to send them to President Obama's desk where he has said he will sign these bills.

But let us not, in our effort to continue to push these important pieces of legislation for capital formation, forget that our country faces even more important critical risks before us. We need to get serious about growing our economy, and we need to work hard in a bipartisan basis to implement real tax reform legislation, tax reform that would create a more competitive Tax Code, allowing companies to reinvest in their growth rather than taking their money in an arbitrary way or encouraging them to distort the economic reality and the allocation of resources by having certain tax preferences for industries that may be in or out of favor of government officials. Let's allow companies to invest in their own growth and encourage private sector job creation and have real corporate tax reform as the President has proposed and the chair of the Ways and Means Committee, Chairman CAMP, has proposed and many on both sides of the aisle have proposed.

I call upon our House to move forward a bill that will fundamentally make American businesses more competitive and that, Mr. Speaker, we can call a jobs act.

What else can we call a jobs act? We can call a jobs act doing something about our national deficit, the fact that the current fiscal integrity of our Nation is at stake if we do not take action. Over the next 10 to 15 years, yes, our Nation faces an immense financial crisis.

□ 1330

We need a balanced approach, a big, bold and balanced approach, as has been outlined by both the Gang of Six and the Bowles-Simpson Commission. There are a number of people on both sides of the aisle who have been calling for real deficit reduction, and yet this House has not reduced the deficit and has continued to pass and operate, in fact, under a budget that simply continues these record deficits for the next 10 years.

Providing that certainty around the fiscal integrity of our country—to allow for long-term borrowing, to ensure that businesses have access to capital and predictability over time—will, again, do more to create jobs and grow our economy than will freeing up the capital markets around a few key areas that these bills accomplish.

So, yes, these bills are an important step in the right direction, including the only one truly new bill before us—the others have already been passed by this House. This is a good package, a good package which is a first start to rebuilding our economy. But even after they're enacted, there is nothing that instantaneously happens. They have to be implemented, and credited investors have to start buying private securities and start-ups. It will be several years before this can translate into actual job growth, which it will, and produce meaningful results. Again, corporate tax reform and showing some interest among this body in actually balancing our budget deficit would send an indication now to the marketplace that would immediately lead to job growth.

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

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

There was no objection.

Mr. POLIS. I urge my colleagues to vote ''no'' and to defeat the previous question.

These are important bills, and I strongly support the underlying bill. I encourage its passage, and again encourage my colleagues to be fully aware that, by passing this bill, we are not creating a single job. Yes, by pressuring the Senate and by getting the bill to Obama's desk, it can eventually lead to the enhancement of our capital markets and some job creation, but this doesn't get us off the hook.

Passing this bill and not balancing the budget deficit, as this Congress is currently doing, as well as passing this bill and not reforming our Tax Code by making it more in line with the international standard, is not a recipe for American competitiveness or jobs. In fact, this bill alone, if it means the absence of balancing our budget and the absence of making our Tax Code competitive, is just an anti-jobs bill. You can't bail out a sinking ship. This country needs fundamental change. We need to balance our budget deficit. We need corporate tax reform. We need individual tax reform.

I call upon my colleagues on both sides of the aisle to take those items up. Yes, it is a small positive measure to help free up capital flow, particularly for start-ups and small- and mid-cap companies. Let's pass this jobs bill now. I encourage my colleagues to support the bill.

I yield back the balance of my time.

The SPEAKER pro tempore. The gentleman from Texas is recognized for 5 minutes.

Mr. SESSIONS. Mr. Speaker, to hear the gentleman's strong voice, not only as an entrepreneur before he came to Congress, but in Mr. POLIS' dustup as he speaks in the Rules Committee in which he talks about America wanting to have a bright future, he is the father of a new young son, and he looks forward to the day that his son will have a bright future in this country. I appreciate his words today. He is also correct that we do not create jobs in this town, as it is the free enterprise system that does that. Yet with that comes an equal recognition that this town gets in the way of jobs and job creation.

Our taxes are preparing to be raised. The President, the Democratic Party are all about raising taxes on entrepreneurs, and people who get up and go to work every day, and small business, and taking away a Tax Code that benefits women, in particular married women, with the marriage penalty, as well as job creation through incentives that might deal with depreciation. All of these things are part of a pro-growth jobs package, and unfortunately, this House is not together on that. This House is having to, as the gentleman Mr. PENCE said, make incremental progress as we move forward.

Mr. Speaker, this body is big enough to be able to recognize that this country is in trouble. I don't care if you live in Orlando, Florida, or in Pensacola, Florida, or whether you live in Dallas, Texas, or whether you live in California. The needs of this great Nation are about job creation and about ensuring in a competitive marketplace that we keep jobs, that we have ample credit that's available, that we have new ideas like we're handling today in this bill, but that we also go to some old ideas, one of which is, when you tax companies or when you tax something, you get less of it.

What the President of the United States and the Democratic Party want to do is to tax America—the free enterprise system—to pick winners and losers and then try to call that ''new revenue'' to this country when, in fact, all it does is offset it with higher unemployment.

We need a pro-growth economy. We need a pro-growth agenda from the United States Congress. It's not just the House but the Senate, also. We need the President of the United States to understand that his temptation to talk about economic growth should be about job creation, not just about picking winners and losers. We need someone who will bring this country together, not attack our free enterprise system, not stand up in front of people and say that we can work together but then not actually become responsible enough to become engaged in legislation that will pass so that we can make this country stronger.

The Republican Party is here today, leading this bill on the floor. We've got

a rule which allows for 17 amendments—13 from Democrats, 3 from Republicans, 1 bipartisan. Once again, our Speaker, JOHN BOEHNER, and the gentleman from California, DAVID DREIER, who is the chairman of the Rules Committee, are intensely interested in having this House work in a bipartisan fashion, but making progress for the American people. The American people expect us and want us to do better. Today is a chance to work together, pass a bill, put it across the aisle to the Senate, and ask them to please join us in making life better for Americans.

Mr. Speaker, I hope all of my colleagues support this rule. It's a great rule. It does the right thing. The underlying legislation is wonderful, and I urge a ''yes'' vote on the previous question and on the rule.

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

AN AMENDMENT TO H. RES. 572 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. 1748) to provide consumers relief from high gas prices, 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 among and controlled by the chair and ranking minority members of the Committee on Energy and Commerce, the Committee on Ways and Means, and the Committee on Natural Resources. 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.

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

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

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

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 of rule XX, further proceedings on this question will be postponed.

## FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed without amendment a bill of the House of the following title:

H.R. 4105. An act to apply the countervailing duty provisions of the Tariff Act of 1930 to nonmarket economy countries, and for other purposes.

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## BUREAU OF RECLAMATION SMALL CONDUIT HYDROPOWER DEVELOPMENT AND RURAL JOBS ACT OF 2011

The SPEAKER pro tempore (Mr. MILLER of Florida). Pursuant to House Resolution 570 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the further consideration of the bill, H.R. 2842.

□ 1337

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 further consideration of the bill (H.R. 2842) to authorize all Bureau of Reclamation conduit facilities for hydropower development under Federal Reclamation law, and for other purposes, with Mr. MCCLINTOCK (Acting Chair) in the chair.

The Clerk read the title of the bill.

The Acting CHAIR. When the Committee of the Whole rose on Tuesday, March 6, 2012, amendment No. 3 printed in the CONGRESSIONAL RECORD by the gentleman from Minnesota (Mr. ELLISON) had been disposed of.

AMENDMENT NO. 1 OFFERED BY MRS. NAPOLITANO

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, 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 vote was taken by electronic device, and there were—ayes 168, noes 253, not voting 11, as follows:

[Roll No. 98]

AYES—168

| | | |
|---|---|---|
| Ackerman | Brady (PA) | Cicilline |
| Altmire | Braley (IA) | Clarke (MI) |
| Andrews | Brown (FL) | Clarke (NY) |
| Baca | Butterfield | Clay |
| Baldwin | Capps | Cleaver |
| Bass (CA) | Capuano | Clyburn |
| Becerra | Carnahan | Cohen |
| Berkley | Carney | Connolly (VA) |
| Berman | Carson (IN) | Conyers |
| Bishop (NY) | Castor (FL) | Cooper |
| Blumenauer | Chandler | Costello |
| Bonamici | Chu | Courtney |

Critz
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Frank (MA)
Fudge
Garamendi
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hahn
Hanabusa
Heinrich
Higgins
Himes
Hinchey
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)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Olver
Pallone
Pascrell
Pastor (AZ)
Perlmutter
Peters
Pingree (ME)
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)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Walz (MN)
Wasserman Schultz
Waters
Waxman
Welch
Wilson (FL)
Woolsey
Yarmuth

NOES—253

Adams
Aderholt
Akin
Alexander
Amash
Amodei
Austria
Bachmann
Bachus
Barletta
Barrow
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Boswell
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Cardoza
Carter
Cassidy
Chabot
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Costa
Cravaack
Crawford
Crenshaw
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Dold
Donnelly (IN)
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (FL)
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
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
Lewis (CA)
LoBiondo
Loebsack
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
Owens
Palazzo
Paulsen
Pearce
Pence
Peterson
Petri
Pitts
Platts
Poe (TX)
Polis
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
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (MS)
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—11

Hinojosa
Inslee
Labrador
Moore
Paul
Pelosi
Rangel
Schmidt
Shuler
Visclosky
Watt

□ 1405

Messrs. ROKITA, LUETKEMEYER, and GARY G. MILLER of California changed their vote from ''aye'' to ''no.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

The Acting CHAIR (Mr. POE of Texas). The question is on the committee 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. DOLD) having assumed the chair, Mr. POE of Texas, 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. 2842) to authorize all Bureau of Reclamation conduit facilities for hydropower development under Federal Reclamation law, and for other purposes, and, pursuant to House Resolution 570, 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 committee 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 at the desk.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. GARAMENDI. In its present form, yes.

The SPEAKER pro tempore. The gentleman qualifies.

The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Garamendi moves to recommit the bill H.R. 2842 to the Committee on Natural Resources with instructions to report the same back to the House forthwith with the following amendment:

At the end of the bill, add the following:

**SEC. 3. MAKE IT IN AMERICA.**

Any lease of power privilege offered pursuant to this Act or the amendments made by this Act shall require that all materials used for conduit hydropower generation be manufactured in the United States.

The SPEAKER pro tempore. The gentleman from California is recognized for 5 minutes.

Mr. GARAMENDI. Mr. Speaker, my colleagues, those of you that are addicted to late-night C–SPAN, you may have noticed this placard which we've used for the last year. If you're not addicted to late-night C–SPAN, then let me inform you what this is all about.

This is about rebuilding the American manufacturing sector. Mr. Speaker, if America is going to make it, then we must, once again, Make It In America.

And this is about government policy. This is about the policies that you and I have the opportunity to make here in America so that this great Nation can, once again, become the great manufacturing center of the world.

Is there any one of us in this room that wants to concede American manufacturing to China or to any other place in the world? Is there one of us in this room that's willing to give up the opportunity for this Nation to, once again, be the pride of this world when it comes to making things?

Gentlemen and ladies, it's all about policy. It's about the policy that we write here in the Halls of Congress. It's about how we structure our tax policy, how we structure our employment policy and our educational policy. It's about the laws that we make.

□ 1410

And don't think this is industrial policy that's new. It's not. George Washington turned to his Secretary of Treasury and told Mr. Hamilton, I want an industrial policy for America. And Hamilton came back with eight specific things that needed to be done at the very birth of this Nation to build the American manufacturing sector. And from that start, we grew. So, George Washington set out an industrial policy, put in place laws to build the start of the great American manufacturing renaissance. But let's look what happened.

This chart is not a happy chart. This chart is about the decline. Beginning in

the seventies, we began to see the decline of American manufacturing as policies that were written by this House, by the Senate, signed by Presidents, Democrat and Republican, changed the groundwork upon which our manufacturing sector could be built. And so we began the decline.

Twenty-five years ago, 20 million Americans were in the manufacturing sector. Twenty-five years ago, the American middle class was strong and vibrant and growing, prosperous, able to own a home, able to take care of their family, go on vacation, buy boats, fish—whatever—25 years ago. Today, just over 11 million Americans are in the manufacturing sector. If you were to chart where the middle class is in America, it follows almost exactly this same curve downward.

We have an opportunity today to do one small thing, one small thing: to put in place a policy that will once again lead us back to making it in America, back to rebuilding our manufacturing sector. We can do it here with this amendment that I proposed. It's not going to solve all the problems, and it's not going to employ millions. But if you happen to live in New Mexico, you may want to know that the Elephant Butte Irrigation District has a small hydro facility and able to build in America a hydro facility. They cobbled it together on their own.

If you happen to be from Washington, specifically Deming, Washington, you may know that Canyon Hydro builds small hydro projects and programs and materials. If you happen to be from Alameda, California—listen up my 52 other Californians—Natal Energy builds small hydros. And if you're from Ohio—much discussed these last couple days—Springfield, James Leffel and Company builds small hydros.

We can make it in America. This amendment simply says that any company that applies for one of these small hydro projects must use American-made equipment. This is how we rebuild the American manufacturing sector, piece by piece, law by law—laws like this that require in the public works that we buy America, that we build America, and that we return the great American middle class back to where it should be, at the top of the heap, not at the bottom and not declining.

So, gentlemen and ladies, it's up to us. This is our policy opportunity, in one small way, in one small hydro project to simply say: do it, but use American-made equipment.

We can, once again, make it in America. And Americans can make it when we have policies in place.

Mr. Speaker, I ask for an ''aye'' vote on this important, small, critical amendment.

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

Mr. HASTINGS of Washington. Mr. Speaker, I rise in opposition to the motion to recommit.

The SPEAKER pro tempore. The gentleman is recognized for 5 minutes.

Mr. HASTINGS of Washington. Mr. Speaker, I first want to note that the author of the motion to recommit voted for the bill out of committee without this amendment. So there certainly is some basis of support for this bill. But I find it very, very ironic that we continue to have what I consider impediments to job creation in this country made by the other side, because the other side has generally—not everybody, to the credit of some of those that understand energy creation—but generally they oppose all American energy.

Look at the vote on developing the resources in the Outer Continental Shelf. Look at the vote on developing resources in Alaska. Look at the vote on developing resources in the intermountain West. They have always been generally opposed to it on that side of the aisle. So now we have here in front of us a bill that would create American energy, and they want to put another qualification on it.

Now, the gentleman—as a matter of fact, in the debate he did somewhat mischaracterize because the amendment says ''materials.'' We don't mind, for example—one example, all of the rare Earth we need for high technology, we have to import it. And yet he would have us do it here when we don't even have a source for those materials. That's what this bill says.

So, finally, Mr. Speaker, let me just tell you what this bill does.

Mr. GARAMENDI. Will the gentleman yield?

Mr. HASTINGS of Washington. I will not yield. The gentleman had 5 minutes to make his case.

Let me just tell you what this bill does. This bill creates American jobs with American energy at no cost to the taxpayer. What else do you need to say? Vote against the motion to recommit.

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

The SPEAKER pro tempore. Without objection, the previous question is ordered.

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 8 and clause 9 of rule XX, this 15-minute vote on the motion to recommit will be followed by 5-minute votes on the passage of the bill, if ordered; ordering the previous question on House Resolution 572; and adoption of House Resolution 572, if ordered.

The vote was taken by electronic device, and there were—ayes 182, noes 237, not voting 13, as follows:

[Roll No. 99]

AYES—182

Ackerman
Altmire
Andrews
Baca
Baldwin
Barrow
Bass (CA)
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Bonamici
Boren
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Critz
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
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
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)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Markey
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Olver
Pallone
Pascrell
Pastor (AZ)
Pelosi
Perlmutter
Peters
Pingree (ME)
Price (NC)
Quigley
Rahall
Reyes
Richardson
Richmond
Ross (AR)
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Sires
Slaughter
Smith (WA)
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Walz (MN)
Wasserman Schultz
Waters
Waxman
Welch
Wilson (FL)
Woolsey
Yarmuth

NOES—237

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
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Carter
Cassidy
Chabot
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Cravaack
Crawford
Crenshaw
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Dold
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper

Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Hensarling
Herger
Herrera Beutler
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
Lewis (CA)
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marino
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McKinley
McMorris Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Owens
Palazzo
Paulsen
Pearce
Pence
Petri
Pitts
Platts
Poe (TX)
Polis
Pompeo
Posey
Price (GA)
Quayle
Reed
Rehberg
Reichert
Renacci
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
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
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Yoder
Young (AK)
Young (FL)
Young (IN)

NOT VOTING—13

Dicks
Hinojosa
Labrador
Moore
Paul
Peterson
Rangel
Schmidt
Shuler
Visclosky
Walberg
Watt
Woodall

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1434

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.

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 265, nays 154, not voting 13, as follows:

[Roll No. 100]

YEAS—265

Adams
Aderholt
Akin
Alexander
Amash
Amodei
Austria
Baca
Bachmann
Bachus
Barletta
Barrow
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Berkley
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Boswell
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Cardoza
Carney
Carter
Cassidy
Chabot
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Costa
Costello
Courtney
Cravaack
Crawford
Crenshaw
Cuellar
Culberson
Denham
Dent
DesJarlais
Diaz-Balart
Dold
Donnelly (IN)
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Farr
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garamendi
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
Himes
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
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
Lewis (CA)
LoBiondo
Loebsack
Long
Lucas
Luetkemeyer
Luján
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
Owens
Palazzo
Paulsen
Pearce
Pence
Perlmutter
Peterson
Petri
Pitts
Platts
Poe (TX)
Polis
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
Schrader
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
Welch
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NAYS—154

Ackerman
Altmire
Andrews
Baldwin
Bass (CA)
Becerra
Berman
Bishop (NY)
Blumenauer
Bonamici
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Carnahan
Carson (IN)
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Critz
Crowley
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Doyle
Edwards
Ellison
Engel
Eshoo
Fattah
Filner
Frank (MA)
Fudge
Gonzalez
Green, Al
Grijalva
Gutierrez
Hahn
Hanabusa
Hastings (FL)
Heinrich
Higgins
Hinchey
Hirono
Hochul
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson, E. B.
Kaptur
Keating
Kildee
Kind
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Olver
Pallone
Pascrell
Pastor (AZ)
Pelosi
Peters
Pingree (ME)
Price (NC)
Quigley
Rahall
Reyes
Richardson
Richmond
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
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
Walz (MN)
Wasserman Schultz
Waters
Waxman
Wilson (FL)
Woolsey
Yarmuth

NOT VOTING—13

Cummings
Davis (KY)
Green, Gene
Hinojosa
Johnson (GA)
Labrador
Moore
Paul
Rangel
Schmidt
Shuler
Visclosky
Watt

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There is 1 minute remaining.

□ 1443

Ms. FOXX and Mr. CARNEY changed their vote from ''nay'' to ''yea.''

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## JUMPSTART OUR BUSINESS STARTUPS ACT

The SPEAKER pro tempore. The unfinished business is the vote on ordering the previous question on the resolution (H. Res. 572) providing for consideration of the bill (H.R. 3606) to increase American job creation and economic growth by improving access to the public capital markets for emerging growth companies, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

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

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 244, nays 177, not voting 11, as follows:

[Roll No. 101]

YEAS—244

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
Cantor
Capito
Carter
Cassidy
Chabot
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Costa
Cravaack
Crawford
Crenshaw
Cuellar
Culberson
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)
Green, Gene
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Hensarling
Herger
Herrera Beutler
Hochul
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jordan
Kelly
Kind
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
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
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—177

Ackerman
Altmire
Andrews
Baca
Baldwin
Barrow
Bass (CA)
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Bonamici
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costello
Courtney
Critz
Crowley
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
Grijalva
Gutierrez
Hahn
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hirono
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Jones
Kaptur
Keating
Kildee
Kissell
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Olver
Owens
Pallone
Pascrell
Pastor (AZ)
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
Walz (MN)
Wasserman Schultz
Waters
Waxman
Welch
Wilson (FL)
Woolsey
Yarmuth

NOT VOTING—11

Davis (KY)
Hinojosa
Hurt
Labrador
Moore
Paul
Rangel
Schmidt
Shuler
Visclosky
Watt

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There is 1 minute remaining.

□ 1450

So the previous question was ordered.

The result of the vote was announced as above recorded.

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

CONGRESSIONAL HOCKEY CAUCUS

Mr. MEEHAN. Mr. Speaker, it is my great pleasure to stand with my colleagues, ERIK PAULSEN, MIKE QUIGLEY, LARRY BUCSHON, and BRIAN HIGGINS, in a true bipartisan fashion to deliver the exciting news to the entire House that this team, skating together as part of the Congressional Hockey Caucus after a 2-year absence, on Sunday at the Verizon Center won back the important cup in a victory of 5–3 over the Lobbyists.

It's tough enough staying together, but QUIGLEY is awfully chippy and we have to watch his back. There's absolutely no question about that.

Mr. Speaker, this is a great game for the spirit of the conference, but in all honesty, the true value of this game is it is a charity. With the great cooperation and support of the National Hockey League, the Washington Capitals and owner Ted Leonsis, we were able to raise in excess of $160,000; and those dollars first will be dedicated to support a program that the National Hockey League has, which is, Hockey is for Everyone, and that is to bring the game of hockey to inner-city youth who would otherwise not have an opportunity.

More significantly, Mr. Speaker, in cooperation with the National Hockey League, and for the first time, there has been a commitment that has been made. Part of these proceeds will be matched with commitments that will, with Gary Bettman, the commissioner of the National Hockey League, support scholarships now for the Thurgood Marshall Scholarship Fund, to the college fund. They will help support 4-year scholarships to one of the 47 public Historically Black Colleges and Universities for an inner-city youth. We are excited and grateful to be a part of it.

I yield to my friend, the gentleman from Illinois (Mr. QUIGLEY).

Mr. QUIGLEY. Mr. Speaker, I want to thank the lobbyists for the day, Nick Lewis who helped organize this. The game did get a little chippy, that's true, but it has no connection with the 20-point lobbying reform measure that we're putting out tomorrow.

I also want to thank the staff who helped carry this older team of guys, our captain, Tim Regan right over here, for helping us win the game and bring back the cup and beat back the evil horde.

Thanks, everyone.

The SPEAKER pro tempore. Without objection, 5-minute voting will continue.

There was no objection.

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

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

RECORDED VOTE

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

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 252, noes 166, not voting 14, as follows:

[Roll No. 102]

AYES—252

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
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Carney
Carter
Cassidy
Chabot
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Cravaack
Crawford
Crenshaw
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Dold
Donnelly (IN)
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
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

Himes
Hochul
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jones
Jordan
Kelly
Kind
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kissell
Kline
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
Lewis (CA)
Lipinski
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
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (CT)
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Paulsen
Pearce
Pence
Peterson
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Quigley
Reed
Rehberg
Reichert
Renacci
Ribble
Richardson
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Royce
Ryan (WI)
Scalise
Schilling
Schock
Schrader
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)

NOES—166

Ackerman
Altmire
Andrews
Baca
Baldwin
Barrow
Bass (CA)
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Bonamici
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carson (IN)
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Critz
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Frank (MA)
Fudge
Garamendi
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hahn
Hanabusa
Hastings (FL)
Heinrich
Higgins
Hinchey
Hirono
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kildee
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Markey
Matsui
McCarthy (NY)
McCollum
McGovern
McNerney
Meeks
Miller (NC)
Miller, George
Moran
Nadler
Napolitano
Neal
Olver
Owens
Pallone
Pascrell
Pastor (AZ)
Pelosi
Perlmutter
Peters
Pingree (ME)
Polis
Price (NC)
Rahall
Reyes
Richmond
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
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
Walz (MN)
Wasserman Schultz
Waters
Waxman
Welch
Wilson (FL)
Woolsey
Yarmuth

NOT VOTING—14

Brady (TX)
Capito
Hinojosa
Labrador
McDermott
Moore
Paul
Rangel
Runyan
Schmidt
Shuler
Velázquez
Visclosky
Watt

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There is 1 minute remaining.

□ 1501

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.

GENERAL LEAVE

Mr. BACHUS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 3606 and to insert extraneous materials therein.

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

There was no objection.

The SPEAKER pro tempore. Pursuant to House Resolution 572 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. 3606.

□ 1501

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. 3606) to increase American job creation and economic growth by improving access to the public capital markets for emerging growth companies, with Mr. DOLD in the chair.

The Clerk read the title of the bill.

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

The gentleman from Alabama (Mr. BACHUS) and the gentleman from Massachusetts (Mr. FRANK) each will control 30 minutes.

The Chair recognizes the gentleman from Alabama.

Mr. BACHUS. Mr. Chairman, I yield myself 4 minutes.

Mr. Chairman, I rise in strong support of the JOBS Act and urge my House colleagues to approve this bill with an overwhelming bipartisan support.

This is a legislative package that we believe will help jump-start our economy by creating new growth opportunities for America's small businesses, for start-up companies, and for entrepreneurs.

As chairman of the Financial Services Committee, I'm happy to report to the House that the JOBS Act is comprised of six bills that originated in our committee and were approved by the committee. I'm also proud that these six bills received overwhelming, strong bipartisan support in our committee. It shows that Republicans and Democrats can come together, find common ground and work together to help America's small businesses. In fact, after being approved by the Financial Services Committee, several of these bills moved to the House floor and gained almost unanimous approval by the House and are now in the Senate.

Not only do these measures have support from Republicans and Democrats, but we received a letter from the President this morning dated March 6 endorsing this legislation, strongly endorsing it. So it not only has the support of Republicans, Democrats, but also the President and the leadership.

A consistent observation that I've heard and many others have heard from our business community is that the Federal Government is making it hard for them to expand and hire new workers with all of its new regulations, mandates and spending, as well as those not-so-new regulations.

We've not recovered from this recession as quickly as we have from past recessions, and the reason is that we have not gotten the job growth that we had hoped, and the job growth we have gotten has been from large corporations. The difference in this recovery and the last one is not large companies not hiring—they are. It's small companies not hiring.

Now, there are two reasons that small companies are not hiring, and these are small companies that generate traditionally 65–70 percent of the new jobs. The first is regulation and the second is capital. It's harder for these companies to get traditional bank financing. We all know that. We've talked to bankers. We've talked to small businesses. Because they can't always get bank financing, they must turn to investors and to the capital market. These bipartisan measures will make it easier for them to do that. They'll increase capital formation which spurs the growth in start-up companies, creates jobs, and encourages companies, small companies, to add jobs and to invest.

We know that, as I've said, small businesses are the generators of our economy. In fact, large corporations, 70–80 percent of their business is from small businesses.

That's why we, as Congress, hearing from our constituents, must cut the red tape that prevents our small businesses and entrepreneurs, the same people that created Google, that created Apple, that created a lot of our biotech companies, they were small businesses but now they are the growth businesses. They are creating the most jobs. This legislation will give them the freedom to access capital, to hire workers, and to grow jobs.

I want to talk about just one of these bills, and that is the bill that came out

of our committee with strong bipartisan support; and I want to commend three gentlemen, the gentleman from Tennessee (Mr. FINCHER), the gentleman from Delaware (Mr. CARNEY) and Mr. HIMES, who crafted it. It allows the IPO market, which has been in a funk, to come back and create small companies and allow them to capitalize.

I reserve the balance of my time.

STATEMENT OF ADMINISTRATION POLICY

H.R. 3606—JUMPSTART OUR BUSINESS STARTUPS ACT

(Rep. Fincher, R–Tennessee, and 53 cosponsors, March 6, 2012)

The Administration supports House passage of the Rules Committee Print of H.R. 3606. Helping startups and small businesses succeed and create jobs is fundamental to having an economy built to last. The President outlined a number of ways to help small businesses grow and become more competitive in his September 8, 2011, address to a Joint Session of Congress on jobs and the economy, as well as in the Startup America Legislative Agenda he sent to the Congress last month. In both the speech and the agenda, the President called for cutting the red tape that prevents many rapidly growing startup companies from raising needed capital. The President is encouraged to see that there is common ground between his approach and some of the proposals in H.R. 3606. The Administration looks forward to continuing to work with the House and the Senate to craft legislation that facilitates capital formation and job growth for small businesses and provides appropriate investor protections.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Ms. ESHOO), a Member not on the committee but one of those most active for pushing for one of the bills here.

Ms. ESHOO. Mr. Chairman, I thank the ranking member, Mr. FRANK. I'm pleased to rise in support of H.R. 1070, which is a provision, actually a bill, that is contained in the underlying legislation which we're going to be voting on today.

I want to pay tribute to Mr. FRANK because he recognized the worth of the idea of expanding on Regulation A which was part of the Securities Act of 1933. He was more than interested in the idea. He said come and testify on it, which I did in December of 2010. So I was proud to do that. Both sides of the aisle at that hearing became heavily engaged in it. They were really fascinated by what it was and what it could do relative to capital formation.

So now this bipartisan bill, which passed the House in November of this last year 421–1, is now in this bill. It increases the offering limit from $5 million to $50 million under the SEC Regulation A, which, as I think I said, was enacted during the Great Depression to facilitate the flow of capital to small businesses. Look at the genius of FDR. A reformed Regulation A is important for small businesses and start-ups not only in my Silicon Valley district but across the country. This is especially true in high-tech, sustainable energy and the life sciences fields where research and development start-up costs routinely exceed $5 million. And in 2010, only seven companies actually took advantage of it.

So I'm very pleased that this is part of this overall legislation. I salute the ranking member, Mr. FRANK, for recognizing it, for supporting it early on, and for getting the ball rolling at his committee with a Member who is not a member of his committee; and I think the country is going to win with this provision, and I'm proud to support it.

Mr. HENSARLING. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, it is clear that jobs and the economy are issue number one for our constituents. Many of them don't see the recovery. Even though professional economists may see it, it is clearly the slowest and weakest recovery in the postwar era. We still have now 3 full years of 8-plus percent unemployment, half of our population now being classified as either low income or in poverty. Again, our constituents are demanding jobs.

Public policy makes a difference. Republicans have many disagreements with our President over public policy. We disagree with the $11 trillion of additional debt that he has put into his budget. We disagree with the $1.9 trillion in new job-killing tax increases he wants to impose, much of it on small businesses. We disagree—we believe the Keystone pipeline, with its 20,000 shovel-ready jobs, should be approved. We believe these policies harm job growth and the economy.

□ 1510

But, Mr. Chairman, we have a rare occasion today, and that is there is something that we do agree on. We have found an opportunity to work on a bipartisan basis, on common ground, with the President of the United States. The President said:

It is time to cut away the redtape that prevents too many rapidly growing start-up companies from raising capital and going public.

House Republicans agree, and thus we are happy to bring to the floor, on a bipartisan basis, the JOBS Act.

The President has issued his Statement of Administration Policy endorsing this legislation. Again, a rare occurrence, and I believe it's something that our constituents would like to see us do. They want to see us stand on principle, but they also want to see us compromise on policies to advance those principles. And so this is a bill that will give these emerging growth companies—again, perhaps the future Googles, perhaps the future Apples, the future Home Depots and the future Starbucks—that opportunity to begin to access equity capital where the hurdles, the redtape, and the cost burdens have been too high.

We know that, of many of the root causes of the economic debacle we had, clearly this was an economy that was overleveraged. So we in the Congress need to do whatever we can to enable the start-up companies, the job engines of America, to be able to access the equity markets, not just the debt markets. So this is a bill most of which has been previously approved by large majorities either in the Financial Services Committee or on the floor.

I want to thank the gentleman from Tennessee (Mr. FINCHER) for his leadership, Chairman BACHUS, Leader CANTOR, and the ranking member, Mr. FRANK from Massachusetts. The American people want to see jobs, hope, and opportunity. So let's pass the JOBS Act, and let's pass it now.

I reserve the balance of my time.

Mr. FRANK of Massachusetts. Mr. Chairman, first, I yield myself 1 minute to say that I regret that my friend from Texas felt the need to absolve himself from the charge of excessive bipartisanship by engaging in a partisan diatribe that was factually shaky. It is true that this recovery from the recession has been slower than any previous one, but that's because the economy Barack Obama inherited from George Bush was the weakest since the Great Depression. Yes, it was a deeper economic downfall under George Bush than we've had in 8 years, and that's why the recovery was slower. But it's also the case, if you look at the chart recently presented to us by a Bush appointee, Ben Bernanke, the chairman of the Federal Reserve, it would show that in the beginning of 2006, there was a very steep drop in jobs, a month-by-month increase to the hundreds and hundreds of thousands of jobs lost in the last couple of years in the Bush administration, and then less than 2 months after Barack Obama took office, and we were able to begin some policies to stimulate the economy, an equally sharp rise. So we haven't come as far back as we'd like to, but that's because we were so deeply in the hole when we started.

Now I yield 2 minutes to one of the Members who has been a major shaper of this bill, the gentleman from Delaware (Mr. CARNEY).

Mr. CARNEY. Mr. Chairman, I rise today to encourage all my colleagues, Democrats and Republicans, to support this important piece of legislation to create jobs.

In December, Representative FINCHER and I introduced H.R. 3606, the Reopening American Capital Markets to Emerging Growth Companies Act of 2011. Today, our legislation is the vehicle for a package of bills to help small businesses access capital and grow.

I'd also like to recognize Mr. FINCHER and his staff, Jim Hall and Erin Bays, for their bipartisan work on this bill. I would also like to thank Ranking Member FRANK and Representative WATERS for their assistance and leadership throughout this process.

The original bill, H.R. 3606, which is contained in the bill today before us, will create jobs in part by making it easier for emerging growth companies to undertake IPOs and go public. On average, research tells us that 92 percent of a company's growth, job

growth, occurs after they go public. But in recent years, the number of companies going public has fallen off dramatically.

This legislation takes a commonsense approach to reduce the cost of going public for these so-called ''on ramp'' status companies by phasing in, not exempting, by phasing in certain costly regulatory requirements. Our bill creates a new category of issuers called ''emerging growth companies.'' They have annual revenues of less than $1 billion and, following the initial public offering, less than $700 million in publicly traded shares. Exemptions for these on-ramp status companies would either end after 5 years or when the company reaches $1 billion in revenue or $700 million in public float.

The legislation will also make it easier for potential investors to get access to research and company information in advance of an IPO, and this is an issue around which there's been quite a bit of discussion in committee. This is critical, though, for small and medium-sized companies trying to raise capital that have less visibility in the marketplace.

Last month, these provisions were passed out of the Financial Services Committee with a bipartisan vote of 54–1. We've worked hard to craft legislation that could garner support from Democrats and Republicans and that can pass both the House and the Senate. And as you heard earlier, it's supported by the administration. In fact, many of the ideas in this bill were generated out of a process started by the Treasury Department itself.

Making it easier for small and medium-sized companies to grow is an effective way to create jobs and improve the economy, and we all know how important that is to the constituents that we serve. This legislation will encourage more entrepreneurs to start businesses and allow more start-ups to become public companies and grow and create jobs.

Please join me in supporting H.R. 3606.

Mr. HENSARLING. Mr. Chairman, I now would like to yield 2 minutes to the gentleman from Arizona (Mr. QUAYLE).

Mr. QUAYLE. I thank the gentleman for yielding.

Mr. Chairman, I rise in support of H.R. 3606, the Jumpstart Our Business Startups Act. This bill will do just that, jump-start our small businesses by removing costly, outdated compliance requirements so businesses and community banks can grow, invest, and hire again. I want to thank Chairman BACHUS for including my legislation, H.R. 4088, the Capital Expansion Act, in the JOBS Act.

Our economy is being held back by onerous and outdated regulations that keep small community banks from expanding. By making it easier for banks to raise capital and invest in our Nation's small businesses, our entire economy benefits. This legislation is essential to small businesses and will allow them greater access to necessary capital. Community banks make up 11 percent of the banking industry's assets in America, but they provide 40 percent of all loans to small businesses.

Currently, community banks with 500 or more shareholders must register with the SEC, and in so doing, submit to the costly compliance requirements. The 500 shareholder threshold hasn't been updated since 1964. This bill would raise the threshold and lower compliance costs for our community banks.

Under this act, a bank would be able to expand to 2,000 shareholders before having to register with the SEC. This will lower compliance costs for the average community bank by $250,000 annually. That $250,000 can be lent to small businesses or used to expand its operations.

I've been concerned about these issues addressed by this act since I came to Congress, and it is gratifying to see these solutions being put forward. I'm particularly grateful for Mr. FINCHER for his leadership on H.R. 3606, which addresses the high cost of compliance with section 404 of Sarbanes-Oxley. As I've been meeting with small businesses within my district, I've been engaged in trying to roll back the costly regulations on our start-ups imposed by Sarbanes-Oxley.

I urge my colleagues to support the JOBS Act.

Mr. FRANK of Massachusetts. Madam Chair, I yield myself such time as I may consume.

I now have an answer to a question. There was a bill in this package, H.R. 4088, that had never had a hearing, it had never been to our committee, everything else had been through the process, and I asked the gentleman from Texas (Mr. SESSIONS) about it. He represented the Rules Committee, and he told me it was a good bill, and therefore, there was no need for it to go to a hearing or through subcommittee or committee. That struck me as rather odd. I've never heard that before, particularly from a party that says they wanted to bring us regular order.

□ 1520

But now that the gentleman from Arizona has spoken, let me make a confession, Madam Chair. I was being a little disingenuous. Now, let me alert people to the rules who may be new to the place. You may not accuse anyone else of being disingenuous under the House rules, but you can cop to it.

I knew what H.R. 4088 was, and we just heard it. We heard the gentleman from Arizona—surprisingly, to me—talk about his legislation. His legislation is the bill I was referring to. It was introduced on February 24, I believe, of this year. It had no hearing. It had no subcommittee markup. But it sounded very familiar as he described it, because that's not just a bill. It's a shape-shifter. It used to be the Himes-Schweikert bill.

So let me be clear: yes, we did consider this in subcommittee and in committee. It was voted on and debated. But it wasn't the Quayle bill then. There was no Quayle bill then. This bill had been the product of bipartisan collaboration between two of our Members: the gentleman from Connecticut (Mr. HIMES), the gentleman from Arizona (Mr. SCHWEIKERT). It had a great deal of appeal, particularly for the bank community.

So what happened?

Apparently, the Republican leadership decided it was Christmas in March, so they stole the bill from Mr. SCHWEIKERT and Mr. HIMES and made a present of it to the gentleman from Arizona (Mr. QUAYLE). And Mr. QUAYLE, I must say, someone told him, Always be grateful, never look a gift bill in the mouth; because when they took the bill from the two men who had created it and took it away from them so that the gentleman from Arizona could get the credit for the bill—in which he had done no work—he seemed perfectly happy with it.

Now, I want to say, Madam Chairman, I've been here for 31½ years. I'm about to be not here anymore, but I do want to say—and I have thought very much about what I am about to say—that's shameful, shameful on the part of the Republican leadership that engaged in this cheap maneuver, shameful on the part of a Member who would be the beneficiary of it. I am deeply disappointed.

Yeah, it's a good bill. It was a good bill when it was the Himes-Schweikert bill. It was a good bill when it went through the hearing in the subcommittee. And for two Members who worked hard on this to then have it taken away and credit given to someone who had nothing to do with it previously is a bad idea.

Then, for the gentleman from Texas (Mr. SESSIONS), on behalf of the Rules Committee, he did not want to admit this theft, so, instead, he announced a new principle—and I hope we can now be clear that's not going to be a precedent—namely, that if it's a good bill and a short bill, it doesn't have to go through a hearing; it doesn't have to go through subcommittee; it doesn't have to go through committee. That was the defense the gentleman from Texas made because he was, to his credit, embarrassed to acknowledge the truth.

But having understood that that was the truth, I do want to make it clear: it would have been better if he had not pretended, as it seems to me he did, that this was such a wonderful bill it didn't need to go through the procedure but, rather, had admitted that it was a bill that had gone through the procedure but had been kidnapped along the way and brought here under another Member.

As I said, I am very disappointed in a leadership that would do this and in a Member who would accept credit for a bill with which he had so little to do with.

I reserve the balance of my time.

Mr. HENSARLING. Madam Chairman, I yield myself 10 seconds to say that the American people care about jobs and economic growth, not a John Grisham novel of intrigue. Either the gentleman, the ranking member, likes the policy—in which case, he can vote for it. If he doesn't like the policy, he can vote against it. The President of the United States apparently supports it.

At this time, I yield 3 minutes to the gentleman from Tennessee (Mr. FINCHER), the author of the JOBS Act.

Mr. FINCHER. I thank the gentleman for yielding.

I want to thank my colleague, Mr. CARNEY, for his hard work and his staff for helping work on something good for the country, for the private sector, getting people back to work. That's what we were sent here to do.

I'm pleased to be the lead sponsor on H.R. 3606, the Jumpstart Our Business Startups Act.

Today, according to the Bureau of Labor Statistics, the unemployment rate is currently 8.3 percent. However, in December of last year, all but one of the counties I represent had a higher unemployment rate than the national average of 8.5 percent. At the top of the list was Obion County, with an unemployment rate of 15.3 percent, and Crockett County, where I live, 10.5 percent.

It is no secret that our Nation has seen a decline in small business startups over the last few years, which means less jobs created for American workers. I think we all can agree that small businesses and entrepreneurs are the backbone of our Nation and our economy.

The heartbeat of America is in the heartland of America, not here in Washington. The best thing our government can do right now to get our economy moving in the right direction is to help create an environment where new ideas and start-up companies have a chance to grow and succeed. The provisions in the JOBS Act will put the focus on the private sector, capitalism, and the free market, providing the jump-start our Nation's entrepreneurs need.

Title I of this bill is legislation that I introduced with Congressman CARNEY, the Reopening American Capital Markets to Emerging Growth Companies Act, which would help more small and mid-size companies go public. During the last 15 years, fewer and fewer start-up companies have pursued initial public offerings because of burdensome costs created by a series of one-size-fits-all laws and regulations. These changes have driven up costs and uncertainty for young companies looking to go public. Not going public deprives companies of the needed capital to expand their businesses, develop innovative products, and hire more American workers.

Title I would create a new category of issuers called emerging growth companies that have less than $1 billion in annual revenues when they register with the SEC and less than $700 million in public float after the IPO.

Emerging growth companies will have as many as 5 years, depending on size, to transition to full compliance with a variety of regulations that are expensive and burdensome. This on-ramp status will allow small and mid-size companies the opportunity to save on expensive compliance costs and create the cash needed to successfully grow their business and create American jobs. It will also make it easier for potential investors to get access to research and company information in advance of an IPO in order to make informed decisions about investing. This is critical for small and medium-sized companies trying to raise capital that have less visibility in the marketplace.

Our bill had tremendous bipartisan support when passed by the Financial Services Committee 2 weeks ago. It's my hope that we can continue to work together as we move this package of bills forward.

Madam Chairman, the JOBS Act will provide companies some valuable tools they need to grow and create jobs. I urge my colleagues to support this bill.

Mr. FRANK of Massachusetts. Madam Chair, preliminarily, I yield myself 15 seconds to say the gentleman from Texas said the American people don't care about this intrigue. Then the question is: Why do they involve in it? Why do they engage in it? Why didn't they just leave the bill with the sponsors? So apparently they cared enough to play that double-game.

I now yield 3 minutes to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY. I thank the gentleman.

I rise to support H.R. 3606, which would help start-ups and small businesses succeed and create jobs during this economic recovery.

I want to really congratulate and thank the ranking member for his leadership, along with the administration, during the worst recession after the Great Depression.

Christina Romer testified before this Congress that the economic shocks to our economy were three times greater than the Great Depression. We were shedding over 700,000 jobs a month when the President assumed office.

In a report by Chairman Bernanke, he showed a chart where we are digging our way out under his leadership. We have gained 3.7 million private sector jobs. This is an important step forward.

The financial reform bill that Ranking Member BARNEY FRANK—we're going to miss you, BARNEY. You did a great job, and we all owe you a debt of gratitude for your leadership during this time.

But what we need now is a real jobs bill, not just a tweaking around the corners with a few words and a few changes in the securities law. What we should be debating today, which would have a huge impact on jobs, is the transportation bill or the President's American Jobs Act, which would create more than a half million jobs and move us forward.

This particular bill, the package is important, but it is not a comprehensive jobs bill or agenda which we need. There are some modest steps forward, but they are no substitute for a major job-creating highway bill or a passage of a full American Jobs Act.

These bills make only very modest changes for start-up companies, making it easier for them to raise capital through the Internet and the solicitation of accredited investors, and loosening certain filing and regulatory requirements for start-ups and small banks.

□ 1530

I support it, but it does not really do a great deal to create more jobs, which we need.

I must say that I have cosponsored parts of it, and all four of them have already passed this body overwhelmingly with over 300 votes. And I'd like to note that the administration supports the passage of this act, as Congress clearly has already done.

I do want to join the chairman in speaking in support of my colleagues, Mr. HIMES and Mr. SCHWEIKERT, on the committee. They championed the provision of the bill that raises the shareholder threshold for having to register with the SEC, and this title passed this body on its own already by a 420–2 margin. That's quite an achievement for them.

But by putting another person's name on it, we have a clear example of the majority more interested in scoring points than in working in a bipartisan way for job development. I will place in the RECORD further comments on these bills and their importance and my work with Mr. MCHENRY on crowdfunding.

SUMMARY OF HR 3606, JUMPSTART OUR BUSINESS STARTUPS ACT

TITLE I ''REOPENING AMERICAN CAPITAL MARKETS TO EMERGING GROWTH COMPANIES ACT OF 2011'' (HR 3606, CARNEY-FINCHER)

HR 3606 creates an expanded on-ramp for newly public companies by exempting a new category ''emerging growth companies'' (companies with less than $1 billion in revenues or $700 million in public float) for up to five years from a variety of securities law requirements, including: say-on-pay votes; certain executive compensation reporting; requirements to provide 3-years of audited financials (would only need 2 years worth), SOx section 404(b) auditing of internal controls over financial reporting; and any future auditor rotation or other auditor requirements. HR 3606 also eases restrictions on communications and research related to an IPO. HR 3606 passed the Financial Services Committee by a vote of 54–1 on 2/16/12, has not previously come to the floor action.

TITLE II, ''ACCESS TO CAPITAL FOR JOB CREATORS ACT'' (HR 2940, MCCARTHY OF CA)

HR 2940 amends section 4(2) of the Securities Act of 1933 to permit use of public solicitation in connection with private securities offerings, provided that the issuer or underwriter verifies that all purchasers of the securities are accredited investors. In addition,

the SEC would have to share offering materials and documentation with the states. HR 2940 passed the House 413–11 on 11/3/11.

TITLE III ''ENTREPRENEUR ACCESS TO CAPITAL ACT'' (HR 2930 MCHENRY)

HR 2930 creates a new exemption from registration under the Securities Act of 1933 for ''crowdfunding'' securities. HR 2930 permits a company to raise up to $2 million a year, with investors permitted to invest the lesser of $10,000 or 10% of his or her income annually in such companies. HR 2930 pre-empts the state regulators' registration authority for the exempt securities, but websites and issuers must register with and provide notice to the SEC, which would be shared with the states. HR 2930 passed House 407–17 on 11/3/11.

TITLE IV, THE ''SMALL COMPANY CAPITAL FORMATION ACT OF 2011'' (HR 1070, SCHWEIKERT)

HR 1070 requires the Securities and Exchange Commission (SEC) to create a new and larger exemption, effectively raising the limit from $5 million to $50 million for its Regulation A (''Reg A'') security offerings and permitting a more streamlined approach for smaller issuers. The current limit is $5 million, but the mechanism is little used due to the small size of issuances permitted. The bill would permit SEC to impose conditions on issuance under the rule, and would require periodic review of the limit. HR 1070 passed House 421–1 on 11/2/11.

TITLE V, ''PRIVATE COMPANY FLEXIBILITY AND GROWTH ACT'' (HR 2167, SCHWEIKERT)

HR 2167 allows companies to remain private longer, with no SEC filings, by raising the minimum shareholder threshold triggering public reporting for all companies from 500 to 1000 shareholders, and by excluding employees from the definition of a shareholder. HR 2167 passed the Financial Services Committee on voice vote 10/26/11, but has not previously come to the floor.

TITLE VI, ''CAPITAL EXPANSION'' (HR 4088, QUAYLE)

HR 4088 is identical to House-passed HR 1965 (Himes) except that HR 4088 removes a cost-benefit analysis study on raising the shareholder threshold for all companies (see Title V). HR 4088 allows banks and bank holding companies to remain private longer by raising the threshold triggering public reporting from 500 shareholders to 2000 shareholders. The bill also eases restrictions for discontinuing public reporting by increasing the minimum threshold from 300 shareholders to 1200 shareholders. The employee exclusion discussed in Title V also applies to banks and bank holding companies. HR 4088 has not been considered in the Financial Services Committee. However, HR 1965 passed the House 420–2 on 11/2/11.

Mr. HENSARLING. I yield myself 10 seconds just to say that President Reagan once said there's no limit to what the American people can achieve if they don't mind who gets the credit. We seem to hear the ranking member say, if I and my friends can't take credit, we're going to pick up our toys and go home. All of us can take credit if we will support the JOBS Act.

I yield 2 minutes to the gentlewoman from Illinois (Mrs. BIGGERT), the chair of the Housing and Insurance Subcommittee.

Mrs. BIGGERT. I thank the gentleman for yielding me the time.

Madam Chair, when it comes to promoting economic growth, no government program is as effective as the old-fashioned drive and ingenuity of the hardworking American people. But to harness that power and the jobs that come with it, we need to clear a path for the start-ups and fledgling businesses that bring new goods and ideas into the marketplace. That's the purpose of the JOBS Act.

This jobs package includes several bills that I've had the opportunity to work on closely with my colleagues on the House Financial Services Committee. All together, it includes six bipartisan proposals that the committee has reviewed to streamline or eliminate the regulatory and legal barriers that prevent emerging businesses from reaching out to investors, accessing capital, and selling shares to the public market.

This legislation will make it possible for promising businesses to go public and access financial opportunities that currently are limited to large corporations, and it eliminates needless costs and delays imposed by the SEC and other regulators.

These ideas are not political. These ideas are not partisan. They come from the small business community in districts like mine, where I meet regularly with local employees who tell me that accessing capital is the hardest part of enduring the recession. Many of these changes have bipartisan backing and have been endorsed by members of the President's Council on Jobs and Economic Competitiveness.

Madam Chair, I urge my colleagues to support this important jobs package and unite behind good ideas that will free American businesses to do what they do best.

Mr. FRANK of Massachusetts. Madam Speaker, I yield myself 30 seconds.

* * *

Mr. HENSARLING. Madam Chair, I ask that the gentleman's words be taken down.

The Acting CHAIR (Ms. FOXX). The gentleman from Massachusetts will please take a seat.

The Clerk will report the words.

The Clerk read as follows:

Mr. FRANK of Massachusetts. I have never seen truth stood on its head more rapidly than by my colleague from Texas. This notion that who cares about the credit—if that were honestly what the Republican leadership believed, why did they take the credit from Mr. SCHWEIKERT and Mr. HIMES and give it to Mr. QUAYLE? It is they who decided that substance was less important. For the gentleman from Texas, having been part of the leadership that engaged in that shameful maneuver, to now accuse us of being excessively concerned with credit is the most hypocritical and dishonest statement I have heard uttered in this House.

The Acting CHAIR. The Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. HURT) having assumed the chair, Ms. FOXX, Acting Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 3606) to increase American job creation and economic growth by improving access to the public capital markets for emerging growth companies, reported that certain words used in debate were objected to and, on request, were taken down and read at the Clerk's desk, and herewith reported the same to the House.

The SPEAKER pro tempore. The Clerk will report the words objected to.

The Clerk read as follows:

Mr. FRANK of Massachusetts. I have never seen truth stood on its head more rapidly than by my colleague from Texas. This notion that who cares about the credit—if that were honestly what the Republican leadership believed, why did they take the credit from Mr. SCHWEIKERT and Mr. HIMES and give it to Mr. QUAYLE? It is they who decided that substance was less important. For the gentleman from Texas, having been part of the leadership that engaged in that shameful maneuver, to now accuse us of being excessively concerned with credit is the most hypocritical and dishonest statement I have heard uttered in this House.

The SPEAKER pro tempore. The Chair finds that the remarks constitute a personality directed toward an identifiable Member.

Without objection, the offending words are stricken from the RECORD.

There was no objection.

The SPEAKER pro tempore. The Committee will resume its sitting.

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 3606) to increase American job creation and economic growth by improving access to the public capital markets for emerging growth companies, with Ms. FOXX (Acting Chair) in the chair.

The Clerk read the title of the bill.

The Acting CHAIR. When the Committee of the Whole rose earlier today, 31½ minutes remained in general debate.

The gentleman from Texas (Mr. HENSARLING) has 15½ minutes remaining, and the gentlewoman from California (Ms. WATERS) has 16 minutes remaining.

Ms. WATERS. I yield myself 4 minutes.

Madam Chair, I rise today in support of H.R. 3606, the Jumpstart Our Business Startups Act.

Before I begin my remarks, I would like to thank Chairman BACHUS, Chairman GARRETT and, certainly, Ranking Member FRANK for their assistance and support on this bill. We were able to work in a bipartisan manner on this bill in our committee, passing many of the provisions in the bill with strong bipartisan majorities.

H.R. 3606 is an omnibus package of small business capital formation bills, some of which we already passed through the House back in November. I was pleased to work with Representative MCCARTHY on a provision now included in the bill to amend securities law in order to remove the prohibition on general solicitation, or general advertising, for the Office of Securities made under rule 506 of regulation D if those securities are only sold to accredited investors.

Last year, I worked with Representative MCHENRY to add critical investor protection provisions to this crowdfunding bill, which previously passed the House and is now included in this package. I was also pleased to support the provision from Representative SCHWEIKERT to allow companies to raise more funds through the Regulation A process and another provision to raise minimum shareholder thresholds at which companies must register their securities with the SEC.

On the title of this bill, which deals with the emerging growth companies, the IPOs, I support the goal of this legislation, and I hope that many of the amendments offered today on this title are accepted, including my own, which is dealing with the provision of research. Again, I am supportive of this legislation, but I think that more investor protection provisions are needed.

Why did we work together to get this legislation passed?

We worked from both sides of the aisle because we are all concerned about job creation and access to capital. We have gone through a recession in this country, starting with the loans that were made in the subprime market in 2003 to 2007. We almost reached a depression, and we destroyed the housing industry in this country. So we are all working to try and not only get the housing industry revitalized, but we are also working to make sure that our small businesses have access to capital and, thus, job creation.

I am very pleased that we were able to work together on this legislation despite the fact that what Mr. FRANK brought to our attention today is the kind of effort that could interfere with attempts to have bipartisanship on some of these legislative attempts that we have made. What Congressman FRANK brought to our attention was that title VI of the bill, a provision that was drafted by Representative HIMES, with the support of Republicans, seems to have been bare minimally reworked and rebranded as a Representative Quayle bill.

While I support the provision, I think that taking Mr. HIMES' work product undermines the spirit of bipartisanship and the cooperation that was otherwise demonstrated by this bill.

□ 1600

Do I like every one of these bills 100 percent? No, I don't. I have some concerns and I have some questions. I even have some uncertainty when we talk about crowdfunding. I want to make sure that we're protecting the investors. I want to make sure that the proper research is isolated from the underwriters who have connections to those people that they're writing the bills for.

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

Ms. WATERS. I yield myself an additional 30 seconds.

To sum up this bill, it will make it just a bit easier for some companies to raise funds in our capital markets, enabling them to grow their businesses. But make no mistake, I believe that this Congress still needs to do more on jobs. In addition to these legislative changes that enable capital formation, we need to keep teachers, police officers, and firefighters on the job; extend unemployment insurance for laid-off workers; and revitalize neighborhoods devastated by foreclosures.

A truly comprehensive approach is needed to get Americans working again, and I hope my colleagues are willing to work with me on these issues.

I reserve the balance of my time.

Mr. HENSARLING. I yield myself 10 seconds just to say the gentlelady alluded to the gentleman from Massachusetts for bringing something to our attention. What he brought to our attention is that he violated House rules and is prohibited from speaking the rest of the day when the rest of the Chamber wishes to promote jobs for the American people.

At this time, I am happy to yield 2 minutes to the gentleman from Illinois (Mr. DOLD).

Mr. DOLD. I want to thank my good friend from Texas for yielding me the time.

As a small-business owner, I understand firsthand what small businesses are facing today when they try to meet a payroll or a budget, try to expand their business, or try to hire an extra worker.

My small business employs just about 100 people. For me, that's 100 families. It's a responsibility that I take very seriously.

All across our country, we've got 29 million small businesses throughout our Nation. We should be doing everything we can, everything within our power to create an environment that enables those small businesses to hire one more worker. That's why I'm pleased today to stand up and voice my support for this bipartisan JOBS Act on the floor today.

Many of the bills in this package passed the House with over 400 votes each. Today, we hear a lot about gridlock; we hear a lot about partisanship. These are bipartisan bills. What we had are 400 bills, 400 votes here in the United States Congress that were sent over to the United States Senate without action, and I'm glad that we're able to package them today to have another crack at that.

These measures were introduced by Republicans and Democrats and are aimed at allowing small businesses to gain access to capital. This is exactly the type of legislation that the United States Senate should be passing and that the President should sign into law.

This week we're sending another message to the United States Senate, and we urge them to take action on these important matters.

These are bipartisan bills. Our small businesses and hardworking families don't have the luxury of waiting for gridlock in Washington to end, specifically in the United States Senate. We sent 30 jobs bills from this body over to the United States Senate without any action. So it's time that I ask that the Senate join the House and work together with us on the issues that I think we can all agree on in empowering our small-business owners and job creators.

I believe that bipartisanship is extremely important; and when we find common ground, we must act. That's why it's critical that we empower our job creators and small-business owners to spur our economy and get America back to work.

The JOBS Act is an example of how we can put people before politics and progress before partnership, which is why I am delighted to be able to support this bill and thank my colleagues, Mr. CARNEY, and my friend, Mr. FINCHER.

Ms. WATERS. Madam Chair, I yield 3 minutes to the minority whip, the gentleman from Maryland, Mr. STENY HOYER.

Mr. HOYER. I thank the gentlelady for yielding, and I rise in strong support of these six pieces of legislation which have been put together and called a jobs bill.

I think they have a positive effect on economic growth in our country. I think they are good bills. I particularly support the Himes bill, currently called the Quayle bill; but I'm pleased to support it by whoever's name it might have on it.

Four out of the six components of this legislation have been previously passed overwhelmingly. This is a recycle, but doing a good thing twice is not bad. So I'm going to vote for it, and I'm going to be enthusiastic about voting for it. As a matter of fact, I suggested a number of these ideas on our side of the aisle.

This bill makes it easier for small businesses to go public and raise the capital they need to expand and hire new workers by reducing regulatory burdens. It also raises the SEC registration thresholds for community banks, which will free up bank capital for lending to small businesses and individuals. That's an important step we ought to be taking.

A number of my Democratic colleagues worked hard on these provisions, including, as I said earlier, Representative JAMES HIMES of Connecticut, who introduced one of these bills months and months and months ago, and it passed 420–2 in this body. He has been a leader on this issue of small business access to capital, and I congratulate him for his efforts.

I'm glad the Republican leadership is bringing this bill to the floor, and I hope it signals a new willingness to work with us to create jobs.

This bill is called a JOBS bill. Catchy title. I sort of refer to it as the ''just old bills'' bill, but they are good bills. As I said, we're doing a good thing

twice in hoping the Senate will pass it; and I hope the Senate does pass all of these bills and this bill as a package.

But make no mistake about it, Madam Chair—and America should make no doubt about it—this is not the jobs bill America needs, one with tweaking around the edges and pretending that we've put something together that's going to create a significant number of jobs. This will help and in the longer term it will create jobs. I'm for it. I think it's a positive step forward. But make no mistake about it, this is not the jobs bill that the President asked for. This is not the jobs bill that America needs. This is not the jobs bill that millions who are unemployed and can't find employment are crying out for in America.

America needs a comprehensive jobs plan to help get the millions who have lost jobs and are still looking for work. This bill alone simply is not enough. We must do more. And I will tell my friend—and he is my friend—from Texas, I'm prepared to work with him on a real jobs bill. This is a real jobs bill, but you and I both know it's a small-bore jobs bill. That doesn't make it bad. It doesn't mean that we shouldn't pass it. I thank you for bringing it to the floor. But let us not delude America or deceive ourselves that this is the jobs bill that we need to be passing.

Mr. HENSARLING. I yield myself 10 seconds simply to respond to my friend that we have tried the President's jobs bill, the stimulus, the health care package, Dodd-Frank; and yet we still have the highest duration of 8 percent-plus unemployment since the Great Depression. Here's at least a bipartisan bill we can work on, and I look forward to that today.

At this point, I will yield 2 minutes to the gentleman from New Jersey (Mr. GARRETT), the chairman of the Capital Markets Subcommittee.

Mr. GARRETT. I thank the Chair and I thank the gentleman from Texas as well.

I also rise to express support for the JOBS Act today.

I strongly believe that the JOBS Act will ease the burden of capital formation on the entrepreneurial growth companies that have traditionally served as the U.S. economy's primary job creators and provide a larger pool of investors with access to information and investment options on these companies that currently doesn't exist.

With venture capital fundraising basically stagnant and the IPO market largely closed off, innovative start-up companies who can't have access to the capital market they need have been forced literally to delay research on promising medical and scientific and technological breakthroughs, and that has hurt our economy and our global competitiveness because emerging companies need capital. Developing medical cures to help people live longer and healthier and more productive lives needs capital; developing technology to improve the speed of communication needs capital; and developing alternative energy technologies to reduce our dependence on foreign sources requires capital.

With the passage of this bill, we will provide those companies with the innovation and creativity needed in the marketplace which is essential to keeping American companies competitive with a cost-effective means to access that capital and keep this country at the forefront of medical, scientific, and technological breakthroughs.

□ 1610

Economic growth occurs when companies go public. Just recently I met with the New Jersey Technology Council, and they stressed the importance of removing the regulatory burdens of bringing companies they invest in to market. And the JOBS bill does that. It restores that innovation for early-stage investors to provide the capital that America's entrepreneurs need.

So we do this by chipping away at the albatross of regulations that have strangled and held back the IPO market since the passage of the Sarbanes-Oxley law. This bill provides America's entrepreneurs with access to the capital that they need to basically go after and seek their dreams. It provides the venture capital investors with the exit strategy they need to help make their dreams a reality and create a welcoming environment.

With that, I believe the JOBS Act is a commonsense bill, and I will support the legislation before us.

Ms. WATERS. Madam Chair, I yield 1 minute to the gentleman from Maryland (Mr. SARBANES).

Mr. SARBANES. I thank the gentlelady for yielding.

I actually rise with some significant concerns about the IPO on-ramp provisions of this bill. I'm concerned because there already is exempted from the Sarbanes-Oxley compliance requirements about 60 percent of the IPOs that we see, and this would extend the period in which companies have the requirement of complying with Sarbanes-Oxley to 5 years for companies that exceed that $75 million and go up to $1 billion in revenues. My concern about that is that's a period of time in which a lot of mischief can be done when it comes to financial fraud, and I think it exposes investors to significant potential damage.

My hope would have been that this could have been remedied along the way. Because of my concerns about it, I'm going to be compelled to vote against the bill because I think it really has the effect of gutting significant investor protections.

Ms. WATERS. Madam Chair, I yield 3 minutes to the gentleman from Connecticut (Mr. HIMES).

Mr. HIMES. Madam Chair, I rise today very excited about what we are about to do on this floor. As has been said over the course of many hours, we are about to pass legislation that will be good for the core strength of this country, for our entrepreneurs, for our small banks that we trust to provide credit in our communities. This is a good bill.

I'm sorry it has been marred by a couple of things that have been the topic of much discussion today. I'm sorry that the Republican majority has used this debate as an opportunity to promote the canard—not my word, Bruce Bartlett's word, which I think means ''baloney''—that the main problem with our economy today is regulation. Bruce Bartlett, conservative economist and former adviser to President Reagan said:

> In my opinion, regulatory uncertainty is a canard invented by Republicans that allows them to use current economic problems to pursue an agenda supported by the business community year in and year out.

We have an obligation to make sure that our regulation is good, that it keeps us safe, that it keeps our air clean, that it keeps our banks alive without quashing the entrepreneurship and economic vitality. We should do that every day.

But what we have heard, the ideology, this notion that regulation is the problem in our economy is just what Bruce Bartlett called it, a canard.

And I'm sorry that this bill has been spoiled by the antics of the Republican majority. I'm thrilled that this bill includes H.R. 1965.

At the end of the day—I mentioned Reagan—Reagan said you'd get a lot done in Washington, DC, if you didn't care who gets the credit. There may be only one way to spell ''potato,'' but there are a lot of ways to skin a cat. And if we're going to skin this cat this way, I'm okay with that, because small banks need the flexibility to go public when they should go public; because we should, for those companies that want to go public, provide them with some relief from the regulations that might be more appropriate for larger companies. All of these things, though we have passed many of these measures on the floor, are important.

And so, marred though it has been by the antics of the Republican majority, this is fundamentally a bipartisan, good bill, and it is a rare step forward for this House of Representatives, something that I think will cause every American to say they can get something done. And for that I'm grateful and urge the passage of this bill.

Mr. HENSARLING. Madam Chair, I now yield 2 minutes to the gentleman from Virginia (Mr. HURT).

Mr. HURT. Madam Chair, I thank the gentleman for yielding.

Madam Chair, I rise today in support of the bipartisan JOBS Act, and I thank Chairman BACHUS for his leadership in putting the Financial Services Committee at the forefront of the effort to advance job-creating policies in this House.

After recently touring Virginia's Fifth District, I am freshly reminded

that Federal Government overregulation continues to stand in the way of the lifeblood of our economy, our small family businesses, our Main Street banks, and our family farms.

Across the Fifth District, I regularly hear stories of how unnecessary regulations have served as a barrier to existing family business owners who wish to hire and expand their companies and as a barrier to aspiring Fifth District entrepreneurs who are discouraged from investing in new start-ups.

Our committee has worked to offer solutions that would give citizens across this country the ability to harness the American Dream by starting a new business, working to make that business successful, and working to create the jobs Americans desperately need.

The JOBS Act represents a legislative package that has support from Members of Congress on both sides of the aisle and from the President. This legislation collectively reduces burdens that prevent small businesses from accessing the capital necessary to hire and expand, and it encourages our entrepreneurs to get their start-ups off the ground. This legislation represents an opportunity for Congress and the President to work together to advance legislation for the good of the American people.

Small family businesses and family farms are the backbone of our economy in central and southside Virginia; and as we work to grow our economy and spur job creation, it is critical that we adopt legislation like the JOBS Act to make it easier for them to succeed, not harder. We must act now to put the American people back to work and sustain the American Dream for our children and our grandchildren.

I urge my colleagues to support this legislation.

Ms. WATERS. Madam Chair, I yield myself 2 minutes.

To the Members of this House and to those who are listening to this debate, you've heard this described as a jobs bill. In my earlier remarks, I, too, described this as a jobs bill. You've heard us talk about job creation, access to capital, ways by which we can support small businesses in general but IPOs in particular. You heard us talk about crowdfunding and creative means by which we can help to invigorate this economy. And so certainly this is a jobs bill. But then you heard some reference to the President's jobs bill by our minority whip, Mr. STENY HOYER, who talked about a comprehensive approach.

Make no mistake, this jobs bill is important, and I certainly hope that it will help to stimulate the economy in ways that all of us thought that it could. However, when you take a look at this compared to the President's comprehensive legislation, then you understand what Mr. STENY HOYER was talking about.

Mr. STENY HOYER was talking about the President's comprehensive jobs bill that would do some very important things. It talked about job sharing. It will make sure that our teachers and our firefighters are kept on the job. It talks about school construction. It talks about aid to community college and comprehensive efforts to provide tax credits for small businesses.

So, you see, we would like everybody to understand that we're not abandoning a comprehensive effort to do real job creation and access to capital and support for small businesses. We're trying to take every opportunity, every step, as it has been mentioned time and time again.

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

Ms. WATERS. I yield myself 1 minute.

Continuing the comparison between the two efforts, as has been said over and over again today, we certainly have joined in a bipartisan fashion to move this bill. Even though I am not sure and some of our Members are not sure that everything that's in all of these bills is what we absolutely understand and we're willing to say we know that it will help, it will help to deal with this economy in ways that we want it to, but we are willing to take a chance. We're willing to try.

Now, when you compare this with the President's comprehensive jobs bill, then you can see this is only one effort; and in comparison, it's a small effort in comparison to what the President has proposed. And so, let us not forget, we still have work to do. We still have to be concerned about the unacceptably high unemployment rate. As we speak today, the unemployment rate is still in excess of 8 percent.

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

Ms. WATERS. I yield myself the balance of my time.

Madam Chair, I would like for us all to recognize that we are taking a step that we are constantly accused of not being able to do, and that is move something in a bipartisan fashion.

I'm appreciative for my colleagues on the opposite side of the aisle who have been so cooperative, and I'm appreciative for the leadership that has been provided on this side of the aisle. But we still must remember that unemployment is unacceptably high. We must remember that we must have a comprehensive approach. We must remember that the President has presented us with a comprehensive, realistic approach by which we can stimulate this economy, create jobs, support education and our schools, and help the unemployed in ways that they are desperately waiting for.

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

□ 1620

Mr. HENSARLING. Madam Chairman, at this time, I am happy to yield 2 minutes to the vice chairman of the Capital Markets Subcommittee, one of the prime authors of this bill, the gentleman from Arizona (Mr. SCHWEIKERT).

Mr. SCHWEIKERT. To my good friend from Texas, thank you. I actually feel somewhat blessed being able to stand here today. I am blessed because I have multiple pieces of legislation that are rolled into this jobs bill as well as multiple amendments. So, first, let me make sure that I have said my proper thank yous. I also want to make sure that the chairman of the Financial Services Committee, SPENCER BACHUS, has my appreciation for allowing me to work on these over the last year. But I also need to reach across the aisle to Mr. HIMES and many of the others who made me defend some of the ideas, who argued with me and helped me make these better pieces of legislation through the last year as we vetted the process.

I wanted to touch on two of the pieces of legislation that are in here and help folks understand why these are actually really important to capital formation for small businesses. The first one we refer to is H.R. 1070, the Small Capital Formation Act. Many people will refer to it as Regulation A—Reg A. Well, in today's world, if you wanted to go public in this streamlined, simplified process, you could only go public with a capitalization of $5 million. Well, no one is going to the stock market for $5 million. This will raise it to 50. Why is 50 so important? Fifty is the minimum threshold to be traded on the big exchanges, on the public exchanges. This allows an organization to find a path, a less expensive path, to become publicly traded and be publicly traded on those exchanges, where it can be viewed and vetted and hopefully grow and grow jobs.

The second bill I have in here that I'm very proud of is one that—we realized capital formation is changing in the world. And for many, many, many, many years, if you were an organization and you got the 500 shareholders, you had to stop, because at 501 you had to go to the SEC and do a public filing. Well, what if you were a high-tech company or a biotech company and you were giving shares, bits of ownership of the company, to your employees?

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

Mr. HENSARLING. Madam Chair, I yield the gentleman an additional 1 minute.

Mr. SCHWEIKERT. This will give those employees an exemption, so a company that's growing, that's actually in some ways, to use a term that's often used around here, ''spreading the wealth'' inside that organization and encouraging folks to vest their time and their talents in what are often speculative ventures as the company is growing—this lifts that cap, but it also raises it to 1,000 shareholders. There may be an amendment to come that raises that up to 2,000, and that is something I will support.

That last thing here is, in committee we also heard discussion last year of

why should community banks, why should we raise their shareholder limit to 2,000? We actually had some community banks come to us and say, look, we've been around here many, many, many, many years. We have legacy stockholders in the company. We're at that 500 share, but because of our long history, we can no longer raise the capital, the equity capital that's necessary. And that's why that concept is so important, raising that to 2,000 shareholders.

Mr. HENSARLING. I yield myself as much time as I may consume.

Madam Chair, again, jobs and growing the economy is what our constituents care about. Again, we are unfortunately and regrettably in the midst of the slowest and weakest recovery in the postwar era. And, in fact, many of my constituents, they don't feel the recovery. They don't see it. They still know many of their friends, neighbors, and family members remain unemployed. That's why the number one priority of House Republicans has been to grow this economy and create more jobs. That is why House Republicans have a plan for America's job creators.

Now, Madam Chair, it's very difficult, very difficult, to find common ground in this institution, as we all know. Regrettably, the vast majority of these bills are stacked up like cordwood in the United States Senate. They won't take them up. We've tried many of the President's ideas. For 2 years we tried every single one of his ideas. We tried the stimulus program, which helped stimulate the national debt to the level it is today. We tried the President's health care plan that we were told would help grow jobs and the economy. Dodd-Frank, our financial institutions—the big get bigger, the small get smaller, and the taxpayer gets poorer.

We disagreed with those policies, and so we have tried to find common ground. We heard the distinguished minority whip lament that the bill didn't do more. This is the common ground we can find with our friends on the other side of the aisle. It's important. It's not as important as repealing the President's health care program, which is absolutely strangling our small businesses. It's not as important as turning back so much of the red tape that impacts every single small business in America by enacting the REINS Act to ensure that Congress, not the unelected bureaucracy, controls whether or not we impose job-killing regulations on our small business enterprises. But it's still an important bill nonetheless. It's a bill that will allow these emerging growth companies, again, perhaps the Googles of tomorrow and the Apples of tomorrow, to be able to access vital equity capital. And so it's an important piece of legislation. I wish it did more.

I wish my friends from the other side of the aisle would acknowledge that we have tried many of their partisan ideas, and they haven't worked. But here's at least a bipartisan idea where we have worked with the President. We have his support right here—right here—Madam Chair, where the President of the United States supports this legislation. So I'm happy that at least one portion of the House Republican plan for America's job creators stands a very good chance of being turned into law and that the American people will see that we continue to work to find that common ground.

So I'm happy, again, to be able to encourage my colleagues to support this today. I look forward to the day that the President can sign this into law.

At this time, Madam Chair, I would like to yield 2 minutes to the gentleman from North Carolina (Mr. MCHENRY).

Mr. MCHENRY. Madam Chairman, I want to thank my colleague, Mr. HENSARLING, for his leadership on the Financial Services Committee, and I want to thank my colleague, Mr. FINCHER, for offering the legislation before us today.

The American people understand that entrepreneurship is at a record low, that it's actually at a 17-year low in the United States. We know that small businesses create the majority of new jobs in our country and have done so for generations. We also know that we have record unemployment. We've had 8 percent unemployment for a record 36 months at that very high level. It's not acceptable. We have to do something.

Now, we cannot fix everything in one piece of legislation. This idea that you can have just simply a large bill that fixes all the problems in the world simply is not in accordance with American history or what the American people want and desire.

But we also know, and the American people understand, especially small business folks and entrepreneurs understand, that red tape gets in the way of job creation. We saw with the Dodd-Frank Act that it restricts lending and makes it more costly to get lending. If you talk to small business folks, their one biggest complaint is a restriction on access to capital. That's on the debt side.

We also see that we have regulations and laws written in 1933 and 1934 in an era when the telephone was the new technology of the day.

□ 1630

We need to update those regulations. That is at the heart of what this JOBS Act does. It doesn't simply say about debt fundraising; it says on the equity side that you can go around the red tape and actually allow the average, everyday investor access to the capital markets and the new, great ideas of the future.

This is what the legislation is about. I urge my colleagues to vote for it, and I ask my colleagues to move forward on this, especially in the Senate.

Mr. HENSARLING. Mr. Chairman, might I inquire how much time I have remaining.

The Acting CHAIR (Mr. YODER). The gentleman from Texas has exactly 1 minute remaining.

Mr. HENSARLING. In that case, Mr. Chairman, I'm happy to yield exactly that 1 minute to the prime author of the JOBS Act, the gentleman from Tennessee (Mr. FINCHER).

Mr. FINCHER. I want to thank the gentleman from Texas for yielding.

I stand today heartbroken that something that we've meant for good here—myself and my colleague, Mr. CARNEY—a JOBS Act would be tied up in some heated rhetoric.

I want to urge my colleagues on the other side of the aisle that jobs aren't Democrat or Republican; they're American. People are begging for Congress to get out of the way and let the private sector get back in the business of creating jobs. That's what we're doing with this jobs bill that we're pushing through.

So hopefully, hopefully, we can get beyond some feelings—hurt feelings maybe—and let's focus back on the reason why we were sent up here, and that's to put the people back in power and not Washington.

Mr. FITZPATRICK. Mr. Chair, I rise today in support of the JOBS Act. This bill is a package designed to jumpstart our economy and restore opportunities for our small-business job creators.

It represents a combination of several job creation measures aimed at increasing capital formation, spurring the growth of startups and small businesses, and paving the way for more small-scale businesses to go public and create more jobs.

The JOBS Act will provide certainty to small business owners and entrepreneurs in terms of access to capital and the federal regulatory environment.environment. Because without access to capital, businesses cannot expand, and without regulatory certainty, capital disappears.

Dr. Tim Block is the President of the Pennsylvania Biotechnology Center in my home of Bucks County. He had this to say when I shared the JOBS Act with him this afternoon: "We appreciate the support for nurturing entrepreneurial development and investment. Innovation is going to drive the future of the economy in southeast Pennsylvania and around the United States. Capital is the lifeblood that sustains these dynamic entrepreneurs who are harnessing innovation to create new companies and new jobs."

Mr. Chair, it is risk-takers like Tim and the companies he works with that hold the keys to a lasting recovery and a strong American economy if we only give them the tools they need.

Most of this Act enjoys overwhelming bipartisan support in the House, as well as from the President and successful entrepreneurs such as Steve Case, of the President's Council on Jobs and Economic Competitiveness.

In addition to parts of this bill, I have joined my colleagues in the House since last January in sending over 30 pro-growth jobs bills to the Senate for their consideration and they have piled up there like cordwood. If we are going to jumpstart a real and lasting economic recovery, I am urging the Senate to immediately take up and pass the JOBS Act, which I expect to receive widespread support tomorrow,

as well as the other measures that have passed the House with bipartisan support.

Mr. DINGELL. Mr. Chair, I rise in opposition to H.R. 3606, the JOBS Act. This unfortunate amalgam of bad ideas is being sold to us as an easy way to create jobs and help small businesses. I fully support both causes, but passing H.R. 3606 is not the way to see them to fruition.

The JOBS Act takes as its premise the tired rhetoric that deregulation naturally will lead to business growth and job creation. The bill contains four others, H.R. 1070, H.R. 1965, H.R. 2930, and H.R. 2940, which the House passed in November of last year. I am the only Member of this body to have voted against all four, and my conviction in their potential to facilitate investor fraud and abuse remains strong. Simply put, increasing the amount of capital a company may raise and the number of shareholders it may have before registering with the Securities Exchange Commission (SEC), carving out registration requirements for crowdfunding in the Securities Act, and removing the long-standing prohibition on public solicitation in the sale of unregistered stock offerings will create more risk than reward. Mark my words: Investors will be swindled, and great sums of money will be lost, all because of the dubious assumption that deregulation stimulates economic growth.

As if this were not bad enough, H.R. 3606 goes one step further to allow all but the very largest new companies up to five years to raise money from the public without having to assess the adequacy of their own internal controls. The Sarbanes-Oxley Act requires this for good reason: to protect investors, promote higher-quality financial reporting, and thereby create lower costs of capital for companies.

We have just survived the greatest shock to the Nation's financial services sector since the Great Depression. Regulation subsequent to 1929 created decades of stability and prosperity. The gradual erosion of the laws and regulations put in place in the aftermath of the Great Depression ultimately caused the crash in 2008, which cost this country millions of jobs and wiped out trillions of dollars in our constituents' collective net worth. Now is not the time to deregulate.

If my colleagues wish to create jobs, I suggest we consider investing in improving our country's crumbling infrastructure, supporting research and development with grants and low-interest loans, and assuring our citizens have the education they need to compete in the future. Exposing American investors to all manner of fraud and rascality will create misery instead of jobs.

Vote down H.R. 3606.

Mr. HENSARLING. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. All time for general debate has expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule.

In lieu of the amendment in the nature of a substitute printed in the bill, an amendment in the nature of a substitute consisting of the text of the Rules Committee Print 112–17 is adopted and the bill, as amended, shall be considered as an original bill for the purpose of further amendment under the 5-minute rule and shall be considered as read.

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

*H.R. 3606*

*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 ''Jumpstart Our Business Startups Act''.*

***SEC. 2. TABLE OF CONTENTS.***

*The table of contents of this Act is as follows:*

*Sec. 1. Short title.*
*Sec. 2. Table of contents.*
*TITLE I—REOPENING AMERICAN CAPITAL MARKETS TO EMERGING GROWTH COMPANIES*
*Sec. 101. Definitions.*
*Sec. 102. Disclosure obligations.*
*Sec. 103. Internal controls audit.*
*Sec. 104. Auditing standards.*
*Sec. 105. Availability of information about emerging growth companies.*
*Sec. 106. Other matters.*
*Sec. 107. Opt-in right for emerging growth companies.*
*Sec. 108. Review of Regulation S-K.*
*TITLE II—ACCESS TO CAPITAL FOR JOB CREATORS*
*Sec. 201. Modification of exemption.*
*TITLE III—ENTREPRENEUR ACCESS TO CAPITAL*
*Sec. 301. Crowdfunding exemption.*
*Sec. 302. Exclusion of crowdfunding investors from shareholder cap.*
*Sec. 303. Preemption of State law.*
*TITLE IV—SMALL COMPANY CAPITAL FORMATION*
*Sec. 401. Authority to exempt certain securities.*
*Sec. 402. Study on the impact of State Blue Sky laws on Regulation A offerings.*
*TITLE V—PRIVATE COMPANY FLEXIBILITY AND GROWTH*
*Sec. 501. Threshold for registration.*
*Sec. 502. Employees.*
*Sec. 503. Commission rulemaking.*
*TITLE VI—CAPITAL EXPANSION*
*Sec. 601. Shareholder threshold for registration.*
*Sec. 602. Rulemaking.*

## *TITLE I—REOPENING AMERICAN CAPITAL MARKETS TO EMERGING GROWTH COMPANIES*

***SEC. 101. DEFINITIONS.***

*(a) SECURITIES ACT OF 1933.—Section 2(a) of the Securities Act of 1933 (15 U.S.C. 77b(a)) is amended by adding at the end the following:*

*''(19) The term 'emerging growth company' means an issuer that had total annual gross revenues of less than $1,000,000,000 during its most recently completed fiscal year. An issuer that is an emerging growth company as of the first day of that fiscal year shall continue to be deemed an emerging growth company until the earliest of—*

*''(A) the last day of the fiscal year of the issuer during which it had total annual gross revenues of $1,000,000,000 or more;*

*''(B) the last day of the fiscal year of the issuer following the fifth anniversary of the date of the first sale of common equity securities of the issuer pursuant to an effective registration statement under this title; or*

*''(C) the date on which such issuer is deemed to be a 'large accelerated filer', as defined in section 240.12b–2 of title 17, Code of Federal Regulations, or any successor thereto.''.*

*(b) SECURITIES EXCHANGE ACT OF 1934.—Section 3(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)) is amended—*

*(1) by redesignating paragraph (77), as added by section 941(a) of the Investor Protection and Securities Reform Act of 2010 (Public Law 111–203, 124 Stat. 1890), as paragraph (79); and*

*(2) by adding at the end the following:*

*''(80) The term 'emerging growth company' means an issuer that had total annual gross revenues of less than $1,000,000,000 during its most recently completed fiscal year. An issuer that is an emerging growth company as of the first day of that fiscal year shall continue to be deemed an emerging growth company until the earliest of—*

*''(A) the last day of the fiscal year of the issuer during which it had total annual gross revenues of $1,000,000,000 or more;*

*''(B) the last day of the fiscal year of the issuer following the fifth anniversary of the date of the first sale of common equity securities of the issuer pursuant to an effective registration statement under the Securities Act of 1933; or*

*''(C) the date on which such issuer is deemed to be a 'large accelerated filer', as defined in section 240.12b–2 of title 17, Code of Federal Regulations, or any successor thereto.''.*

*(c) OTHER DEFINITIONS.—As used in this title, the following definitions shall apply:*

*(1) COMMISSION.—The term ''Commission'' means the Securities and Exchange Commission.*

*(2) INITIAL PUBLIC OFFERING DATE.—The term ''initial public offering date'' means the date of the first sale of common equity securities of an issuer pursuant to an effective registration statement under the Securities Act of 1933.*

*(d) EFFECTIVE DATE.—Notwithstanding section 2(a)(19) of the Securities Act of 1933 and section 3(a)(80) of the Securities Exchange Act of 1934, an issuer shall not be an emerging growth company for purposes of such Acts if the first sale of common equity securities of such issuer pursuant to an effective registration statement under the Securities Act of 1933 occurred on or before December 8, 2011.*

***SEC. 102. DISCLOSURE OBLIGATIONS.***

*(a) EXECUTIVE COMPENSATION.—*

*(1) EXEMPTION.—Section 14A(e) of the Securities Exchange Act of 1934 (15 U.S.C. 78n–1(e)) is amended—*

*(A) by striking ''The Commission may'' and inserting the following:*

*''(1) IN GENERAL.— The Commission may'';*

*(B) by striking ''an issuer'' and inserting ''any other issuer''; and*

*(C) by adding at the end the following:*

*''(2) TREATMENT OF EMERGING GROWTH COMPANIES.—*

*''(A) IN GENERAL.—An emerging growth company shall be exempt from the requirements of subsections (a) and (b).*

*''(B) COMPLIANCE AFTER TERMINATION OF EMERGING GROWTH COMPANY TREATMENT.—An issuer that was an emerging growth company but is no longer an emerging growth company shall include the first separate resolution described under subsection (a)(1) not later than the end of—*

*''(i) in the case of an issuer that was an emerging growth company for less than 2 years after the date of first sale of common equity securities of the issuer pursuant to an effective registration statement under the Securities Act of 1933, the 3-year period beginning on such date; and*

*''(ii) in the case of any other issuer, the 1-year period beginning on the date the issuer is no longer an emerging growth company.''.*

*(2) PROXIES.—Section 14(i) of the Securities Exchange Act of 1934 (15 U.S.C. 78n(i)) is amended by inserting '', for any issuer other than an emerging growth company,'' after ''including''.*

*(3) COMPENSATION DISCLOSURES.—Section 953(b)(1) of the Investor Protection and Securities Reform Act of 2010 (Public Law 111–203; 124 Stat. 1904) is amended by inserting '', other than an emerging growth company, as that term is defined in section 3(a) of the Securities Exchange Act of 1934,'' after ''require each issuer''.*

*(b) FINANCIAL DISCLOSURES AND ACCOUNTING PRONOUNCEMENTS.—*

*(1) SECURITIES ACT OF 1933.—Section 7(a) of the Securities Act of 1933 (15 U.S.C. 77g(a)) is amended—*

*(A) by striking ''(a) The registration'' and inserting the following:*

*''(a) INFORMATION REQUIRED IN REGISTRATION STATEMENT.—*

*''(1) IN GENERAL.—The registration''; and*

*(B) by adding at the end the following:*

*''(2) TREATMENT OF EMERGING GROWTH COMPANIES.—An emerging growth company—*

*''(A) need not present more than 2 years of audited financial statements in order for the registration statement of such emerging growth company with respect to an initial public offering of its common equity securities to be effective, and in any other registration statement to be filed with the Commission, an emerging growth company need not present selected financial data in accordance with section 229.301 of title 17, Code of Federal Regulations, for any period prior to the earliest audited period presented in connection with its initial public offering; and*

*''(B) may not be required to comply with any new or revised financial accounting standard until such date that a company that is not an issuer (as defined under section 2(a) of the Sarbanes-Oxley Act of 2002 (15 U.S.C. 7201(a)) is required to comply with such new or revised accounting standard, if such standard applies to companies that are not issuers.''.*

*(2) SECURITIES EXCHANGE ACT OF 1934.—Section 13(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a)) is amended by adding at the end the following: ''In any registration statement, periodic report, or other reports to be filed with the Commission, an emerging growth company need not present selected financial data in accordance with section 229.301 of title 17, Code of Federal Regulations, for any period prior to the earliest audited period presented in connection with its first registration statement that became effective under this Act or the Securities Act of 1933 and, with respect to any such statement or reports, an emerging growth company may not be required to comply with any new or revised financial accounting standard until such date that a company that is not an issuer (as defined under section 2(a) of the Sarbanes-Oxley Act of 2002 (15 U.S.C. 7201(a)) is required to comply with such new or revised accounting standard, if such standard applies to companies that are not issuers.''.*

*(c) OTHER DISCLOSURES.—An emerging growth company may comply with section 229.303(a) of title 17, Code of Federal Regulations, or any successor thereto, by providing information required by such section with respect to the financial statements of the emerging growth company for each period presented pursuant to section 7(a) of the Securities Act of 1933 (15 U.S.C. 77g(a)). An emerging growth company may comply with section 229.402 of title 17, Code of Federal Regulations, or any successor thereto, by disclosing the same information as any issuer with a market value of outstanding voting and nonvoting common equity held by non-affiliates of less than $75,000,000.*

***SEC. 103. INTERNAL CONTROLS AUDIT.***

*Section 404(b) of the Sarbanes-Oxley Act of 2002 (15 U.S.C. 7262(b)) is amended by inserting '', other than an issuer that is an emerging growth company (as defined in section 3 of the Securities Exchange Act of 1934),'' before ''shall attest to''.*

***SEC. 104. AUDITING STANDARDS.***

*Section 103(a)(3) of the Sarbanes-Oxley Act of 2002 (15 U.S.C. 7213(a)(3)) is amended by adding at the end the following:*

*''(C) TRANSITION PERIOD FOR EMERGING GROWTH COMPANIES.—Any rules of the Board requiring mandatory audit firm rotation or a supplement to the auditor's report in which the auditor would be required to provide additional information about the audit and the financial statements of the issuer (auditor discussion and analysis) shall not apply to an audit of an emerging growth company, as defined in section 3 of the Securities Exchange Act of 1934. Any additional rules adopted by the Board after the date of enactment of this subparagraph shall not apply to an audit of any emerging growth company, unless the Commission determines that the application of such additional requirements is necessary or appropriate in the public interest, after considering the protection of investors and whether the action will promote efficiency, competition, and capital formation.''.*

***SEC. 105. AVAILABILITY OF INFORMATION ABOUT EMERGING GROWTH COMPANIES.***

*(a) PROVISION OF RESEARCH.—Section 2(a)(3) of the Securities Act of 1933 (15 U.S.C. 77b(a)(3)) is amended by adding at the end the following: ''The publication or distribution by a broker or dealer of a research report about an emerging growth company that is the subject of a proposed public offering of the common equity securities of such emerging growth company pursuant to a registration statement that the issuer proposes to file, or has filed, or that is effective shall be deemed for purposes of paragraph (10) of this subsection and section 5(c) not to constitute an offer for sale or offer to sell a security, even if the broker or dealer is participating or will participate in the registered offering of the securities of the issuer. As used in this paragraph, the term 'research report' means a written, electronic, or oral communication that includes information, opinions, or recommendations with respect to securities of an issuer or an analysis of a security or an issuer, whether or not it provides information reasonably sufficient upon which to base an investment decision.''.*

*(b) SECURITIES ANALYST COMMUNICATIONS.—Section 15D of the Securities Exchange Act of 1934 (15 U.S.C. 78o–6) is amended—*

*(1) by redesignating subsection (c) as subsection (d); and*

*(2) by inserting after subsection (b) the following:*

*''(c) LIMITATION.—Notwithstanding subsection (a) or any other provision of law, neither the Commission nor any national securities association registered under section 15A may adopt or maintain any rule or regulation in connection with an initial public offering of the common equity of an emerging growth company—*

*''(1) restricting, based on functional role, which associated persons of a broker, dealer, or member of a national securities association, may arrange for communications between a securities analyst and a potential investor; or*

*''(2) restricting a securities analyst from participating in any communications with the management of an emerging growth company that is also attended by any other associated person of a broker, dealer, or member of a national securities association whose functional role is other than as a securities analyst.''.*

*(c) EXPANDING PERMISSIBLE COMMUNICATIONS.—Section 5 of the Securities Act of 1933 (15 U.S.C. 77e) is amended—*

*(1) by redesignating subsection (d) as subsection (e); and*

*(2) by inserting after subsection (c) the following:*

*''(d) LIMITATION.—Notwithstanding any other provision of this section, an emerging growth company or any person authorized to act on behalf of an emerging growth company may engage in oral or written communications with potential investors that are qualified institutional buyers or institutions that are accredited investors, as such terms are respectively defined in section 230.144A and section 230.501(a) of title 17, Code of Federal Regulations, or any successor thereto, to determine whether such investors might have an interest in a contemplated securities offering, either prior to or following the date of filing of a registration statement with respect to such securities with the Commission, subject to the requirement of subsection (b)(2).''.*

*(d) POST OFFERING COMMUNICATIONS.—Neither the Commission nor any national securities association registered under section 15A of the Securities Exchange Act of 1934 may adopt or maintain any rule or regulation prohibiting any broker, dealer, or member of a national securities association from publishing or distributing any research report or making a public appearance, with respect to the securities of an emerging growth company, either—*

*(1) within any prescribed period of time following the initial public offering date of the emerging growth company; or*

*(2) within any prescribed period of time prior to the expiration date of any agreement between the broker, dealer, or member of a national securities association and the emerging growth company or its shareholders that restricts or prohibits the sale of securities held by the emerging growth company or its shareholders after the initial public offering date.*

***SEC. 106. OTHER MATTERS.***

*(a) DRAFT REGISTRATION STATEMENTS.—Section 6 of the Securities Act of 1933 (15 U.S.C. 77f) is amended by adding at the end the following:*

*''(e) EMERGING GROWTH COMPANIES.—*

*''(1) IN GENERAL.—Any emerging growth company, prior to its initial public offering date, may confidentially submit to the Commission a draft registration statement, for confidential nonpublic review by the staff of the Commission prior to public filing, provided that the initial confidential submission and all amendments thereto shall be publicly filed with the Commission not later than 21 days before the date on which the issuer conducts a road show, as such term is defined in section 230.433(h)(4) of title 17, Code of Federal Regulations, or any successor thereto.*

*''(2) CONFIDENTIALITY.—Notwithstanding any other provision of this title, the Commission shall not be compelled to disclose any information provided to or obtained by the Commission pursuant to this subsection. For purposes of section 552 of title 5, United States Code, this subsection shall be considered a statute described in subsection (b)(3)(B) of such section 552. Information described in or obtained pursuant to this subsection shall be deemed to constitute confidential information for purposes of section 24(b)(2) of the Securities Exchange Act of 1934.''.*

*(b) TICK SIZE.—Section 11A(c) of the Securities Exchange Act of 1934 (15 U.S.C. 78k-1(c)) is amended by adding at the end the following new paragraph:*

*''(6) TICK SIZE.—*

*''(A) STUDY AND REPORT.—The Commission shall conduct a study examining the transition to trading and quoting securities in one penny increments, also known as decimalization. The study shall examine the impact that decimalization has had on the number of initial public offerings since its implementation relative to the period before its implementation. The study shall also examine the impact that this change has had on liquidity for small and middle capitalization company securities and whether there is sufficient economic incentive to support trading operations in these securities in penny increments. Not later than 90 days after the date of enactment of this paragraph, the Commission shall submit to Congress a report on the findings of the study.*

*''(B) DESIGNATION.—If the Commission determines that the securities of emerging growth companies should be quoted and traded using a minimum increment of greater than $0.01, the Commission may, by rule not later than 180 days after the date of enactment of this paragraph, designate a minimum increment for the securities of emerging growth companies that is greater than $0.01 but less than $0.10 for use in all quoting and trading of securities in any exchange or other execution venue.''.*

***SEC. 107. OPT-IN RIGHT FOR EMERGING GROWTH COMPANIES.***

*(a) IN GENERAL.—With respect to an exemption provided to emerging growth companies under this title, or an amendment made by this*

*title, an emerging growth company may choose to forgo such exemption and instead comply with the requirements that apply to an issuer that is not an emerging growth company.*

*(b) SPECIAL RULE.—Notwithstanding subsection (a), with respect to the extension of time to comply with new or revised financial accounting standards provided under section 7(a)(2)(B) of the Securities Act of 1933 and section 13(a) of the Securities Exchange Act of 1934, as added by section 102(b), if an emerging growth company chooses to comply with such standards to the same extent that a non-emerging growth company is required to comply with such standards, the emerging growth company—*

*(1) must make such choice at the time the company is first required to file a registration statement, periodic report, or other report with the Commission under section 13 of the Securities Exchange Act of 1934 and notify the Securities and Exchange Commission of such choice;*

*(2) may not select some standards to comply with in such manner and not others, but must comply with all such standards to the same extent that a non-emerging growth company is required to comply with such standards; and*

*(3) must continue to comply with such standards to the same extent that a non-emerging growth company is required to comply with such standards for as long as the company remains an emerging growth company.*

***SEC. 108. REVIEW OF REGULATION S-K.***

*(a) REVIEW.—The Securities and Exchange Commission shall conduct a review of its Regulation S-K (17 C.F.R. 229.10 et seq.) to—*

*(1) comprehensively analyze the current registration requirements of such regulation; and*

*(2) determine how such requirements can be updated to modernize and simplify the registration process and reduce the costs and other burdens associated with these requirements for issuers who are emerging growth companies.*

*(b) REPORT.—Not later the 180 days after the date of enactment of this title, the Commission shall transmit to Congress a report of the review conducted under subsection (a). The report shall include the specific recommendations of the Commission on how to streamline the registration process in order to make it more efficient and less burdensome for the Commission and for prospective issuers who are emerging growth companies.*

***TITLE II—ACCESS TO CAPITAL FOR JOB CREATORS***

***SEC. 201. MODIFICATION OF EXEMPTION.***

*(a) REMOVAL OF RESTRICTION.—Section 4(2) of the Securities Act of 1933 (15 U.S.C. 77d(2)) is amended by adding before the period the following: '', whether or not such transactions involve general solicitation or general advertising''.*

*(b) MODIFICATION OF RULES.—Not later than 90 days after the date of the enactment of this Act, the Securities and Exchange Commission shall revise its rules issued in section 230.506 of title 17, Code of Federal Regulations, to provide that the prohibition against general solicitation or general advertising contained in section 230.502(c) of such title shall not apply to offers and sales of securities made pursuant to section 230.506, provided that all purchasers of the securities are accredited investors. Such rules shall require the issuer to take reasonable steps to verify that purchasers of the securities are accredited investors, using such methods as determined by the Commission.*

***TITLE III—ENTREPRENEUR ACCESS TO CAPITAL***

***SEC. 301. CROWDFUNDING EXEMPTION.***

*(a) SECURITIES ACT OF 1933.—Section 4 of the Securities Act of 1933 (15 U.S.C. 77d) (as amended by section 201) is further amended by adding at the end the following:*

*''(6) transactions involving the offer or sale of securities by an issuer, provided that—*

*''(A) the aggregate amount sold within the previous 12-month period in reliance upon this exemption is—*

*''(i) $1,000,000, as such amount is adjusted by the Commission to reflect the annual change in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics, or less; or*

*''(ii) if the issuer provides potential investors with audited financial statements, $2,000,000, as such amount is adjusted by the Commission to reflect the annual change in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics, or less;*

*''(B) the aggregate amount sold to any investor in reliance on this exemption within the previous 12-month period does not exceed the lesser of—*

*''(i) $10,000, as such amount is adjusted by the Commission to reflect the annual change in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics; and*

*''(ii) 10 percent of such investor's annual income;*

*''(C) in the case of a transaction involving an intermediary between the issuer and the investor, such intermediary complies with the requirements under section 4A(a); and*

*''(D) in the case of a transaction not involving an intermediary between the issuer and the investor, the issuer complies with the requirements under section 4A(b).''.*

*(b) REQUIREMENTS TO QUALIFY FOR CROWDFUNDING EXEMPTION.—The Securities Act of 1933 is amended by inserting after section 4 the following:*

***''SEC. 4A. REQUIREMENTS WITH RESPECT TO CERTAIN SMALL TRANSACTIONS.***

*''(a) REQUIREMENTS ON INTERMEDIARIES.—For purposes of section 4(6), a person acting as an intermediary in a transaction involving the offer or sale of securities shall comply with the requirements of this subsection if the intermediary—*

*''(1) warns investors, including on the intermediary's website used for the offer and sale of such securities, of the speculative nature generally applicable to investments in startups, emerging businesses, and small issuers, including risks in the secondary market related to illiquidity;*

*''(2) warns investors that they are subject to the restriction on sales requirement described under subsection (e);*

*''(3) takes reasonable measures to reduce the risk of fraud with respect to such transaction;*

*''(4) provides the Commission with the intermediary's physical address, website address, and the names of the intermediary and employees of the intermediary, and keep such information up-to-date;*

*''(5) provides the Commission with continuous investor-level access to the intermediary's website;*

*''(6) requires each potential investor to answer questions demonstrating—*

*''(A) an understanding of the level of risk generally applicable to investments in startups, emerging businesses, and small issuers;*

*''(B) an understanding of the risk of illiquidity; and*

*''(C) such other areas as the Commission may determine appropriate by rule or regulation;*

*''(7) requires the issuer to state a target offering amount and a deadline to reach the target offering amount and ensure the third party custodian described under paragraph (10) withholds offering proceeds until aggregate capital raised from investors other than the issuer is no less than 60 percent of the target offering amount;*

*''(8) carries out a background check on the issuer's principals;*

*''(9) provides the Commission and potential investors with notice of the offering, not later than the first day securities are offered to potential investors, including—*

*''(A) the issuer's name, legal status, physical address, and website address;*

*''(B) the names of the issuer's principals;*

*''(C) the stated purpose and intended use of the proceeds of the offering sought by the issuer; and*

*''(D) the target offering amount and the deadline to reach the target offering amount;*

*''(10) outsources cash-management functions to a qualified third party custodian, such as a broker or dealer registered under section 15(b)(1) of the Securities Exchange Act of 1934 or an insured depository institution;*

*''(11) maintains such books and records as the Commission determines appropriate;*

*''(12) makes available on the intermediary's website a method of communication that permits the issuer and investors to communicate with one another;*

*''(13) provides the Commission with a notice upon completion of the offering, which shall include the aggregate offering amount and the number of purchasers; and*

*''(14) does not offer investment advice.*

*''(b) REQUIREMENTS ON ISSUERS IF NO INTERMEDIARY.—For purposes of section 4(6), an issuer who offers or sells securities without an intermediary shall comply with the requirements of this subsection if the issuer—*

*''(1) warns investors, including on the issuer's website, of the speculative nature generally applicable to investments in startups, emerging businesses, and small issuers, including risks in the secondary market related to illiquidity;*

*''(2) warns investors that they are subject to the restriction on sales requirement described under subsection (e);*

*''(3) takes reasonable measures to reduce the risk of fraud with respect to such transaction;*

*''(4) provides the Commission with the issuer's physical address, website address, and the names of the principals and employees of the issuers, and keeps such information up-to-date;*

*''(5) provides the Commission with continuous investor-level access to the issuer's website;*

*''(6) requires each potential investor to answer questions demonstrating—*

*''(A) an understanding of the level of risk generally applicable to investments in startups, emerging businesses, and small issuers;*

*''(B) an understanding of the risk of illiquidity; and*

*''(C) such other areas as the Commission may determine appropriate by rule or regulation;*

*''(7) states a target offering amount and ensures that the third party custodian described under paragraph (9) withholds offering proceeds until the aggregate capital raised from investors other than the issuer is no less than 60 percent of the target offering amount;*

*''(8) provides the Commission with notice of the offering, not later than the first day securities are offered to potential investors, including—*

*''(A) the stated purpose and intended use of the proceeds of the offering sought by the issuer; and*

*''(B) the target offering amount and the deadline to reach the target offering amount;*

*''(9) outsources cash-management functions to a qualified third party custodian, such as a broker or dealer registered under section 15(b)(1) of the Securities Exchange Act of 1934 or an insured depository institution;*

*''(10) maintains such books and records as the Commission determines appropriate;*

*''(11) makes available on the issuer's website a method of communication that permits the issuer and investors to communicate with one another;*

*''(12) does not offer investment advice;*

*''(13) provides the Commission with a notice upon completion of the offering, which shall include the aggregate offering amount and the number of purchasers; and*

*''(14) discloses to potential investors, on the issuer's website, that the issuer has an interest in the issuance.*

*''(c) VERIFICATION OF INCOME.—For purposes of section 4(6), an issuer or intermediary may rely on certifications as to annual income provided by the person to whom the securities are sold to verify the investor's income.*

''(d) INFORMATION AVAILABLE TO STATES.—The Commission shall make the notices described under subsections (a)(9), (a)(13), (b)(8), and (b)(13) and the information described under subsections (a)(4) and (b)(4) available to the States.

''(e) RESTRICTION ON SALES.—With respect to a transaction involving the issuance of securities described under section 4(6), a purchaser may not transfer such securities during the 1-year period beginning on the date of purchase, unless such securities are sold to—

''(1) the issuer of such securities; or

''(2) an accredited investor.

''(f) CONSTRUCTION.—

''(1) NO REGISTRATION AS BROKER.—With respect to a transaction described under section 4(6) involving an intermediary, such intermediary shall not be required to register as a broker under section 15(a)(1) of the Securities Exchange Act of 1934 solely by reason of participation in such transaction.

''(2) NO PRECLUSION OF OTHER CAPITAL RAISING.—Nothing in this section or section 4(6) shall be construed as preventing an issuer from raising capital through methods not described under section 4(6).''.

(c) RULEMAKING.—Not later than 180 days after the date of the enactment of this Act, the Securities and Exchange Commission shall issue such rules as may be necessary to carry out section 4A of the Securities Act of 1933. In issuing such rules, the Commission shall consider the costs and benefits of the action.

(d) DISQUALIFICATION.—Not later than 180 days after the date of the enactment of this Act, the Securities and Exchange Commission shall by rule or regulation establish disqualification provisions under which an issuer shall not be eligible to utilize the exemption under section 4(6) of the Securities Act of 1933 based on the disciplinary history of the issuer or its predecessors, affiliates, officers, directors, or persons fulfilling similar roles. The Commission shall also establish disqualification provisions under which an intermediary shall not be eligible to act as an intermediary in connection with an offering utilizing the exemption under section 4(6) of the Securities Act of 1933 based on the disciplinary history of the intermediary or its predecessors, affiliates, officers, directors, or persons fulfilling similar roles. Such provisions shall be substantially similar to the disqualification provisions contained in the regulations adopted in accordance with section 926 of the Dodd-Frank Wall Street Reform and Consumer Protection Act (15 U.S.C. 77d note).

**SEC. 302. EXCLUSION OF CROWDFUNDING INVESTORS FROM SHAREHOLDER CAP.**

Section 12(g)(5) of the Securities Exchange Act of 1934 (15 U.S.C. 78l(g)(5)) is amended—

(1) by striking ''(5) For the purposes'' and inserting:

''(5) DEFINITIONS.—

''(A) IN GENERAL.—For the purposes''; and

(2) by adding at the end the following:

''(B) EXCLUSION FOR PERSONS HOLDING CERTAIN SECURITIES.—For purposes of this subsection, securities held by persons who purchase such securities in transactions described under section 4(6) of the Securities Act of 1933 shall not be deemed to be 'held of record'.''.

**SEC. 303. PREEMPTION OF STATE LAW.**

(a) IN GENERAL.—Section 18(b)(4) of the Securities Act of 1933 (15 U.S.C. 77r(b)(4)) is amended—

(1) by redesignating subparagraphs (C) and (D) as subparagraphs (E) and (F), respectively; and

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

''(C) section 4(6);''.

(b) CLARIFICATION OF THE PRESERVATION OF STATE ENFORCEMENT AUTHORITY.—

(1) IN GENERAL.—The amendments made by subsection (a) relate solely to State registration, documentation, and offering requirements, as described under section 18(a) of Securities Act of 1933 (15 U.S.C. 77r(a)), and shall have no impact or limitation on other State authority to take enforcement action with regard to an issuer, intermediary, or any other person or entity using the exemption from registration provided by section 4(6) of such Act.

(2) CLARIFICATION OF STATE JURISDICTION OVER UNLAWFUL CONDUCT OF INTERMEDIARIES, ISSUERS, AND CUSTODIANS.—Section 18(c)(1) of the Securities Act of 1933 is amended by striking ''with respect to fraud or deceit, or unlawful conduct by a broker or dealer, in connection with securities or securities transactions.'' and inserting the following: '', in connection with securities or securities transactions, with respect to—

''(A) fraud or deceit;

''(B) unlawful conduct by a broker or dealer; and

''(C) with respect to a transaction described under section 4(6), unlawful conduct by an intermediary, issuer, or custodian.''.

## TITLE IV—SMALL COMPANY CAPITAL FORMATION

**SEC. 401. AUTHORITY TO EXEMPT CERTAIN SECURITIES.**

(a) IN GENERAL.—Section 3(b) of the Securities Act of 1933 (15 U.S.C. 77c(b)) is amended—

(1) by striking ''(b) The Commission'' and inserting the following:

''(b) ADDITIONAL EXEMPTIONS.—

''(1) SMALL ISSUES EXEMPTIVE AUTHORITY.—The Commission''; and

(2) by adding at the end the following:

''(2) ADDITIONAL ISSUES.—The Commission shall by rule or regulation add a class of securities to the securities exempted pursuant to this section in accordance with the following terms and conditions:

''(A) The aggregate offering amount of all securities offered and sold within the prior 12-month period in reliance on the exemption added in accordance with this paragraph shall not exceed $50,000,000.

''(B) The securities may be offered and sold publicly.

''(C) The securities shall not be restricted securities within the meaning of the Federal securities laws and the regulations promulgated thereunder.

''(D) The civil liability provision in section 12(a)(2) shall apply to any person offering or selling such securities.

''(E) The issuer may solicit interest in the offering prior to filing any offering statement, on such terms and conditions as the Commission may prescribe in the public interest or for the protection of investors.

''(F) The Commission shall require the issuer to file audited financial statements with the Commission annually.

''(G) Such other terms, conditions, or requirements as the Commission may determine necessary in the public interest and for the protection of investors, which may include—

''(i) a requirement that the issuer prepare and electronically file with the Commission and distribute to prospective investors an offering statement, and any related documents, in such form and with such content as prescribed by the Commission, including audited financial statements, a description of the issuer's business operations, its financial condition, its corporate governance principles, its use of investor funds, and other appropriate matters; and

''(ii) disqualification provisions under which the exemption shall not be available to the issuer or its predecessors, affiliates, officers, directors, underwriters, or other related persons, which shall be substantially similar to the disqualification provisions contained in the regulations adopted in accordance with section 926 of the Dodd-Frank Wall Street Reform and Consumer Protection Act (15 U.S.C. 77d note).

''(3) LIMITATION.—Only the following types of securities may be exempted under a rule or regulation adopted pursuant to paragraph (2): equity securities, debt securities, and debt securities convertible or exchangeable to equity interests, including any guarantees of such securities.

''(4) PERIODIC DISCLOSURES.—Upon such terms and conditions as the Commission determines necessary in the public interest and for the protection of investors, the Commission by rule or regulation may require an issuer of a class of securities exempted under paragraph (2) to make available to investors and file with the Commission periodic disclosures regarding the issuer, its business operations, its financial condition, its corporate governance principles, its use of investor funds, and other appropriate matters, and also may provide for the suspension and termination of such a requirement with respect to that issuer.

''(5) ADJUSTMENT.—Not later than 2 years after the date of enactment of the Small Company Capital Formation Act of 2011 and every 2 years thereafter, the Commission shall review the offering amount limitation described in paragraph (2)(A) and shall increase such amount as the Commission determines appropriate. If the Commission determines not to increase such amount, it shall report to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate on its reasons for not increasing the amount.''.

(b) TREATMENT AS COVERED SECURITIES FOR PURPOSES OF NSMIA.—Section 18(b)(4) of the Securities Act of 1933 (as amended by section 303) (15 U.S.C. 77r(b)(4)) is further amended by inserting after subparagraph (C) (as added by such section) the following:

''(D) a rule or regulation adopted pursuant to section 3(b)(2) and such security is—

''(i) offered or sold on a national securities exchange; or

''(ii) offered or sold to a qualified purchaser, as defined by the Commission pursuant to paragraph (3) with respect to that purchase or sale;''.

(c) CONFORMING AMENDMENT.—Section 4(5) of the Securities Act of 1933 is amended by striking ''section 3(b)'' and inserting ''section 3(b)(1)''.

**SEC. 402. STUDY ON THE IMPACT OF STATE BLUE SKY LAWS ON REGULATION A OFFERINGS.**

The Comptroller General shall conduct a study on the impact of State laws regulating securities offerings, or ''Blue Sky laws'', on offerings made under Regulation A (17 C.F.R. 230.251 et seq.). The Comptroller General shall transmit a report on the findings of the study to the Committee on Financial Services of the House of Representatives, and the Committee on Banking, Housing, and Urban Affairs of the Senate not later than 3 months after the date of enactment of this Act.

## TITLE V—PRIVATE COMPANY FLEXIBILITY AND GROWTH

**SEC. 501. THRESHOLD FOR REGISTRATION.**

Section 12(g)(1)(A) of the Securities Exchange Act of 1934 (15 U.S.C. 78l(g)(1)(A)) is amended to read as follows:

''(A) within 120 days after the last day of its first fiscal year ended on which the issuer has total assets exceeding $10,000,000 and a class of equity security (other than an exempted security) held of record by 1,000 persons, and''.

**SEC. 502. EMPLOYEES.**

Section 12(g)(5) of the Securities Exchange Act of 1934 (15 U.S.C. 78l(g)(5)) is amended by adding at the end the following: ''For purposes of determining whether an issuer is required to register a security with the Commission pursuant to paragraph (1), the definition of 'held of record' shall not include securities held by persons who received the securities pursuant to an employee compensation plan in transactions exempted from the registration requirements of section 5 of the Securities Act of 1933.''.

***SEC. 503. COMMISSION RULEMAKING.***

*The Securities and Exchange Commission shall revise the definition of ''held of record'' pursuant to section 12(g)(5) of the Securities Exchange Act of 1934 (15 U.S.C. 78l(g)(5)) to implement the amendment made by section 502. The Commission shall also adopt safe harbor provisions that issuers can follow when determining whether holders of their securities are accredited investors or that holders of their securities received the securities pursuant to an employee compensation plan in transactions that were exempt from the registration requirements of section 5 of the Securities Act of 1933.*

***TITLE VI—CAPITAL EXPANSION***

***SEC. 601. SHAREHOLDER THRESHOLD FOR REGISTRATION.***

*(a) AMENDMENTS TO SECTION 12 OF THE SECURITIES EXCHANGE ACT OF 1934.—Section 12(g) of the Securities Exchange Act of 1934 (15 U.S.C. 78l (g)) is further amended—*

*(1) in paragraph (1), by amending subparagraph (B) to read as follows:*

*''(B) in the case of an issuer that is a bank or a bank holding company, as such term is defined in section 2 of the Bank Holding Company Act of 1956 (12 U.S.C. 1841), not later than 120 days after the last day of its first fiscal year ended after the effective date of this subsection, on which the issuer has total assets exceeding $10,000,000 and a class of equity security (other than an exempted security) held of record by 2,000 or more persons,''; and*

*(2) in paragraph (4), by striking ''three hundred'' and inserting ''300 persons, or, in the case of a bank, as such term is defined in section 3(a)(6), or a bank holding company, as such term is defined in section (2) of the Bank Holding Company Act of 1956 (12 U.S.C. 1841), 1,200 persons''.*

*(b) AMENDMENTS TO SECTION 15 OF THE SECURITIES EXCHANGE ACT OF 1934.—Section 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78o(d)) is amended, in the third sentence, by striking ''three hundred'' and inserting ''300 persons, or, in the case of bank or a bank holding company, as such term is defined in section 2 of the Bank Holding Company Act of 1956 (12 U.S.C. 1841), 1,200 persons''.*

***SEC. 602. RULEMAKING.***

*Not later than 1 year after the date of enactment of this Act, the Securities and Exchange Commission shall issue final regulations to implement this title and the amendments made by this title.*

The Acting CHAIR. No further amendment to the bill, as amended, shall be in order except those printed in House Report 112–409. Each such further 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. FINCHER

The Acting CHAIR. It is now in order to consider amendment No. 1 printed in House Report 112–409.

Mr. FINCHER. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 3, line 18, after ''(80)'' insert the following: ''EMERGING GROWTH COMPANY.—''.

Page 9, line 3, strike ''7201(a))'' and insert ''7201(a)))''.

Page 37, line 3, strike ''is amended'' and insert the following: '', as amended by section 302, is amended in subparagraph (A)''.

Page 37, beginning on line 18, strike ''holders of their securities are accredited investors or that''.

Page 38, line 16, strike '', as such term is defined in section 3(a)(6),''.

Page 38, line 18, strike ''section (2)'' and insert ''section 2''.

The Acting CHAIR. Pursuant to House Resolution 572, the gentleman from Tennessee (Mr. FINCHER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Tennessee.

Mr. FINCHER. Mr. Chairman, I rise today, along with the gentleman from Delaware (Mr. CARNEY), to offer a technical amendment to H.R. 3606.

The amendment now pending would simply provide technical corrections to the underlying bill. Both Members and committee staff have heard from various groups and stakeholders affected by this bill. The amendment is a reflection of the technical advice given to us by these groups. I strongly believe that these technical changes improve the bill and would ask my colleagues to support this amendment.

I reserve the balance of my time.

Mr. HENSARLING. Mr. Chairman, I ask unanimous consent to claim the time in opposition to the amendment; although I'm not opposed to the amendment.

The Acting CHAIR. Without objection, the gentleman from Texas is recognized for 5 minutes.

There was no objection.

Mr. HENSARLING. I want to commend, again, the gentleman from Tennessee and the gentleman from Delaware for this amendment that I believe helps improve the underlying amendment with some technical corrections. I would urge all Members to adopt it.

Mr. Chairman, I yield back the balance of my time.

Mr. FINCHER. Mr. Chairman, I yield 1 minute to my colleague, the gentleman from Delaware (Mr. CARNEY).

Mr. CARNEY. I thank the gentleman. Being new at this, I think I was supposed to grab that time in opposition, but I don't oppose this amendment. So I stumbled there for a minute.

I rise in support of the technical amendment that is under consideration at this time and also say that, in the work through the committee, we also had a technical amendment that was adopted by the committee that addressed a number of the concerns that were raised by Ranking Member FRANK and by my good friend from Ohio (Mr. RENACCI) consistent with this amendment that's under consideration right now.

This is the spirit in which we've worked this bill, tried to address concerns that were raised both by interested parties as well as by individual Members. So I rise in support of the amendment.

Mr. FINCHER. Mr. Chairman, with that, I yield back the balance of my time.

The Acting CHAIR (Mr. BISHOP of Utah). The question is on the amendment offered by the gentleman from Tennessee (Mr. FINCHER).

The amendment was agreed to.

AMENDMENT NO. 2 OFFERED BY MR. MCINTYRE

The Acting CHAIR. It is now in order to consider amendment No. 2 printed in House Report 112–409.

Mr. MCINTYRE. Mr. Chairman, I rise today in support of my amendment to Jumpstart Our Business Startups Act and would like to speak on the same.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 2, line 11, insert after ''$1,000,000,000'' the following: ''(as such amount is indexed for inflation every 5 years by the Commission to reflect the change in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics, setting the threshold to the nearest 1,000,000)''.

Page 2, line 18, insert after ''$1,000,000,000'' the following: ''(as such amount is indexed for inflation every 5 years by the Commission to reflect the change in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics, setting the threshold to the nearest 1,000,000)''.

Page 3, line 20, insert after ''$1,000,000,000'' the following: ''(as such amount is indexed for inflation every 5 years by the Commission to reflect the change in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics, setting the threshold to the nearest 1,000,000)''.

Page 4, line 3, insert after ''$1,000,000,000'' the following: ''(as such amount is indexed for inflation every 5 years by the Commission to reflect the change in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics, setting the threshold to the nearest 1,000,000)''.

The Acting CHAIR. Pursuant to House Resolution 572, the gentleman from North Carolina (Mr. MCINTYRE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from North Carolina.

Mr. MCINTYRE. Mr. Chairman, this important amendment addresses the emerging growth company definition for inflation, resulting in providing more flexibility for businesses.

The emerging growth company definition would ensure that our small businesses and start-ups thrive in our Nation's challenging economy and continue to create jobs that are so important to our citizens.

Similar to other parts of the bill, the amount related to regulation flexibility will be adjusted for inflation to take into account increased costs that small companies are currently facing. This will allow for more businesses to be able to enjoy the regulation flexibility and help them start up and grow.

Mr. Chairman, our economy continues to struggle, and many Americans are struggling with dwindling family finances while too many are facing joblessness. And no one knows better that our true job creators across the Nation need to be able to have relief from burdensome regulations. The small businesses and companies that

are being hit hard by these regulations need relief. It is imperative that we all work together to reduce regulations, to get rid of these onerous regulations on our small businesses and help them continue to create jobs and persevere.

My amendment, which the Congressional Budget Office has scored as having no cost to the Federal Government, reflects the needs and priorities of those small businesses and entrepreneurs across the Nation. By passing it today, we can truly make a difference for American families and businesses. Let's work together to rebuild our economy and put Americans back to work.

Mr. Chairman, I yield back the balance of my time.

Mr. HENSARLING. I ask unanimous consent, Mr. Chairman, to claim the time in opposition, although I'm not opposed to the amendment.

The Acting CHAIR. Without objection, the gentleman from Texas is recognized for 5 minutes.

There was no objection.

Mr. HENSARLING. Mr. Chairman, I would like to encourage the House to support the amendment from the gentleman from North Carolina. I believe it to be very straightforward, very simple, very common sense to ensure that there is an inflation adjustment that is applied to the underlying bill.

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I think that it's helpful. I urge, again, all Members to adopt it.

I reserve the balance of my time.

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

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

The Acting CHAIR. The question is on the amendment offered by the gentleman from North Carolina (Mr. MCINTYRE).

The amendment was agreed to.

AMENDMENT NO. 3 OFFERED BY MR. HIMES

The Acting CHAIR. It is now in order to consider amendment No. 3 printed in House Report 112–409.

Mr. HIMES. 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 2, line 11, strike ''$1,000,000,000'' and insert ''$750,000,000''.

Page 2, line 18, strike ''$1,000,000,000'' and insert ''$750,000,000''.

Page 2, line 18, add ''or'' at the end.

Page 3, line 5, strike ''; or'' and insert a period.

Page 3, strike lines 6 through 9.

Page 3, line 20, strike ''$1,000,000,000'' and insert ''$750,000,000''.

Page 4, line 3, strike ''$1,000,000,000'' and insert ''$750,000,000''.

Page 4, line 3, add ''or'' at the end.

Page 4, line 8, strike ''; or'' and insert a period.

Page 4, strike lines 9 through 12.

The Acting CHAIR. Pursuant to House Resolution 572, the gentleman from Connecticut (Mr. HIMES) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Connecticut.

Mr. HIMES. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chair, my amendment is very simple. This bill that we are discussing today creates what we have come to describe as the IPO on-ramp, which, for emerging growth companies, would lift some of the more burdensome requirements that are perhaps more appropriate for larger, more established companies.

Now, the question naturally arises, how should we define an emerging growth company? Currently, the bill specifies that a company with revenues at or in excess of $1 billion would not qualify, meaning revenues less than that, and you could qualify to be an emerging growth company.

My amendment, Mr. Chairman, and my belief is that this is far too expansive a definition of emerging growth companies. It's not just my belief. We heard in the hearing which we held on this bill from Mr. LeBlanc that something more like $250 million to $500 million in revenues would be appropriate. I offered in committee the notion similar to this amendment that we make the cap $750 million in revenues.

The Council of Institutional Investors has sent a letter to our leadership expressing the same concern about the billion dollar revenue number. And I would just read from that letter and quote:

> We note that some of the most knowledgeable and active advocates for small business capital formation have in the past agreed that a company with more than $250 million of public float generally has the resources and infrastructure to comply with existing U.S. security regulations.

It's hard to know—a billion dollars in revenue is an abstraction. Let me give you an example.

I have a list of the IPOs that have occurred in the last couple of years. Currently, what I think of as a fine company, Spirit Airlines, with some $800 million in revenues, would qualify as an emerging growth company. They went public in May of 2011.

Spirit Airlines is an established airline with 2,400 employees. They clearly are a company that has the capability to comply with the full array of protections that are there for investors and others. And I would note that the letter that I read from, of course, is from the association that is there to advocate on behalf of our investors.

So, Mr. Chairman, my amendment is common sense. It's supported by the hearing that we had. It's supported by the Council of Institutional Investors. It is common sense, dare I use that phrase, and, therefore, would urge adoption so that we get this definition right.

It's a great bill. It is good that we are making it easier for small and emerging companies to go public and to not bear the full burden of the protections that are out there, but we should get this definition right. We should make sure that this is a benefit that accrues to truly small entrepreneurial emerging companies.

And therefore, I think $750 million in revenue is a more appropriate benchmark and, therefore, I propose this amendment.

With that, I reserve the balance of my time.

Mr. HENSARLING. Mr. Chair, I claim the time in opposition.

The Acting CHAIR. The gentleman from Texas is recognized for 5 minutes.

Mr. HENSARLING. I yield myself as much time as I may consume.

Mr. Chairman, again, the people of America care about jobs, they care about economic growth. Although we've had some recent improvement in our monthly unemployment figures, when we add in those who are working part-time who would prefer to be working full-time, and when we add in those who, frankly, have just given up and left the labor force, we know that the true unemployment rate in America is closer to 15.3 percent.

We know that the job engine of America is small business. And every big business had to start out as a small business.

I respect the gentleman's contribution to the bill. And this is about line drawing. I understand that. I respect his opinion. I know the professional background from which he has come. But I feel like his amendment would take this bill in the complete opposite direction of where we need to take this policy for emerging growth companies.

He used the example of Spirit Airlines. I don't have the figure at my fingertips, but I believe their market cap was in excess of what is provided for in the underlying bill, so I believe, again, they would not have qualified for the exemption in the first place.

But we want to provide this on-ramp for emerging growth companies, so, again, we can find tomorrow's Google, we can find tomorrow's Apple. And yes, this is drawing some lines in the sand, but it's clearly not a line that seems to be of great concern to the President.

We all know that the White House issues the Statement of Administration Policy, and when they have concerns about provisions in a piece of legislation, they have never been shy or reticent to share that with us. As I read the Statement of Administration Policy, the President doesn't seem to have a problem with where that line has been drawn.

I would also point out that the companion legislation on the Senate side, S. 1933, introduced by Senator SCHUMER of New York, Democrat, also has a gross revenue test of $1 billion. And so it appears that the President supports this. Senator SCHUMER supports this. This is bipartisan support for this $1 billion figure. I think at this particular time in our Nation's history the American people demand we err on the side of creating jobs and economic growth.

So, again, I respect the gentleman for his amendment, but I would urge that it be rejected.

I reserve the balance of my time.

Mr. HIMES. Mr. Chair, I yield 1 minute to the gentleman from Massachusetts (Mr. CAPUANO).

Mr. CAPUANO. Mr. Chairman, I thank the gentleman for yielding.

I believe the gentleman from Connecticut has made the salient points, but I do want to point out that this ''radical'' amendment, under current law, and current regulation, approximately 60 percent of all businesses are already exempt. They're exempted pursuant to a law that we passed in 2003, Sarbanes-Oxley, which was a bipartisan bill. Sarbanes, Oxley. Bipartisan.

All this ''radical'' amendment does is simply say that we're going up from 60 percent to allow 80 percent of the businesses to be exempted from these provisions. Now, I don't think that's radical by any definition. I think that's reasonable. The truth is I have some hesitancies even at these numbers, but I do believe that it's worth trying because it's worth taking a shot to see if some relief will help.

At the same time, it is not a wise provision to take a complete step backwards and say to investors that you're going to go in blind, you're going to be exempted from audits. This bill doesn't do that. I don't think that's the intent.

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

Mr. HIMES. I yield an additional 30 seconds to the gentleman from Massachusetts.

Mr. CAPUANO. I don't think that's the intent. I actually think this bill has an underlying good purpose, and I'd like to be able to support it. But I think that the bill goes too far, particularly in this provision.

By going from 60 percent to 80 percent in one fell swoop, I think the risks are too high, having gone through the problems of the early 2000s, the problems of 2008, and the potential problems that are lurking there every single day.

A little extra transparency on behalf of investors is not a bad thing when we're only talking a handful of the largest corporations in the country.

□ 1650

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

The Acting CHAIR. The gentleman from Texas has 2 minutes remaining. The gentleman from Connecticut's time has expired.

Mr. HENSARLING. If the time of the gentleman from Connecticut has expired, in that case, Mr. Chairman, I will yield the remainder of the time to the gentleman from Tennessee (Mr. FINCHER).

Mr. FINCHER. I want to be clear: This bill is about new companies, not existing companies, but about new companies that are wanting to go public.

The $1 billion revenue and $700 million in public float thresholds for emerging growth companies in the underlying bill were recommended by the nonpartisan IPO task force comprised of industry experts, such as venture capitalists, public investors, entrepreneurs, investment bankers, accountants, professors, securities attorneys, and the exchanges.

If we strike the public float requirements, we break this provision's ties to an already defined SEC threshold. Seven hundred million in public float is the threshold for a company to be considered ''a large accelerated'' filer under SEC rules. This number is used by the SEC to define a mature company, meaning that the company will be able to handle complying with a variety of SEC regulations on day one of its IPO.

The $1 billion threshold in the bill serves as a backstop to the SEC's definition of an accelerated filer.

In addition, lowering the revenue thresholds would increase IPO costs for more companies and make the IPO path less attractive than merger and acquisition transactions. More mergers and less IPOs would mean less job creation here at home as a result of innovative companies being absorbed by larger purchasers, including non-U.S. companies.

Therefore, I appreciate the gentleman's position and understand his wanting to go in this direction, but we cannot support this amendment.

The Acting CHAIR. The gentleman from Texas has 15 seconds remaining.

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

The Acting CHAIR. The question is on the amendment offered by the gentleman from Connecticut (Mr. HIMES).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. HIMES. 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 Connecticut will be postponed.

AMENDMENT NO. 4 OFFERED BY MS. JACKSON LEE OF TEXAS

The Acting CHAIR. It is now in order to consider amendment No. 4 printed in House Report 112–409.

Ms. JACKSON LEE of Texas. I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 3, line 5, strike ''or''.

Page 3, after line 5, insert the following:

''(C) the date on which such issuer has, during the previous 3-year period, issued more than $1,000,000,000 in non-convertible debt; or''.

Page 3, line 6, strike ''(C)'' and insert ''(D)''.

Page 4, line 8, strike ''or''.

Page 4, after line 8, insert the following:

''(C) the date on which such issuer has, during the previous 3-year period, issued more than $1,000,000,000 in non-convertible debt; or''.

Page 4, line 9, strike ''(C)'' and insert ''(D)''.

The Acting CHAIR. Pursuant to House Resolution 572, the gentlewoman from Texas (Ms. JACKSON LEE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Texas.

Ms. JACKSON LEE of Texas. Let me acknowledge, first of all, the combined efforts that have generated this approach to putting Americans back to work. Let me acknowledge the manager that is on the floor, Congresswoman WATERS, for her enormous leadership on many of these issues, as well as the ranking member of the full committee; Mr. FRANK, who certainly has served and exercised his willingness to deal with questions of these markets; and, of course, my friend from Texas who is managing this and is, again, I hope working with us in a bipartisan way on some very serious matters.

Again, let me emphasize that the most effective way to reduce our deficit is to put Americans back to work. My amendment in this legislation deals with acknowledging that the emerging companies under this legislation—provides for 5 years from the date of the EGC's initial public offering; 2, the date an EGC has $1 billion in annual growth; and then the date the EGC becomes ''a large accelerated filer,'' which is defined by the Securities and Exchange; a number of provisions to, in essence, help small businesses. This is an important principle. But my amendment adds a requirement that a company would not be considered an emerging growth company, an EGC, if it has issued more than $1 billion in nonconvertible debt over the prior 3 years.

Let me suggest that we are doing better than many of us might think. Many aspects of this bill, for example, will help community banks, which will help other small businesses. But if we look to the economy as we speak, the private sector unemployment has grown for 23 straight months, the economy has grown for 10 straight quarters, overall business investment is going up, corporate profits are up, as are investments in equipment and software, and exports have been a source of growth.

But emerging growth of small businesses needs the extra push, because when you think of the backbone of America, you think of small businesses. As a matter of fact, it is not uncommon for a company to be financed with debt as opposed to equity, and that while $1 billion is not what it used to be, it is still a pretty substantial sum of money.

So what I am saying is I want to help small businesses, but I also want to ensure that we do not expand this legislation where it is not actually helping those smaller emergent growth companies that truly are in need. For years, both Wall Street and big banks lacked the requisite government and oversight

accountability, and I believe that it is important to ensure continued oversight but continued help for these particular companies.

With that, I'd ask my colleagues to support this amendment, and I reserve the balance of my time.

Mr. HENSARLING. I claim time in opposition.

The Acting CHAIR. The gentleman from Texas is recognized for 5 minutes.

Mr. HENSARLING. I'm not, frankly, certain I'm in opposition to the gentlelady's amendment, and I appreciate her bringing it to the floor.

If she would yield for a question, I'm just trying to understand the purpose of her amendment, and what is the deficiency in the underlying bill that she seeks to address with this amendment would be that question.

I would be happy to yield to the gentlelady.

Ms. JACKSON LEE of Texas. I thank the gentleman.

Mr. HENSARLING. I'm inquiring as to the perceived deficiency in the underlying bill that you seek to address with your amendment, and I would be happy to yield to my friend from Texas.

Ms. JACKSON LEE of Texas. I like the concept of emerging growth, and I think the concept is to build these businesses up, to give them greater opportunities. What I am suggesting is that, the amendment suggests that if you have issued more than a billion dollars, you have grown sufficiently to have an additional standard or a different standard. This particular amendment suggests that we have a framework for emerging growth.

Mr. HENSARLING. I have one other question for the gentlelady.

On the 3-year period, I'm just curious as to the thought or purpose behind that particular selection of a 3-year period.

I'd be once again be happy to yield to my friend, the gentlelady from Texas.

Ms. JACKSON LEE of Texas. I'd tell my good friend, it is not 3 years.

I thought that was an appropriate framework for a billion dollars. If you spread it out over a period of time, that's $300 million to $400 million a year.

Let me just say that I think the concept is so important, to my friend from Texas, that a friendly modification would be welcomed in the timeframe. But I think the billion dollars is an appropriate standard, if you will, for trying to ensure that we really do boost and give latitude to emerging growth companies.

Mr. HENSARLING. I thank the gentlelady for her responses.

I reserve the balance of my time.

Ms. JACKSON LEE of Texas. Let me just conclude my remarks, and if I might, let me yield to the gentleman, because I did not hear him clearly. Let me yield to the gentleman from Texas.

I'd like to raise the question, I did not hear your support or opposition to this initiative.

Mr. HENSARLING. Is the gentlelady yielding?

Ms. JACKSON LEE of Texas. I'm hoping for a good bipartisan effort here, but I am yielding to the gentleman.

Mr. HENSARLING. Yes, the gentlelady was very perceptive in her hearing. I was contemplating the answers that the gentlelady gave. At this time, I do not intend to oppose the amendment.

Ms. JACKSON LEE of Texas. The gentleman is very kind.

So let me just say, as my leader on the floor was trying to get an inquiry about it—and you always take a gift quickly and you say ''thank you''—I think that this will add to the confidence of this legislation.

And as I indicated, though this is not specifically to this point, I want to make sure that we're helping community banks provide more lending and access to small businesses. I want to make sure that we, under the definition of this bill, help emerging growth companies, as well, be stronger and, as well, to be part of the creation of jobs putting Americans back to work.

With that, I ask my colleagues to support the Jackson Lee amendment.

Mr. Chair, I rise today to offer my amendment No. 4 to H.R. 3606 "The Reopening American Capital Markets to Emerging Growth Companies Act of 2011." My amendment would create a five-year "on-ramp" for smaller companies to comply with certain provisions of Sarbanes-Oxley and Dodd-Frank.

In the bill, Emerging Growth Companies are exempted from certain regulatory requirements until the earliest of three dates: (1) five years from the date of the EGC's initial public offering; (2) the date an EGC has $1 billion in annual gross revenue; or (3) the date an EGC becomes a "large accelerated filer, which is defined by the Securities and Exchange Commission (SEC) as a company that has a worldwide public float of $700 million or more.

H.R. 3606 thus provides temporary regulatory relief to small companies, which encourages them to go public, yet ensures their eventual compliance with regulatory requirements as they grow larger.

I agree in principle that it is important to modernize and improve the ability of a company to raise capital in today's environment, but I am concerned H.R. 3606 goes beyond what is necessary at the expense of protecting the investor.

My amendment adds a requirement that a company would NOT be considered an "emerging growth company" (EGC) if it has issued more than $1 billion in non-convertible debt over the prior three years.

As a matter of fact, it is not uncommon for a company to be financed with debt as opposed to equity, and that while $1 billion dollars is not what it used to be—-it is still a pretty substantial sum of money. Frankly, Mr. Chair, a company that size needs to have some oversight to protect the public.

For years, both Wall Street and big banks lacked the requisite government oversight and accountability. Relying on Wall Street and big banks to police themselves resulted in the worst financial crisis since the Great Depression, the loss of 8 million jobs, failed businesses, a drop in housing prices, and wiped out personal savings.

We must restore responsibility and accountability in our financial system to give Americans confidence that there is a system in place that works for and protects them. We must create a sound foundation to grow the economy and create jobs.

To wit—this debt financing might be tax deductible, whereas the equity financing typically is not—which gives debt financing a distinct advantage.

H.R. 3606 encourages emerging growth companies (EGCs) to access the public capital markets by temporarily exempting EGCs from some registration procedures, prohibitions on initial public offering (IPO) communications, and independent audits of internal controls over financial reporting, among other exemptions.

I encourage my colleagues to vote for this amendment to H.R. 3606 that adds a requirement that a company not be considered to be as an "emerging growth company," if it has issued more than $1 billion in non-convertible debt over the prior three years.

Mr. Chair, let's continue to protect the investing public.

I yield back the balance of my time.

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

□ 1700

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Texas (Ms. JACKSON LEE).

The amendment was agreed to.

AMENDMENT NO. 5 OFFERED BY MR. ELLISON

The Acting CHAIR. It is now in order to consider amendment No. 5 printed in House Report 112–409.

Mr. ELLISON. I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 5, strike line 7 and all that follows through page 6, line 13 (and redesignate succeeding paragraphs accordingly).

The Acting CHAIR. Pursuant to House Resolution 572, the gentleman from Minnesota (Mr. ELLISON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Minnesota.

Mr. ELLISON. Mr. Chair, this amendment is very simple. We brought this up in committee. I would like the whole body to be able to get a chance to have their say on Say on Pay. Say on Pay is a good, commonsense thing that empowers investors. It allows shareholders and companies to be able to say, Do I believe that the CEO pay in this company is too high?

Companies are not exercising the right to approve or to have a nonbinding vote on pay. As a matter of fact, Nabors Industries announced that its former CEO agreed to waive a $100 million termination payment, and that was regarded as a rare win for shareholders. In light of this, I would like to submit for the RECORD and for the purpose of this debate, an article entitled, ''A Rare Win for Say on Pay.''

Now, this is a bill that I would like to support. I think it's a good idea. The fact of the matter is—Mr. Chair, you would be shocked to know—that we actually, I think, passed this bill out of our committee without any dissenting votes.

The issue remains that there are a lot of advantages to this bill. It relieves the emerging growth companies of the pretty hefty burden of complying with 404(b) of Sarbanes-Oxley. It allows them to escape the obligation of providing 3 years of audited financial statements. Although I think they're good for our system with regard to controls, these things are costly and do take a toll.

Do you know what, Mr. Chair? Say on Pay is not costly, and it's not burdensome. It empowers investors and makes them more engaged and gives them greater reason to be plugged into what the company is doing.

I have a letter from the Council of Institutional Investors that I would also like to submit for the RECORD. They are concerned about this section that would waive Say on Pay because it would effectively limit the shareholders' ability to voice their concerns about executive compensation packages.

[From Real-Time Advice, Feb. 6, 2012]

A RARE WIN FOR SAY ON PAY

(By Sarah Morgan)

NABORS INDUSTRIES' (NBR) announcement that its former CEO agreed to waive a $100 million termination payment was a rare win for shareholders, who experts say often gripe about excessive compensation but rarely act.

Under pressure from shareholders, who voted against Nabors' pay packages and directors in a recent proxy voting, the oil drilling company said this morning that former CEO Eugene Isenberg will waive the huge payout. Instead, his estate will receive a payment of $6.6 million plus interest upon his death. ''Isenberg has more than enough money. So having him defer this $100 million is a good thing for shareholders,'' says Stephen Ellis, a Morningstar equity analyst.

In recent years, compensation has become a lightning rod for criticism from investor advocates, who say poorly designed pay policies often give executives the wrong incentives. Instead, shareholders want to see management paid for performance, says Jesse Fried, a professor of law at Harvard University. Nabors' $100 million payment was a perfect example of ''pay for failure,'' he says. ''There's a lot of things that are wrong with pay practices in the United States, but this was particularly egregious, so it's not surprising it drew shareholder anger,'' he says.

This case also proves that shareholder outrage has an impact: Boards pay attention, and companies do change their policies, Fried says. ''Pressure matters, and investors shouldn't feel shy about applying it,'' he says.

Thanks to the Dodd-Frank financial reform bill, and to the recession, investors are now paying more attention than ever to compensation issues, says Michael Littenberg, a partner at Schulte Roth & Zabel LLP who focuses on corporate governance issues. The Dodd-Frank bill required annual (though non-binding) say on pay votes, and companies do take those votes very seriously, because a few companies whose pay policies haven't passed muster have been sued by shareholders, Littenberg says.

But investors aren't taking as much advantage of this new power as some had hoped (or feared). Last year (the first with the new say on pay rule in place), shareholders voted down pay policies at only 36 companies in the Russell 3000, or 1.6%, although roughly another 350 companies saw their policies pass with low enough votes that they'd be considered at risk for a ''no'' vote in the future, Littenberg says.

Nabors is one of the few companies that has suffered a ''no'' vote on its pay practices, according to Governance Metrics International, an independent research firm. ''We have long rated Nabors poorly, because of concerns over poor compensation practices,'' including ''a bonus formula rarely seen in modern practice with no measure against a peer group,'' says Greg Ruel, a research associate with GMI.

Many companies that see ''no'' votes or worryingly low ''yes'' votes do make some changes, but they don't always change the actual pay policy, Littenberg says. Some companies might try to better explain how pay is determined, or simply sit down with institutional shareholders to figure out what's most important to investors, he says. Of course, individual shareholders aren't privy to those conversations.

All observers agree that Isenberg had long enjoyed an unusually lavish compensation package. He was ''extraordinarily well paid,'' in part because of an unusual compensation plan that was put in place back in 1987, when he took on the CEO role to lead the company out of bankruptcy, Ellis says. His contract with the company entitled him to a cash bonus of 10% of any amount of the company's cash flow that exceeded 10% of average shareholder equity. This arrangement made his pay work more like a hedge fund manager's than like a typical CEO's, Morningstar's Ellis says.

Since the current CEO, Tony Petrello, took over, the company has taken some other steps that show it's responding to widespread shareholder anger over pay practices, Ellis says. They're now going to allow their board of directors to be elected by a majority instead of a plurality, making it easier for shareholders to vote out directors they're not happy with, and hold annual ''say-on-pay'' votes. However, Petrello is still being paid in a similar hedge-fund-like fashion, getting a percentage of cash flow above a certain benchmark, and while the recent shareholder-friendly moves are good signs, it would certainly be better for investors if the company got rid of this unusual pay policy, Ellis says.

A spokesman for the company said that Isenberg, who holds more than 8 million shares of Nabors, decided that waiving the payment was best for his fellow shareholders, and that the company views the decision as ''positive,'' but declined to comment on whether any other changes would be made to pay policies in the future.

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COUNCIL OF INSTITUTIONAL INVESTORS,
*March 7, 2012.*

Hon. JOHN BOEHNER,
*Speaker, House of Representatives, Washington, DC.*

Hon. NANCY PELOSI Minority Leader, House of Representatives,
*Washington, DC.*

DEAR SPEAKER BOEHNER AND MINORITY LEADER PELOSI: As a nonprofit, nonpartisan association of public, corporate and union pension plans, and other employee benefit funds, foundations and endowments with combined assets that exceed $3 trillion, the Council of Institutional Investors (Council) is committed to protecting the retirement savings of millions of American workers. With that commitment in mind, and in anticipation of the upcoming vote on the ''Jumpstart Our Business Startups (JOBS) Act,'' we would like to share with you some of our deep concerns about Title I of the proposed legislation.

Our questions and concerns about Title I are grounded in the Council's membership approved corporate governance best practices. Those policies explicitly reflect our members' view that all companies, including ''companies in the process of going public should practice good corporate governance.'' Thus, we respectfully request that you consider changes to, or removal of, the following provisions of Title I:

DEFINITIONS

We question the appropriateness of the qualities defining the term ''emerging growth company'' (EGC) as set forth in Sec. 101(a) and 101(b).

As you are aware, under Sec. 101(a) and 101(b), a company would qualify for special status for up to five years, so long as it has less than $1 billion in annual revenues and not more than $700 million in public float following its initial public offering (IPO). The Council is concerned that those thresholds may be too high in establishing an appropriate balance between facilitating capital formation and protecting investors.

For example, we note that some of the most knowledgeable and active advocates for small business capital formation have in the past agreed that a company with more than $250 million of public float generally has the resources and infrastructure to comply with existing U.S. securities regulations. We, therefore, urge you to reevaluate the basis for the proposed thresholds defining an EGC.

DISCLOSURE OBLIGATIONS

We have concerns about Sec. 102(a)(1) because it would effectively limit shareowners' ability to voice their concerns about executive compensation practices.

More specifically, Sec. 102(a)(1) would revoke the right of shareowners, as owners of an EGC, to express their opinion collectively on the appropriateness of executive pay packages and severance agreements.

The Council's longstanding policy on advisory shareowner votes on executive compensation calls on all companies to ''provide annually for advisory shareowner votes on the compensation of senior executives.'' The Investors Working Group echoed the Council's position in its July 2009 report entitled U.S. Financial Regulatory Reform: The Investors' Perspective.

Advisory shareowner votes on executive compensation and golden parachutes efficiently and effectively encourage dialogue between boards and shareowners about pay concerns and support a culture of performance, transparency and accountability in executive compensation. Moreover, compensation committees looking to actively rein in executive compensation can utilize the results of advisory shareowner votes to defend against excessively demanding officers or compensation consultants.

The 2011 proxy season has demonstrated the benefits of nonbinding shareowner votes on pay. As described in Say on Pay: Identifying Investors Concerns:

Compensation committees and boards have become much more thoughtful about their executive pay programs and pay decisions. Companies and boards in particular are articulating the rationale for these decisions much better than in the past. Some of the most egregious practices have already waned considerably, and may even disappear entirely.

As the U.S. House of Representatives deliberates the appropriateness of

disenfranchising certain shareowners from the right to express their views on a company's executive compensation package, we respectfully request that the following factors be considered:

1. Companies are not required to change their executive compensation programs in response to the outcome of a say on pay or golden parachutes vote. Securities and Exchange Commission (SEC) rules simply require that companies discuss how the vote results affected their executive compensation decisions.

2. The SEC approved a two-year deferral for the say on pay rule for smaller U.S. companies. As a result, companies with less than $75 million in market capitalization do not have to comply with the rule until 2013, thus the rule's impact on IPO activity is presumably unknown. We, therefore, question whether there is a basis for the claim by some that advisory votes on pay and golden parachutes are an impediment to capital formation or job creation.

We also have concerns about Sec. 102(a)(2) because it would potentially reduce the ability of investors to evaluate the appropriateness of executive compensation.

More specifically, Sec. 102(a)(2) would exempt an EGC from Sec. 14(i) of the Securities Exchange Act of 1934, which would require a company to include in its proxy statement information that shows the relationship between executive compensation actually paid and the financial performance of the issuer.

We note that the SEC has yet to issue proposed rules relating to the disclosure of pay versus performance required by Sec. 14(i). As a result, no public companies are currently required to provide the disclosure. We, therefore, again question whether a disclosure that has not yet even been proposed for public comment is impeding capital formation or job creation.

Our membership approved policies emphasize that executive compensation is one of the most critical and visible aspects of a company's governance. Executive pay decisions are one of the most direct ways for shareowners to assess the performance of the board and the compensation committee.

The Council endorses reasonable, appropriately structured pay-for-performance programs that reward executives for sustainable, superior performance over the long-term. It is the job of the board of directors and the compensation committee to ensure that executive compensation programs are effective, reasonable and rational with respect to critical factors such as company performance.

Transparency of executive compensation is a primary concern of Council members. All aspects of executive compensation, including all information necessary for shareowners to understand how and how much executives are paid should be clearly, comprehensively and promptly disclosed in plain English in the annual proxy statement.

Transparency of executive pay enables shareowners to evaluate the performance of the compensation committee and the board in setting executive pay, to assess pay-for-performance links and to optimize their role in overseeing executive compensation through such means as proxy voting. It is, after all, shareowners, not executives, whose money is at risk.

ACCOUNTING AND AUDITING STANDARDS

We have concerns about Sec. 102(b)(2) and Sec. 104 because those provisions would effectively impair the independence of private sector accounting and auditing standard setting, respectively.

More specifically, Sec. 102(b)(2) would prohibit the independent private sector Financial Accounting Standards Board from exercising their own expert judgment, after a thorough public due process in which the views of investors and other interested parties are solicited and carefully considered, in determining the appropriate effective date for new or revised accounting standards applicable to EGCs.

Similarly, Sec. 104 would prohibit the independent private sector Public Company Accounting Oversight Board from exercising their own expert judgment, after a thorough public due process in which the view of investors and other interested parties are solicited and carefully considered, in determining improvements to certain standards applicable to the audits of EGCs.

The Council's membership ''has consistently supported the view that the responsibility to promulgate accounting and auditing standards should reside with independent private sector organizations.'' Thus, the Council opposes legislative provisions like Sec. 102(b)(2) and Sec. 104 that override or unduly interfere with the technical decisions and judgments (including the timing of the implementation of standards) of private sector standard setters.

A 2010 joint letter by the Council, the American Institute of Certified Public Accountants, the Center for Audit Quality, the CFA Institute, the Financial Executives International, the Investment Company Institute, and the U.S. Chamber of Commerce explains, in part, the basis for the Council's strong support for the independence of private sector standard setters:

We believe that interim and annual audited financial statements provide investors and companies with information that is vital to making investment and business decisions. The accounting standards underlying such financial statements derive their legitimacy from the confidence that they are established, interpreted and, when necessary, modified based on independent, objective considerations that focus on the needs and demands of investors—the primary users of financial statements. We believe that in order for investors, businesses and other users to maintain this confidence, the process by which accounting standards are developed must be free—both in fact and appearance—of outside influences that inappropriately benefit any particular participant or group of participants in the financial reporting system to the detriment of investors, business and the capital markets. We believe political influences that dictate one particular outcome for an accounting standard without the benefit of public due process that considers the views of investors and other stakeholders would have adverse impacts on investor confidence and the quality of financial reporting, which are of critical importance to the successful operation of the U.S. capital markets.

INTERNAL CONTROLS AUDIT

We have concerns about Sec. 103 because that provision would, in our view, unwisely expand the existing exemption for most public companies from the requirement to have effective internal controls.

More specifically, Sec. 103 would exempt an EGC from the requirements of Section 404(b) of the Sarbanes-Oxley Act of 2002 (SOX). That section requires an independent audit of a company's assessment of its internal controls as a component of its financial statement audit.

The Council has long been a proponent of Section 404 of SOX. We believe that effective internal controls are critical to ensuring investors receive reliable financial information from public companies.

We note that Section 989G(a) of the Dodd-Frank Wall Street Reform and Consumer Protection Act (Dodd-Frank) already exempts most public companies, including all smaller companies, from the requirements of Section 404(b). We also note that Section 989G(b) of Dodd-Frank required the SEC to conduct a study on ''how the Commission could reduce the burden of complying with section 404(b) . . . while maintaining investor protections . . .

The SEC study, issued April 2011, revealed that (1) there is strong evidence that the provisions of Section 404(b) ''improves the reliability of internal control disclosures and financial reporting overall and is useful to investors,'' and (2) that the ''evidence does not suggest that granting an exemption [from Section 404(b)] . . . would, by itself, encourage companies in the United States or abroad to list their IPOs in the United States.'' Finally, and importantly, the study recommends explicitly against—what Sec. 103 attempts to achieve—a further expansion of the Section 404(b) exemption.

AVAILABILITY OF INFORMATION ABOUT EMERGING GROWTH COMPANIES

Finally, we have concerns about Sec. 105 because it appears to potentially create conflicts of interest for financial analysts.

More specifically, we agree with the U.S. Chamber of Commerce that the provisions of Sec. 105 as drafted ''may be a blurring of boundaries that could create potential conflicts of interests between the research and investment components of broker-dealers.'' The Council membership supports the provisions of Section 501 of SOX and the Global Research Analyst Settlement. Those provisions bolstered the transparency, independence, oversight and accountability of research analysts.

While the Council welcomes further examination of issues, including potential new rules, relating to research analysts as gatekeepers, it generally does not support legislative provisions like Sec. 105 that would appear to weaken the aforementioned investor protections.

The Council respectfully requests that you carefully consider our questions and concerns about the provisions of the JOBS Act. If you should have any questions or require any additional information about the Council or the contents of this letter, please feel free to contact me at 202.261.7081 or Jeff@cii.orq, or Senior Analyst Laurel Leitner at 202.658.9431 or Laurel@cii.org.

Sincerely,

JEFF MAHONEY,
*General Counsel.*

With that, Mr. Chair, as I have with me today Members who want to offer some remarks in support, I will inquire as to how much time I have remaining.

The Acting CHAIR. The gentleman has 2½ minutes remaining.

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

Mr. HENSARLING. I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from Texas is recognized for 5 minutes.

Mr. HENSARLING. Mr. Chairman, again, when we add in those who want full-time work and yet have part-time work, those who have given up and have left the labor force, those who have been unemployed for weeks and months on end, we know that the true unemployment rate in America is, regrettably, close to 15.3 percent.

Jobs is the number one concern, jobs and the economic growth of the American people, and it has to be our number one concern as well. And as ever well-intentioned as the gentleman

from Minnesota's amendment is, it is not one particular regulatory burden; it is the cumulative impact of them all that is inhibiting job growth in America today.

Anytime I talk to small business people in the Fifth District of Texas, which I have the honor and privilege of representing, and whether I'm talking to small business people or, frankly, to Fortune 50 CEOs, this is what they tell me: it is the government red tape. Now, it doesn't mean all regulation is bad, but we have to look at the cumulative impact, particularly in the midst of what our constituents view as a crisis.

John Mackey, cofounder and CEO of Whole Foods Market:

> In some cases, regulations have gone too far, and it really makes it difficult for small businesses. There's too much bureaucracy and red tape. Taxes on businesses are very high. So we're not creating the enabling conditions that allow businesses to get started.

Again, on a bipartisan piece of legislation that is supported by the President of the United States, most of the provisions have been overwhelmingly supported either on the House floor or in the Financial Services Committee. Regrettably, the gentleman from Minnesota's amendment takes a huge step backwards and makes it more difficult for these emerging growth companies to get started.

Now, I understand his particular concern on Say on Pay, but I would note that emerging growth companies still have to disclose their executive compensation arrangements to shareholders in their SEC filings in the same way that the SEC requires for smaller reporting companies. How many votes do you want to compel shareholders to take, particularly on emerging growth companies?

We could require votes on patent filings. We could require votes on the retention of the accounting firm. Maybe we could require it on the acquisition of real estate. Perhaps shareholders should be compelled to vote to ratify any particular union contract. Maybe we should compel a vote on the IT system. We could go to the ridiculous. Maybe we have to have shareholder votes to choose between Coke and Pepsi in the break room, or as to whether or not the coffee is organically grown or not organically grown. What is the company logo?

At some point, it begs the question: Are we here to stand up for shareholder value or for somebody's subjective, personal values, which I respect, but which, again, can harm emerging growth companies as they're trying to grow jobs and the economy.

I reserve the balance of my time.

Mr. ELLISON. I yield 1 minute to the gentleman from Massachusetts (Mr. CAPUANO).

Mr. CAPUANO. I thank the gentleman for yielding.

This argument makes no sense to me. If we are interested in creating jobs, how does it hurt jobs by simply allowing the people who actually own the company, the shareholders, the ability to have a nonbinding vote on the pay of their CEO? By the way, if they choose to pay the CEO a gazillion dollars, that's fine. It's their money. They can do what they want with it. If, however, they choose to cut the CEO's salary, maybe they could use some of that money to actually create more jobs.

This amendment doesn't affect the creation of one job. It simply recognizes the fact that shareholders own the company. They should be able to decide how to spend their money. Some people have not liked this provision since it was adopted. This is simply an opportunity to take a bite out of something they've never liked. It has no effect whatsoever on the creation of a job. And I would dare say to empower the shareholders might actually free up some corporate money in order to hire one or two more people.

Mr. HENSARLING. Mr. Chairman, how much time remains on both sides, please?

The Acting CHAIR. Both sides have 1½ minutes remaining.

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

Mr. ELLISON. I yield 1 minute to the gentleman from Massachusetts, Mr. STEPHEN LYNCH.

Mr. LYNCH. I want to thank the gentleman for yielding.

The gentleman from Minnesota has a very good amendment here. Here is what we're talking about.

This would strengthen title I by keeping in place the requirement that all public companies, including emerging growth companies, hold a nonbinding shareholder vote on executive compensation and golden parachutes once every 3 years. One vote. They're having a meeting anyway. These are the companies that we know the least about. We support the underlying bill, but we think that requiring a nonbinding vote once every 3 years is good for the shareholders.

The question is: Will this inhibit the operation of these emerging growth companies? No, it will not.

I think the gentleman from Minnesota has a great amendment here. These are the companies we know the least about. They have the shortest track records. These shareholders and investors are taking a leap of faith, and this would allow them to have a vote on the CEO salaries and also on the golden parachutes, so I ask Members to support the amendment.

Mr. HENSARLING. Mr. Chairman, I yield the balance of my time to the gentleman from Tennessee (Mr. FINCHER).

□ 1710

Mr. FINCHER. I thank the gentleman from Texas for yielding.

The SEC already provides smaller reporting companies with an additional year to comply with executive-compensation disclosure and say-on-pay vote compliance.

This bill would simply extend the extension to emerging growth companies during the on-ramp period. They would still disclose compensation arrangements to shareholders in the same way that the SEC requires for smaller reporting companies, we think, forcing shareholder votes on internal issues such as compensation levels, risk, undermining the emerging growth companies' ability to exercise independent judgment on behalf of all the corporation's shareholders. The bottom line here is that we must spare emerging growth companies from the costly litigation that could result if an emerging growth company's board of directors reject or refuse to abide by the results of the shareholder vote.

I would just remind all of my colleagues the President is supporting this jobs bill. We think this is something that will really, really put Americans back to work.

The Acting CHAIR. The gentleman from Minnesota has 30 seconds remaining, and the gentleman from Texas has 15 seconds remaining.

Mr. ELLISON. Mr. Speaker, we are talking about a vote once a year, probably at the annual meeting, probably take a sum total of a few seconds; and my friends on the other side of the aisle don't want to at least agree to this small thing that empowers investors and shareholders and puts them in the position to be good stewards of the company that they own.

Now, you would think that we could come together on something like this; but when you want to stand up for the highest, most grotesque and egregious executive pay imaginable, then, of course, you're going to say no. In 2010, median pay for CEOs and large corporations was $11 million. It's time to get some say on pay.

I yield back the balance of my time.

Mr. HENSARLING. Mr. Chairman, every single regulation imposes some type of financial burden on a company that cannot be used to create a job.

If this was a concern, why don't we find it listed in the Statement of Administration Policy. It's not a concern of the President. Let's work together and pass this bill.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Minnesota (Mr. ELLISON).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. ELLISON. 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 Minnesota will be postponed.

AMENDMENT NO. 6 OFFERED BY MS. WATERS

The Acting CHAIR. It is now in order to consider amendment No. 6 printed in House Report 112–409.

Ms. WATERS. 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 11, line 12, strike ''paragraph (10) of this subsection and''.

Page 11, line 16, insert after the period the following: ''Any such research report published or distributed by a broker or dealer that is participating or will participate in the registered offering of the securities of the issuer shall be filed with the Commission by the later of the date of the filing of such registration statement or the date such report is first published or distributed. Such research report shall be deemed a prospectus under paragraph (10).''.

Page 13, line 18, after the first period insert the following: ''Any written communication (as such term is defined in section 203.405 of title 17, Code of Federal Regulations) provided to potential investors in accordance with this subsection shall be filed with the Commission by the later of the date of the filing of such registration statement or the date the written communication is first engaged in. Such written communication shall be deemed a prospectus under section 2(a)(10).''.

The Acting CHAIR. Pursuant to House Resolution 572, the gentlewoman from California (Ms. WATERS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from California.

Ms. WATERS. I offer my amendment today in the spirit of improving the underlying bill in the area of investor protection with regard to the provisions of research provisions in title I.

First, my amendment attempts to mitigate against potentially damaging conflicts of interest between the people who will profit from an emerging growth company's IPO and the people who write research about such IPOs. This amendment provides that if a broker or a dealer is underwriting an IPO and also providing research to the public about that IPO, those research reports need to be filed with the SEC and underwriters need to be held to stricter liability for their comments.

Second, this amendment provides that if emerging growth companies are communicating orally or in writing with potential investors before or following an offering, they need to file those communications with the SEC.

During the dot-com boom of the 2000s, it was uncovered that certain research analysts were recommending companies to the investing public because their firms had an economic interest in the firm's IPO, or wanting to get other businesses from the company.

Meanwhile, those same analysts were telling their colleagues in internal emails that the company's IPOs were junk. Essentially, these analysts misled the investing public and didn't disclose their economic interest in hyping the company.

Through a global settlement and related rules coming from the scandal, we cracked down on some of these conflicts of interest. My amendment, rather than letting these conflicts be restored, would require that if underwriters are also issuing reports about a company's IPOs, they need to file those with the SEC. Filing of materials subjects underwriters to more robust liability.

Secondly, the filing of a pre- or post-offering communication with the SEC under this amendment will also hold companies to a higher level of legal liability, ensuring their communications accurately portrayed the nature of the offering. It also allows the SEC and the public to make sure that companies aren't inappropriately hyping their offering to investors.

Today we received communications, both from the Chamber of Commerce and from the Council of Institutional Investors. The Council of Institutional Investors simply said, ''The Council membership supports the provisions of section 501 of Sarbanes-Oxley and the Global Research Analyst Settlement. Those provisions bolstered the transparency, independence, oversight, and accountability of research analysts,'' and similar comments from the Chamber of Commerce.

I would urge support for my amendment and for the underlying bill. We must help our small businesses to access our capital markets, but we must also mitigate against conflicts of interest that would mislead investors. I believe my amendment strikes the right balance.

I reserve the balance of my time.

Mr. HENSARLING. Mr. Chairman, I rise to claim time in opposition to the amendment.

The Acting CHAIR. The gentleman from Texas is recognized for 5 minutes.

Mr. HENSARLING. Mr. Chairman, we've had a vigorous debate over some amendments that were accepted, others that we thought were unwise. Frankly, this one, Mr. Chairman, we believe would simply gut the entire bill. You know, Mr. Chairman, you cannot sue your way into job growth. You are not going to be able to sue your way into economic growth.

This amendment takes us a huge, huge step in the opposite direction. The practical impact of the amendment from the gentlelady from California is to essentially squash any of the reporting that would take place on these emerging growth companies for imposing the prospectus level of liability imputed to the communications of the research reports.

I mean, in order to get onto this IPO on-ramp in order for the small growth companies to access our equity market, there has to be the research which is published. Without it, without it, the accredited investors will probably never know of the existence of the companies in the first place. I would point out that many of the concerns should have already been addressed.

Number one, all these emerging growth companies are still liable for the Global Research Analyst Settlement of 2003, which established a comprehensive set of rules that sever the link between investment banking and research activities, section 501 of Sarbanes-Oxley, which requires the research analysts and broker-dealers to disclose all potential conflicts of interest, Regulation AC, stock exchange-listing standards, FINRA codes of conduct, and the list goes on and on and on.

And so again, Mr. Chairman, to add yet another level of liability, one that we are told would simply have an incredibly dampening impact on the existence of these research reports, for all intents and purposes this would simply gut the bill. I suppose it would be an early evening in the House if we accepted it, but everything that Members of both sides of the aisle have worked for would be for naught.

Again, if this was a concern of the administration, why wasn't it listed in their Statement of Administration Policy where they always list their concern?

□ 1720

The President would like to see this passed. We would like to see it passed. There is bipartisan support in the Senate.

I would urge a strong rejection of this amendment, and I reserve the balance of my time.

Ms. WATERS. May I inquire as to how much time I have left.

The Acting CHAIR. The gentlewoman from California has 1½ minutes remaining.

Ms. WATERS. I yield the balance of my time to the gentleman from Massachusetts (Mr. CAPUANO).

Mr. CAPUANO. Mr. Chairman, I want to thank the gentlewoman for yielding.

I don't know if I am going to use the whole thing, but this must be Bizarro Congress because I'm about to agree with the Chamber of Commerce. I've been listening to my colleagues on the other side claiming that they're with the President on this one. Something must be wrong.

The Chamber of Commerce has raised the exact same issues that we're raising with this amendment. This amendment doesn't kill this bill. It simply says if you're going to give information to a handful of people, you have to file with the SEC and you have to stand by that information as being legitimate and honest information. That's really all it says. It says it in technical terms, but that's all it says.

By the way, I guess I need to be clear. We don't necessarily agree with everything the chamber says, even on this amendment. They just raise the same issue. And I would like to be clear that no one has since stated it, but even the President himself would like to see some amendments to this bill. I presume some of them will be passed in the Senate; and hopefully when they are, people like me will be a lot more supportive when it comes back.

I just thought it was important to point out I'm not with the chamber very often. When I am, I think that's worthy of note.

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

The Acting CHAIR. The gentlewoman from California has 15 seconds remaining.

Ms. WATERS. Mr. Chairman, I join with Mr. CAPUANO in saying that we don't normally agree with the Chamber of Commerce. As a matter of fact, this may be the first time that I've agreed with the Chamber of Commerce. But you have also the Council of Institutional Investors that is warning us about this research problem that we have unless we clear it up.

Mr. HENSARLING. May I inquire of the Chair how much time I have remaining.

The Acting CHAIR. The gentleman has 2 minutes remaining.

Mr. HENSARLING. In that case, I will yield 1 minute to the gentleman from Arizona (Mr. SCHWEIKERT).

Mr. SCHWEIKERT. I thank the gentleman from Texas.

First off, I actually think I have the letter here from the Chamber of Commerce, and I'm trying to find what has been discussed here. I thought I saw something come across where after 3 years they were willing to look at it. That would be an interesting one to find.

This is a classic case of an amendment that I believe the law of unintended consequences is potentially just devastating. How many times around here—particularly in the Financial Services Committee—do we have the discussion of what's the best regulator? It's information and yet you're running an amendment here that basically will destroy information because of the liability. That liability will make it so you're not going to do the research, you're not going to cover the stock. If you read the amendment, I fear it may be too broad. Does it cover someone that does a detailed investment newsletter? What level does it ultimately cover?

Mr. Chairman, I believe the law of unintended consequences here is very dangerous.

Mr. HENSARLING. I yield the balance of my time to the gentleman from New Jersey (Mr. GARRETT), the chairman of the Capital Markets Subcommittee.

Mr. GARRETT. I thank the chairman.

As we indicate, the President supports the underlying legislation and the gentleman indicated that he may be looking for some amendments to the bill, but I would assume quite candidly he would not be looking for this amendment.

As the gentleman from Arizona aptly points out, what we're trying to do is to facilitate the expansion and growth by the small companies. How do we do that? As the gentleman from Arizona says rightfully so, by the expansion of information. This information can and should get out there; but at the end of the day, we want to make sure that the liability that is imposed on the dissemination of information is not so grave and dangerous to it that you would basically supplement with an overarching desire to destroy that overall purpose of the legislation. You do that unfortunately with this amendment.

Why so? At the end of the day, you will get the same protections that you're looking for here, I think, in the sense that there will be strict liability imposed. Where? On the prospectus. So if you are the investor in this instance and you're trying to decide whether you're going to go and invest in this new company or not, the information that you'll be looking for will be where? In the prospectus. And the strict liability standard will be imposed at that period of time.

You do not want to impose that liability as you lead up to the situation with the other information that is going out by outside research analysts. With that, I will respectfully oppose the amendment.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from California (Ms. WATERS).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Ms. WATERS. 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 MS. JACKSON LEE OF TEXAS

The Acting CHAIR. It is now in order to consider amendment No. 7 printed in House Report 112–409.

Ms. JACKSON LEE of Texas. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 13, line 10, strike ''or institutions that are accredited investors''.

Page 13, line 11, strike ''terms are respectively'' and insert ''term is''.

Page 13, line 12, strike ''and section 230.501(a)''.

The Acting CHAIR. Pursuant to House Resolution 572, the gentlewoman from Texas (Ms. JACKSON LEE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Texas.

Ms. JACKSON LEE of Texas. I thank the chairman very much.

I started my earlier discussion with a previous amendment by suggesting that our underlying premise or the goal should be to reduce the deficit and to put America back to work. This concept of emerging growth opportunities or emerging growth companies is, in fact, I believe, a viable step of doing so.

I do want to remind my colleagues again that overall business investment is growing, corporate profits are up, as are investments in equipment and software. Exports have been a source of strength. We're working very hard to ensure that we reinvigorate manufacturing. We want to make it in America. We want to bring companies back home, and certainly we want to encourage investment. Private sector employment has grown for 23 months, and the economy has grown for 10 straight quarters.

My amendment is to discuss the fine distinctions between those who are very sophisticated and those who are not. My amendment narrows the permissible exemption to allow oral or written communications with potential investors who are qualified institutional investors, but it omits accredited investors from this exemption in the name of investor protection. That is simply to say that we know that the accredited investors are less, if you will, able with the information that they have to compete with what we have classified as qualified institutional investors.

The idea of this amendment is to ensure that an accredited investor would not be considered a qualified investor and therefore be taken advantage of. Under the bill, the commonly known test-the-waters provision would amend the Securities Act of 1933 to expand the range of permissible prefiling communication to sophisticated institutional investors to allow emerging growth companies to determine whether qualified institutional or accredited investors might have an interest in a contemplated securities offering.

Mine is an amendment simply being concerned about the accredited investors and whether or not there is the equal playing field alongside of the qualified institutional investors, which you would expect would have far more sophistication in making determinations about investments. It is simply an effort to provide extra protection for those who will now be out in the marketplace under these emerging growth concepts.

I ask my colleagues to support this amendment, and I reserve the balance of my time.

Mr. HENSARLING. I rise to claim time in opposition.

The Acting CHAIR. The gentleman from Texas is recognized for 5 minutes.

Mr. HENSARLING. I yield 1½ minutes to the gentleman from Tennessee (Mr. FINCHER).

Mr. FINCHER. I thank the gentleman for yielding.

Mr. Chair, I rise in opposition to the gentlelady's amendment.

Again, our goal here today is to help America's start-up companies grow, raise capital, create jobs. The amendment offered by the gentlelady from Texas would limit opportunities for emerging growth companies to expand business by cutting them off from experienced investors.

Part of generating a successful IPO is having the ability to test the waters through pre-IPO meetings with institutional qualified investors. These are the investors you want to talk to and receive feedback from before launching an IPO to ensure success. If a company learned that there is a good chance it

will have a successful IPO, it would be less likely to choose a merger and acquisition path, which often results in losing jobs, and continue to grow organically and create jobs. So it doesn't make sense to me to cut these investors off from emerging growth companies.

I understand there may be some concerns with investor protections. But in this amendment, emerging growth companies are only allowed to test the waters with highly sophisticated investors so existing investor protections are not weakened. Therefore, I cannot support this amendment.

□ 1730

Ms. JACKSON LEE of Texas. Mr. Chairman, who has the right to close?

The Acting CHAIR. The gentleman from Texas.

Ms. JACKSON LEE of Texas. Mr. Chairman, let me just maintain that this is a simple premise of protecting the less sophisticated investor, and I have no desire to not see jobs being created or the opportunity for emerging growth entities to have access to opportunities for investment. It is quite clear that qualified institutional investors are far more sophisticated than the accredited investors' status, and so I can't get clearer than that, trying to make sure that we protect those.

And as we noted for the Democrats who served on the Financial Services Committee, they made certain statements, if you would, to ensure that we have the greatest amount of protection for those who we want to see having greater opportunities.

So with that, Mr. Chairman, I happily yield back my time and ask my colleagues to support this very simple amendment that seeks to protect accredited investors.

Mr. Chair, I rise today to offer my amendment # 7 to H.R. 3606 "The Reopening American Capital Markets to Emerging Growth Companies Act of 2011." This amendment strikes language in the bill that allows an emerging growth company or its underwriter to communicate with "institutions that are accredited investors."

H.R. 3606 would exempt certain regulatory requirements until the earliest of three dates: (1) five years from the date of the EGC's initial public offering; (2) the date an EGC has $1 billion in annual gross revenue; or (3) the date an EGC becomes a "large accelerated filer, which is defined by the Securities and Exchange Commission (SEC) as a company that has a worldwide public float of $700 million or more.

The bill thus provides temporary regulatory relief to small companies, which encourages them to go public, yet ensures their eventual compliance with regulatory requirements as they grow larger.

My amendment narrows the permissible exemption to allow oral or written communications with potential investors who are "qualified institutional investors," but omits "accredited investors from this exemption, in the name of investor protection."

For example, this amendment would ensure that an accredited investor would not be considered a qualified institutional investor and therefore would not be able to engage in certain types of investments.

Under the bill, the commonly known "test the waters provision," would amend the Securities Act of 1933 to expand the range of permissible pre-filing communications to sophisticated institutional investors to allow Emerging Growth Companies (EGCs) to determine whether qualified institutional or accredited investors might have an interest in a contemplated securities offering.

I believe that while many Accredited Investors are sophisticated and prosperous, and meet the brokerage firm requirements for alternative investments.

My amendment is merely a continuation of the investor protection theme of Dodd-Frank. Specifically, investors that lack the necessary capital to absorb the losses that can arise when investing in an Emerging Growth Company.

Moreover, I would note that many qualified institutional investors have a minimum of $1 billion to invest, which simply may not be the case with accredited investors. My sentiments are similar to those expressed by my Democratic colleagues on the Financial Services Committee: that they and Republicans share the desire to create an accessible, robust and efficient capital market for the benefit of small businesses and investors, alike.

I too, expect that as H.R. 3606 moves forward, further refinements will be adopted to ensure that investor protections are not sacrificed.

Again, as my Democratic colleagues on the Financial Services Committee stated:

> H.R. 3606 encourages emerging growth companies (EGCs) to access the public capital markets by temporarily exempting EGCs from some registration procedures, prohibitions on initial public offering (IPO) communications, and independent audits of internal controls over financial reporting, among other exemptions.
>
> Democrats agree in principle that it is important to modernize and improve the ability of a company to raise capital in today's environment, but are concerned H.R. 3606 goes beyond what is necessary at the expense of protecting the investor.

I encourage my colleagues to vote for this consumer and investor-friendly amendment.

Mr. HENSARLING. Mr. Chairman, I yield 1 minute to the gentleman from New Jersey, the chairman of the Capital Markets Subcommittee, Mr. GARRETT.

Mr. GARRETT. So the premise of the legislation is what? As we said before, to try to encourage the smaller growth companies to be able to development their businesses and go on and to eventually to go public. In light of the last conversation we had on the last amendment, we said how do we facilitate doing that? We do that by exchanging information out to the public to be able to share information from research analysts and the like.

Eventually, as was pointed out in the last amendment, we said that eventually at the end of the day you'd get to a prospectus where strict liability would incur and so that the investor would have the adequate information to do so, and they would also have the liability protection afforded to them that you would have with a prospective. All well and good.

Now we come to this amendment, and I have to scratch my head to understand exactly what the proponent of the legislation is trying to do here. Her last comment was that we want to protect who? Well, the less sophisticated investor. Okay, well, let's take a look at that. What are we dealing with here? What we're dealing with here would strike the language that would allow an emerging growth company to underwrite and communicate——

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

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

Mr. GARRETT. To deal with institutions that are accredited investors. Who is it that sets the standards for accredited investors? The SEC. So if your concern is that the level of accredited investors is not sophisticated enough to deal with the purchase of these investments, then your complaint is not with this underlying legislation. Your concern should be directed to who? The entity that sets the standards for that—the SEC.

This legislation basically says that these people who should be involved here are accredited, set by the SEC. They, therefore, by definition are sophisticated investors. That is why we oppose the amendment.

Mr. HENSARLING. Mr. Chairman, how much time do I have remaining?

The Acting CHAIR. The gentleman from Texas has 2 minutes remaining.

Mr. HENSARLING. At this time, I will yield 1½ minutes to the gentleman from Arizona (Mr. SCHWEIKERT).

Mr. SCHWEIKERT. Mr. Chairman, this is also one of those—my understanding is the way the amendment is drafted is this would basically say that an emerging growth company could not, would be prohibited from communicating with accredited investors. Okay. Do we all know, I think, the current definition of accredited investor is $1 million net worth not counting your residence, $200,000 income for, I think, 3 years running. And now we're telling an emerging growth company that that is the population that you're not allowed to talk to?

I appreciate investor protection and protecting the little guy; but at some point when someone is holding $1 million in equity outside their house and they've demonstrated they have $200,000 a year income, I actually think those are the very people I want to be having communications with a growth company, that give-and-take, that information flow. And that's why actually this is a bad amendment, and we need to stand up and oppose it.

Mr. HENSARLING. I yield myself the balance of the time.

I would just say to my friend, the gentlelady from Texas will have to settle for batting .500, as I supported her earlier amendment, but I have to rise in opposition to this one. The very purpose of an accredited investor is to

identify the class of individuals who have greater capacity to handle risk, do not require the enhanced protections. Her amendment would unnecessarily restrict capital formation and consequently job growth. I urge its rejection, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Texas (Ms. JACKSON LEE).

The amendment was rejected.

AMENDMENT NO. 8 OFFERED BY MS. JACKSON LEE OF TEXAS

The Acting CHAIR. It is now in order to consider amendment No. 8 printed in House Report 112–409.

Ms. JACKSON LEE of Texas. 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 15, line 16, strike the quotation mark and final period and after such line insert the following:

(3) ADDITIONAL FILING FEE.—In order to discourage frivolous filings with the Commission, the Commission shall establish a fee that shall apply to any draft registration statement submitted to the Commission for confidential nonpublic review pursuant to paragraph (1).

The Acting CHAIR. Pursuant to House Resolution 572, the gentlewoman from Texas (Ms. JACKSON LEE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Texas.

Ms. JACKSON LEE of Texas. Let me say to my good friend from Texas, I'm going to look forward to working with him on the previous amendment that simply was misconstrued, and we certainly want to respect those who have a million dollars outside their window, but we also want to ensure that we have protection for those less sophisticated investors.

The amendment that I have before me, likewise, has an intent to allow the SEC not to be plagued by frivolous filings. But I want to work with the committee going forward, and so I will not pursue this amendment. And, Mr. Chairman, I'm going to ask unanimous consent to withdraw this amendment No. 8 at this time.

I will conclude by saying I like batting .500, and I will continue to work with this committee on these important issues.

The Acting CHAIR. Without objection, the amendment is withdrawn.

There was no objection.

AMENDMENT NO. 9 OFFERED BY MR. CONNOLLY OF VIRGINIA

The Acting CHAIR. It is now in order to consider amendment No. 9 printed in House Report 112–409.

Mr. CONNOLLY of Virginia. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 19, after line 2, insert the following new section (and conform the table of contents accordingly):

**SEC. 109. STUDY ON THE EFFECTS OF MARKET SPECULATION ON EMERGING GROWTH COMPANIES.**

(a) STUDY.—The Securities and Exchange Commission, in consultation with the Commodity Futures Trading Commission, shall carry out an ongoing study on the ability of emerging growth companies to raise capital utilizing the exemptions provided under this title and the amendments made by this title, in light of—

(1) financial market speculation on domestic oil and gasoline prices; and

(2) business cost increases caused by such speculation.

(b) REPORT.—Not later than the end of the 60-year period beginning on the date of the enactment of this Act, and annually thereafter, the Securities and Exchange Commission shall issue a report to the Congress containing all findings and determinations made in carrying out the study required under subsection (a).

The Acting CHAIR. Pursuant to House Resolution 572, the gentleman from Virginia (Mr. CONNOLLY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Virginia.

Mr. CONNOLLY of Virginia. Mr. Chairman, this important amendment will help small and emerging growth businesses address a significant cost they incur—the rising price of gasoline. According to the National Federation of Independent Businesses, 10 percent of businesses say energy costs are their single largest cost, and 25 percent cite it as the second or third largest.

Although some argue for increased domestic drilling, at best it will take 5 years before new supplies are brought to market and have any effect on the current price of gasoline. Meanwhile, oil companies are producing more oil in America right now than at any point in the last 8 years; but since they're also exporting more oil, consumers aren't realizing the benefits of that production. Approving the Keystone XL pipeline, as some have proposed, actually would make gas prices even worse. The oil company TransCanada said in its pipeline application that Keystone will raise American oil prices by $3 a barrel. The price of a gallon of gasoline has risen 30 cents per gallon in the last month, and we need to drive down prices, not allow them to increase.

There are a number of factors involved in the rapidly increasing price of gasoline; however, one of the significant causes is the proliferation of financial market speculation on oil and gas products. During the last gas price spike, Goldman Sachs estimated that speculation added $27 to the price of a barrel of oil. Just last week, oil State Senator TOM COBURN of Oklahoma told the House Oversight and Government Reform Committee, on which I sit, the speculation is adding 13 to 15 percent to the price of a barrel of oil right now. And citing Goldman Sachs data, a recent Forbes news report said that excessive speculation leads to a 56-cent premium per gallon at the pump.

□ 1740

We cannot have financial institutions bidding up the price of oil solely to further line their own pockets and needlessly drive up cost to consumers. Domestic demand for oil is at its lowest point in the last 15 years, but the price of gasoline is hitting new highs.

The Commodity Futures Trading Commission is working to address oil and gas speculation, but they need to be more aggressive. I joined 44 Members of this House and 23 Senators in sending a letter to the CFTC to exercise its full authority to eliminate excessive speculation, as directed under the recently passed Dodd-Frank Act. This amendment will provide valuable information on how such speculation affects the ability of emerging growth companies to raise capital.

Access to capital remains a challenge for most entrepreneurs, and uncertain and often rising energy costs represent a potential impediment for start-up companies trying to convince prospective investors that they have in fact a competitive business model.

My simple amendment requires the Securities and Exchange Commission, in consultation with the CFTC, to study the effects of oil and gas speculation in financial markets on the ability of emerging growth companies to access capital. This will enable the CFTC to better address such speculation and to better protect the ability of American entrepreneurs to raise the capital necessary to innovate and succeed in the competitive global market.

I urge my colleagues to join me in the simple effort to study the excessive speculation and hopefully reduce energy costs for American innovators and consumers.

With that, I reserve the balance of my time.

Mr. HENSARLING. Mr. Chairman, I rise to claim the time in opposition.

The Acting CHAIR. The gentleman from Texas is recognized for 5 minutes.

Mr. HENSARLING. Mr. Chairman, I have some good news for the gentleman from Virginia. The very issue that he cares to study has already been studied. In January of 2011, Democrat CFTC Commissioner Michael Dunn said:

> To date, CFTC staff has been unable to find any reliable economic analysis to support either the contention that excessive speculation is affecting the markets we regulate or that position limits will prevent excessive speculation. With such a lack of concrete economic evidence, my fear is that, at best, position limits are a cure for a disease that does not exist or at worst a placebo for one that does.

A similar study has been conducted by the Federal Trade Commission.

Mr. Chairman, if we're going to be in the business of conducting studies, perhaps we should study why this administration has had over 3 years to study the Keystone pipeline and still refuses to allow more energy to come to America for Americans. Now, apparently, in a reversal, the President has decided that if the energy can hitchhike from

Canada successfully to the Red River, the northern border of Texas, he'll allow it to get to the refineries on the gulf coast. Otherwise, no energy.

Shouldn't, on the road to American energy independence, we ought to at least go through the road of North American energy independence. These are 20,000 shovel-ready jobs—and I know the administration gets confused at what is a shovel-ready job—but 20,000 shovel ready jobs, and yet it's rejected by this administration. Why? Well, because this is an administration that has essentially declared war on carbon-based industry, thus is trying to increase prices of energy for small businesses, for struggling American families, for hardworking taxpayers. Please don't take my word for it; take the word of the Secretary of Energy, Steven Chu: ''Somehow we have to figure out how to boost the price of gasoline to the levels of Europe.''

Well, again, I've got good news for the administration: they're doing a wonderful job. They have us on the road to increasing energy levels to the price of Europe, and the consequent unemployment that goes with it, and the consequence of having the fewest business start-ups in almost two complete decades. So, the matter that the gentleman cares to study has already been studied. It has already been studied.

I also recall a time when these people were called investors, and we actually welcomed them into the market. I suspect that it is fear of this administration's energy policies that is causing these prices to skyrocket even further. As bad as they are today, people know they're going to be even worse.

So I would urge a rejection of this amendment that takes this bill in the complete opposite direction that it needs to be going.

I reserve the balance of my time.

Mr. CONNOLLY of Virginia. I would inquire of the Chair how much time is left on our side.

The Acting CHAIR. The gentleman has 1½ minutes remaining.

Mr. CONNOLLY of Virginia. Well, I'm saddened, but of course not surprised, that my friend on the other side would not want a simple amendment to study the effect of oil speculation on the price of oil because it doesn't fit the political narrative. So while we're trying to have a very narrow narrative that somehow it's the responsibility of a particular administration in terms of the rise in the price of oil, I think the American consumer and American innovators and American start-up companies and entrepreneurs are actually entitled to know what percentage of the increase in a barrel of oil and at the pump is in fact due to oil speculators and financial institutions that the other side of this House wants to protect.

With respect to the Keystone pipeline—with all due respect to my colleague—it's 5,000 jobs, not 20,000 shovel-ready jobs. The Washington Post did an exhaustive study of the number of jobs that would be created, and they were all temporary. At most, 50 to 60 permanent jobs would be created.

The other thing my friends on the other side of the aisle don't want to talk about about Keystone is that almost all of that oil is going to go to Port Arthur, Texas, for export, not for domestic consumption. If my friends on the other side of the aisle want to contend otherwise, then let's support an amendment right here and now that says that pipeline can be produced and built so long as all of that oil is for domestic consumption.

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

Mr. HENSARLING. Mr. Chairman, how much time do I have remaining?

The Acting CHAIR. The gentleman from Texas has 1½ minutes remaining.

Mr. HENSARLING. In that case, I yield 1 minute to the gentleman from Tennessee (Mr. FINCHER).

Mr. FINCHER. I thank the gentleman from Texas.

It seems like the gentleman's amendment is trying to confuse the recent sharp rise in gas prices with the purpose of this bill, which is to provide emerging growth companies with a temporary break from costly compliance burdens.

It's true that gas prices have been going up, but emerging growth companies are not to blame. I introduced this bill, along with my colleague, Mr. CARNEY, to encourage small business to go public, to have access to more capital, and create more jobs. Job creation is the purpose of this bill, not gas prices.

Rising gas prices is a critical issue, and we would be glad to have the debate some other day. But today we're talking about job creation in the private sector. This is a very important piece of legislation that the President supports. So let's give the power back to the people.

Mr. HENSARLING. Mr. Chairman, I yield myself the balance of my time.

Regrettably, the ranking member is not here because he chose to violate House rules, and his speaking privileges were denied for the rest of the day. But during our committee markup, he said:

> First of all, studies are not done for free by the SEC. Given the current decision to restrict SEC funding, I will be much more careful about burdening them with studies which will inevitably come at the expense of more important duties.

One more reason to oppose the gentleman's amendment.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Virginia (Mr. CONNOLLY).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. CONNOLLY of Virginia. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Virginia will be postponed.

AMENDMENT NO. 10 OFFERED BY MR. MCCARTHY OF CALIFORNIA

The Acting CHAIR. It is now in order to consider amendment No. 10 printed in House Report 112–409.

Mr. MCCARTHY 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:

> Page 19, beginning on line 6, strike ''(a) REMOVAL OF RESTRICTION.—'' and all that follows through line 11 and insert the following:
>
> (a) MODIFICATION OF RULES.—
>
> (1) Not later than 90
>
> Page 19, line 23, insert after the period the following: ''Section 230.506 of title 17, Code of Federal Regulations, as revised pursuant to this section, shall continue to be treated as a regulation issued under section 4(2) of the Securities Act of 1933 (15 U.S.C. 77d(2)).''
>
> Page 19, after line 23, insert the following:
>
> (2) Not later than 90 days after the date of enactment of this Act, the Securities and Exchange Commission shall revise subsection (d)(1) of section 230.144A of title 17, Code of Federal Regulations, to provide that securities sold under such revised exemption may be offered to persons other than qualified institutional buyers, including by means of general solicitation or general advertising, provided that securities are sold only to persons that the seller and any person acting on behalf of the seller reasonably believe is a qualified institutional buyer.
>
> (c) CONSISTENCY IN INTERPRETATION.—Section 4 of the Securities Act of 1933 (15 U.S.C. 77d) is amended—
>
> (1) by striking ''The provisions of section 5'' and inserting ''(a) The provisions of section 5''; and
>
> (2) by adding at the end the following:
>
> ''(b) Offers and sales exempt under section 230.506 of title 17, Code of Federal Regulations (as revised pursuant to section 201 of the Jumpstart Our Business Startups Act) shall not be deemed public offerings under the Federal securities laws as a result of general advertising or general solicitation.''.

The Acting CHAIR. Pursuant to House Resolution 572, the gentleman from California (Mr. MCCARTHY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. MCCARTHY of California. Mr. Chairman, this amendment is designed to make several small changes to make sure the regulation D, rule 506 provision in this bill meets its original intent.

In consultation with the Securities and Exchange Commission and our friends on the other side of the aisle, we identified several areas where the language in the bill could have had some unintended consequences that may have limited the effectiveness of the provision or expanded its reach beyond what we originally intended.

□ 1750

This amendment does three things:

Clarifies that general advertising provision should only apply to Regulation D, rule 506 of the securities offerings;

Protects investors by allowing for general advertising in the secondary sale of these securities, so long as only qualified institutional buyers purchase the securities;

Provides consistency in the interpretation for regulators that general advertising should not cause these private offerings to be considered public offerings.

Our goal with this amendment is to ensure that more small businesses have the opportunity to find the investors they need while preserving investor protections.

Mr. Chairman, as many people know on this floor, I created my first business at age 20. I was fortunate enough to be successful enough to pay my way through college.

Mr. Chairman, if I look today, I don't know if I could start that same small business. Entrance to market is great, access to capital. What our goal to do it in this bill and amendment is to expand that. And as we measure across America, the greatest growth we have is small business.

Mr. Chairman, I was reading the other day, if you looked at the challenge that we have, this current administration and their policies hampering our ability to grow, you look back to the end of the last recession, 2001, you look at the beginning of this recession in 2007, a lot of people in America say that was a time of growth in America, from 2001 to 2007.

Well, if you ever measured who created those jobs, small businesses. Companies under 500 employees added 7 million jobs, and 70 percent of those new 7 million jobs came from companies 5 years old or younger.

But, Mr. Chairman, under this new administration, we're at an all-time low of new start-ups. So we're hopeful, with this new legislation, that that will all change, that the future will be brighter, small businesses will continue to grow, and we'll put America back on the right path.

I reserve the balance of my time.

Mr. CARNEY. I rise to claim time in opposition, though I'm not opposed to the amendment.

The Acting CHAIR. Without objection, the gentleman from Delaware is recognized for 5 minutes.

There was no objection.

Mr. CARNEY. Mr. Chairman, I'd like to first thank the gentleman from California for his amendment and for working with the minority party and the ranking member on the provisions of the amendment. I understand there's support for the amendment on this side of the aisle as well.

I would like to take a minute, if I could, or a couple of minutes, to talk about the Waters amendment, which was discussed a few minutes ago, just to clarify a few points, if I may. Congresswoman WATERS, in committee, raised the concerns about the way information was used during the dot-com boom in the early 2000s, and there were obviously some problems with that.

But I think the RECORD needs to be clear that under our bill, all analyst research for emerging growth companies will remain subject to certain provisions. They will be subject to the Global Research Analyst Settlement, which was a court settlement that resulted from the problems in the early 2000s. This settlement established a comprehensive set of rules that severed the link between investment banking and research activities at large banks.

They will be subject to section 501 of Sarbanes-Oxley, which requires research analysts and broker dealers to disclose all potential conflicts of interest in research reports; they will be subject to Regulation AC, which requires research analysts to personally certify that the views expressed in research reports accurately reflect the research analysts' personal views about the securities, and to disclose whether research analysts were compensated in connection with specific recommendations; and, they would still be subject to stock exchange listing standards.

The point is that the protections against these conflicts that the gentlelady from California is concerned about are preserved under our bill, and we would argue that the amendment is not necessary. In fact, what the amendment would do is it would take away what we think is an advantage to our legislation, which is research that would be available on small emerging growth companies which are not covered currently by certain of these regulations.

So I'd like to just ask my colleagues on both sides of the aisle—obviously, the amendment failed on a voice vote, and I would ask, as the amendment goes to a recorded vote, that my colleagues keep in mind that these protections still exist for investors.

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

Mr. MCCARTHY of California. Mr. Chairman, I urge adoption of the amendment and yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from California (Mr. MCCARTHY).

The amendment was agreed to.

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 112–409 on which further proceedings were postponed, in the following order:

Amendment No. 3 by Mr. HIMES of Connecticut.

Amendment No. 5 by Mr. ELLISON of Minnesota.

Amendment No. 6 by Ms. WATERS of California.

Amendment No. 9 by Mr. CONNOLLY of Virginia.

The Chair will reduce to 2 minutes the minimum time for any electronic vote after the first vote in this series.

AMENDMENT NO. 3 OFFERED BY MR. HIMES

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Connecticut (Mr. HIMES) 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 164, noes 245, not voting 23, as follows:

[Roll No. 103]

AYES—164

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

NOES—245

Adams
Aderholt
Akin
Alexander
Amash
Amodei
Austria
Bachmann
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
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Cardoza
Carney
Carson (IN)
Carter
Cassidy
Chabot
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Costa
Cravaack
Crawford

Crenshaw
Crowley
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)
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
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Kucinich
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
Peters
Petri
Pitts
Platts
Poe (TX)
Polis
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
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
Tipton
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Walsh (IL)
Webster
Welch
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NOT VOTING—23

Bachus
Braley (IA)
Burton (IN)
Carnahan
Cohen
Davis (IL)
Filner
Hinojosa
Kelly
Labrador
Markey
Moore
Paul
Pelosi
Rangel
Roskam
Schmidt
Schrader
Schwartz
Sewell
Tiberi
Visclosky
Woolsey

□ 1822

Messrs. POLIS, BUCSHON, GUINTA and ROKITA changed their vote from ''aye'' to ''no.''

Messrs. HINCHEY and GUTIERREZ changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. FILNER. Mr. Chair, on rollcall 103, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted "aye."

Mr. BRALEY of Iowa. Mr. Chair, during rollcall vote number 103 on Himes amdt. H.R. 3606, I was unavoidably detained. Had I been present, I would have voted "aye."

Stated against:

Mr. KELLY. Mr. Chair, on rollcall No. 103, my voting card would not register. Had I been able to vote, I would have voted "no."

AMENDMENT NO. 5 OFFERED BY MR. ELLISON

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Minnesota (Mr. ELLISON) 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 169, noes 244, not voting 19, as follows:

[Roll No. 104]

AYES—169

Ackerman
Altmire
Andrews
Baca
Baldwin
Barrow
Bass (CA)
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Bonamici
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Carnahan
Carson (IN)
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Conyers
Costello
Courtney
Critz
Crowley
Cuellar
Cummings
Davis (CA)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Duncan (TN)
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Frank (MA)
Fudge
Garamendi
Gonzalez
Green, Al
Green, Gene
Grijalva
Hahn
Hanabusa
Hanna
Hastings (FL)
Heinrich
Higgins
Hinchey
Hirono
Hochul
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Jones
Kaptur
Keating
Kildee
Kissell
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Markey
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Olver
Pallone
Pascrell
Pastor (AZ)
Perlmutter
Peters
Peterson
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
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Sires
Slaughter
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Welch
Wilson (FL)
Yarmuth

NOES—244

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
Cantor
Capito
Cardoza
Carney
Carter
Cassidy
Chabot
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Connolly (VA)
Cooper
Costa
Cravaack
Crawford
Crenshaw
Culberson
Davis (KY)
Dent
DesJarlais
Diaz-Balart
Dold
Dreier
Duffy
Duncan (SC)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Hensarling
Herger
Herrera Beutler
Himes
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jordan
Kelly
Kind
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
Lewis (CA)
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marino
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McKinley
McMorris Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Owens
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
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuler
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
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—19

Cohen
Davis (IL)
Denham
Filner
Gutierrez
Hinojosa
Labrador
Moore
Paul
Pelosi
Rangel
Rush
Schmidt
Schock
Schrader
Schwartz
Shuster
Visclosky
Woolsey

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining.

□ 1826

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. FILNER. Mr. Chair, on rollcall 104, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted "aye."

## PERSONAL EXPLANATION

Ms. SCHWARTZ. Mr. Chair, during rollcall vote number 103 and 104 on Himes and Ellison amendments, I was unavoidably detained. Had I been present, I would have voted "aye."

AMENDMENT NO. 6 OFFERED BY MS. WATERS

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from California (Ms. WATERS) 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 161, noes 259, not voting 12, as follows:

[Roll No. 105]

AYES—161

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

NOES—259

Adams
Aderholt
Akin
Alexander
Altmire
Amash
Amodei
Austria
Bachmann
Bachus
Barletta
Barrow
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Biggert
Bilbray
Bilirakis
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Cardoza
Carney
Carter
Cassidy
Chabot
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Connolly (VA)
Cooper
Costa
Cravaack
Crawford
Crenshaw
Crowley
Cuellar
Culberson
Davis (KY)
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
Garamendi
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
Kind
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Lamborn
Lance
Landry
Lankford
Larsen (WA)
Latham
LaTourette
Latta
Lewis (CA)
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marino
Matheson
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCotter
McHenry
McKeon
McKinley
McMorris Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Owens
Palazzo
Paulsen
Pearce
Pence
Peterson
Petri
Pitts
Platts
Poe (TX)
Polis
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
Schrader
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
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—12

Davis (IL)
Denham
Filner
Hinojosa
Kissell
Labrador
Moore
Paul
Rangel
Schmidt
Visclosky
Woolsey

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining.

□ 1833

Mr. CROWLEY changed his vote from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. FILNER. Mr. Chair, on rollcall 105, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted "aye."

AMENDMENT NO. 9 OFFERED BY MR. CONNOLLY OF VIRGINIA

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Virginia (Mr. CONNOLLY) 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 185, noes 236, not voting 11, as follows:

[Roll No. 106]

AYES—185

Ackerman
Altmire
Andrews
Baca
Baldwin
Barrow
Bass (CA)
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Bonamici
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Burgess
Butterfield
Capps
Capuano
Carnahan
Carson (IN)
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Costello
Courtney
Critz
Crowley
Cummings
Davis (CA)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Fitzpatrick
Fortenberry
Frank (MA)
Fudge
Garamendi
Gerlach
Gibson
Gonzalez
Green, Al
Green, Gene
Griffith (VA)
Grijalva
Gutierrez
Hahn
Hanabusa
Hastings (FL)
Heinrich
Higgins
Hinchey
Hirono
Hochul
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson (OH)
Johnson, E. B.
Jones
Kaptur
Keating
Kildee
Kind
Kissell
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Olver
Owens
Pallone
Pascrell
Pastor (AZ)
Paulsen
Pelosi
Perlmutter
Peters
Pingree (ME)
Platts
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
Sensenbrenner
Serrano
Sewell
Sherman
Sires
Slaughter
Smith (WA)
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Welch
Wilson (FL)
Yarmuth
Young (FL)

NOES—236

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
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Cardoza
Carney
Carter
Cassidy
Chabot
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Cooper
Costa
Cravaack
Crawford
Crenshaw
Cuellar
Culberson
Davis (KY)
Dent
DesJarlais
Diaz-Balart
Dold
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Flake
Fleischmann
Fleming
Flores
Forbes
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gibbs
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Hensarling
Herger
Herrera Beutler
Himes
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
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
Pearce
Pence
Peterson
Petri
Pitts
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
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 (IN)

NOT VOTING—11

Davis (IL)
Denham
Filner
Hinojosa
Labrador
Moore
Paul
Rangel
Schmidt
Visclosky
Woolsey

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining.

□ 1837

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. FILNER. Mr. Chair, on rollcall 106, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted "aye."

Mr. HENSARLING. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. FLEISCHMANN) having assumed the chair, Mr. BISHOP of Utah, 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. 3606) to increase American job creation and economic growth by improving access to the public capital markets for emerging growth companies, had come to no resolution thereon.

## HOUR OF MEETING ON TOMORROW

Mr. HENSARLING. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 10 a.m. tomorrow.

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

There was no objection.

□ 1840

## ARKANSAS CHILDREN'S HOSPITAL: 100 YEARS OF CARE AND SERVICE TO THE COMMUNITY

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

Mr. GRIFFIN of Arkansas. Mr. Speaker, I rise today in honor of Arkansas Children's Hospital, which is celebrating 100 years of service to Arkansas' children and families. Since it was founded in 1912 as an orphanage, Children's has grown to become one of the largest pediatric hospitals in the Nation. Children's is the only Level 1 pediatric trauma center in Arkansas, and they provide care to all 75 counties. For the past 3 years, it has been included in Fortune's 100 Best Companies to Work For.

Medical breakthroughs, intense treatments, unique surgical procedures, and forward thinking have led to Children's international reputation. This is due to Children's more than 4,000 employees.

I congratulate Arkansas Children's Hospital on their contribution to the health and well-being of our children and families, and to Arkansas' economy.

## GAS PRICES

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

Mr. MURPHY of Connecticut. Mr. Speaker, as we do here in Congress every time that gas prices rise, Members from both sides of the aisle are quick to blame each other. The reasons we find ourselves with high gas prices today aren't simple, and we should be wary of anyone who's offering an overly simple, one-stop solution to this crisis. We can take some steps to try to calm these prices today, but the real fixes are going to take years—and a willingness to lower the partisan rhetoric around this issue is going to be part of the equation.

One thing we can do now in the short term is to make sure that our commodities markets are functioning rationally. That means empowering Federal regulators to ensure that oil prices can't be driven simply by financial speculation. We need the Commodities Futures Trading Commission to enforce strong trading limits to police speculation in energy markets, and we here in Congress have to give them the resources they need to do that. The problem we face today isn't one of supply and demand. Demand is at its lowest in 17 years. Supply is at its highest in 3 years. This is a question of making sure that speculation isn't running the price up too fast and too quickly. It's our job to put some speed bumps along the road.

## GAS PRICES

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

Mr. CRAWFORD. Mr. Speaker, as of today, the price for a gallon of regular gasoline in my hometown of Jonesboro, Arkansas, is $3.55. Just a year ago, that same gallon of regular gasoline would have cost $2.96. We've all heard the news reports that gas could hit a record of $5 a gallon this summer. The rising cost of gas not only affects my constituents at the pump, it will also drive up the cost of good and services.

Congress can lower gas prices. We can require approval of the Keystone XL pipeline within 30 days. President Obama's rejection of the Keystone project will hit working families at the pump this summer. The American West is primed for oil shale development to provide oil and natural gas. The U.S. Geological Survey estimates we have the equivalent of more than 1.5 trillion barrels of oil in Colorado, Utah, and Wyoming. That's enough to provide the United States with energy for 200 years.

The Obama administration recently announced plans to restrict offshore drilling. After the BP oil spill, strict regulations were put in place to allow

for safe, responsible drilling. Now we need the Obama administration to lift the ban on drilling.

We are blessed to live in a land with abundant natural resources. We need a Federal Government that will get out of the way so that we can develop those resources. Not only will these projects help American families meet our energy needs, they will also help create thousands of jobs in the process.

## HONORING CAPTAIN ROBERT C. GRANT

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

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I rise today to honor the achievements of Captain Robert C. Grant, who has dedicated his life to serving our Nation and protecting the residents of south Florida. Captain Grant is retiring after a distinguished career with the United States Coast Guard Reserve, where he served as the deputy chief of staff of the Seventh Coast Guard District.

His selfless work has included providing support to Operation Desert Shield and Desert Storm, assisting in relief efforts after the devastating 2010 earthquake in Haiti, and building strong bonds between the Coast Guard and the Cuban and Haitian communities of south Florida through dedicated public outreach.

In his capacity as a congressional liaison, he was instrumental in this body's work on combating maritime smuggling and other threats. He has received numerous military awards and unit citations, and is capping a career that has also included service in the United States Air Force Reserve and the United States Treasury Department.

On a personal note, I can't thank Captain Grant enough for his friendship over the years. I know I speak for my staff as well as the greater south Florida community when I say, Captain Grant, we are all so proud of your career and your accomplishments, and you will be sorely missed. Thank you for your service.

## INCOME TAX REFORM

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from Texas (Mr. BURGESS) is recognized for 60 minutes as the designee of the majority leader.

Mr. BURGESS. Mr. Speaker, here we are 5 weeks from the time that we all have to file our income taxes—April 17 this year. It's 99 years since this House enacted the progressive income tax that we now all know by its familiar names that we all use for it. I thought it might be appropriate to spend some time this evening talking about our Tax Code and talking about what might be possible in fundamental reform of the Tax Code.

I have long been a proponent of what is known as a flat tax. I think that is something that is worthy of this House taking up and debating. There is legislation that has been introduced, H.R. 1040 for people who are keeping score at home, and I think this would be a rational approach for people who want to be treated fairly by the Tax Code—our President does talk about fairness in the Tax Code—and for people who are wanting to get out of the tyranny of having to live with a shoe box full of receipts every spring, because I know this weekend when I go home, I'm going to be spending some time with that shoe box of receipts.

The flat tax is an idea that was promulgated by my predecessor here in this House, the former majority leader, Dick Armey. He wrote a book about the flat tax in 1995. I've read it, I embraced it, and I thought it was some of the smartest economic policy I had ever read because I had just lived through what I described as the Clinton paradox.

In 1993, President Bill Clinton, in his first year of office, earned almost an identical amount of money that I earned in my medical practice back in Texas. Now, when the taxes were filed and the reports were given on how much Mr. Clinton had paid that year, he returned about 20 percent of his income in the taxes that he paid. We had earned an identical amount. When I did the same calculation on myself, it was 32 percent. Why should two people who had an identical earning level pay vastly different amounts on their income tax?

The fundamental unfairness of the system as it existed—better accountant, just simply differences in math, why should it account for that type of discrepancy?

So this is a concept that I came to Congress and wanted to push. I have been anxious for this Congress to enter into the debate on fundamental tax reform. I am somewhat encouraged during the Presidential debates that we've heard over the past several months that Presidential candidates have been talking about fundamental tax reform, and the President himself has mentioned creating increased fairness in the Tax Code.

□ 1850

I'm all for that. I think that this is one way that this House could entertain at least having the debate and perhaps provide a way forward for a more sensible structuring of the payment of income taxes in this country.

I'm so very happy tonight to be joined by another Member. ALLEN WEST of Florida has agreed to speak with us during this hour and share with us his thoughts on fundamental tax reform.

I yield to the gentleman from Florida (Mr. WEST).

Mr. WEST. Well, thank you, my dear colleague, Dr. BURGESS of Texas, for allowing me to be here and talk about the reform of our Tax Code.

When you sit back and you look at the progressive Tax Code system that we have here in the United States of America, we hear a lot of talk today about fairness and fair share and economic equality and shared sacrifice. But one of the things we have to come to understand is, when you look at the top 1 percent of wage earners in the United States of America, they're paying close to 40 percent of the Federal income taxes. When you consider the top 5 percent of wage earners in the United States of America, they're paying close to 58 percent of those Federal income taxes. The top 25 percent of wage earners in the United States of America pay 86 percent of the Federal income taxes.

But of course now we're coming to understand that you have a large percentage of Americans—some say it's between 47 to 49 percent—that are paying absolutely nothing in Federal income taxes. It kind of reminds me, my dear colleague, of that movie, ''Ben-Hur,'' when Judah Ben-Hur was sent off to be on the Roman galleys. Of course the commander came down and he said very simply, ''Row well and live, 41.'' Of course we remember that beating.

Well, what happens on that Roman galley if only 25 percent is rowing? That's the situation that we have here in the United States of America. We will never get to ramming speed. We will never fully recover this economy so that we can have the capital that is necessary out there, so that Americans can be able to pay for these exorbitant gas prices, so that small business owners can expand their business.

So I think that now is the time to do exactly what you are talking about: Look at fundamental Tax Code reform so that we can eliminate things such as the death tax; we can eliminate things such as the dividends tax, which a lot of the seniors that I represent down in south Florida and pre-seniors, they depend upon those dividends. Why are we having these exorbitant taxes upon tax?

So I think that this is a great opportunity to have this conversation. I am so honored that you allowed me to stand here and spend some time with you this evening.

Mr. BURGESS. Well, very good. I hope the gentleman will stick around. I've got a few points I want to make, but at any point you feel like you want to expand upon something, please feel free to join back in.

We often hear the saying that there's nothing in this world that's certain except death and taxes; they're both unavoidable. I will tell you, as a practicing physician for 25 years back in Texas, sometimes death seems a little less complicated than our Tax Code.

But again, I draw your attention to H.R. 1040. This is an optional flat tax bill that I have introduced this year—and really for several Congresses now. It does have a number of cosponsors. We are yet to get to ramming speed, as the gentleman pointed out, but I think

with the additional emphasis that has been placed on fundamental tax reform by the Simpson-Bowles Commission, by the Republican Presidential debates, I think this is a debate in which the American people are anxious to participate.

Here's an interesting quote, and it's so interesting that I had a poster made of it. The tax system is so complicated that even IRS Commissioner Doug Shulman has said, ''I find the Tax Code complex, so I use a preparer.'' Wow, the very guy who's in charge of the whole shindig cannot do his own taxes, so he has to hire it out.

So if this learned individual, who is the IRS Commissioner, cannot figure out how to do his own income taxes without a preparer, how in the world is the average Joe supposed to be able to figure this out? I ask that question because I've used this quote for a couple of years. Then last weekend, in The Dallas Morning News, I was struck by this quote, an article where just a regular small business woman was interviewed about how she could possibly file her income taxes, which she didn't understand. She told The Dallas Morning News reporter:

> I don't care what the IRS says, it's complicated. It's much more confusing than I understand. We don't know what we're going to do.

Now, I don't know what this says to you, but it certainly says to me: Time for a change.

I yield to the gentleman.

Mr. WEST. You bring up a great point, Representative BURGESS. When you look at the fact that we have a Tax Code that is some 67,000 pages—as a matter of fact, the American people know that even some of our colleagues up here on Capitol Hill in this very body, the House of Representatives, have had some issues with the Tax Code, also to include our own Secretary of the Treasury has seemingly had some issues with the Tax Code and the confusing nature of which it exists. So, you're right, I think it's an absolutely important time that we go back and we examine this Tax Code, maybe move away from this progressive Tax Code system and simplify it for the American people.

As you know, if we can bring those rates down, if we can lower the deductions, if we can get rid of a lot of the loopholes on the personal income tax side and also the corporate tax side, think about what we can do for generating economic growth here in America.

Mr. BURGESS. I think the result would be absolutely outstanding. One of my wishes is that I live long enough to see that glorious day when the chains are taken off the American economy, the chains imposed by the Tax Code.

I actually wasn't going to bring up some of our esteemed heads of Federal agencies, even the esteemed heads of congressional committees last year charged with writing the laws that govern what other Americans are having to pay in their taxes. These individuals simply could not comply because it was too complicated. The very individual who was in charge of the committee with writing the tax laws found himself afoul of those same laws. The very head of the U.S. Department of the Treasury found himself afoul of some of the Tax Code because, again, he alleged the complexity in the system.

So the Tax Code has grown by so much since it was introduced some 99 years ago. When it was first created that infamous year, the Tax Code comprised a total of 400 pages. As the gentleman from Florida just mentioned, it has grown to almost 70,000 pages.

Remember, one of the fundamental tenets of the American legal system, including the tax system, is that ''ignorance of the law is no excuse.'' Therefore, theoretically, every single American who is merely trying to comply with the law and get their taxes filed by April 17 this year is required to be familiar with 70,000 pages of tax rules.

Now, I don't do my own taxes. I don't trust myself to do my own taxes. I know I'm not smart enough. With four college degrees, I couldn't possibly handle this. But I doubt that even the tax attorney that I employ at great expense is familiar with all 70,000 pages, let alone the single mom back in Dallas, Texas, that I referenced.

The complexity of the Tax Code is a consequence of countless deductions and exemptions aimed at steering a social agenda. That might surprise some people. The Tax Code is used to steer a social agenda. But it's supposed to be a Tax Code.

So what does that mean?

It means that the special interests are running rampant in the Code. Any time Congress wants to punish or reward—we call it incent behavior—we add either a credit or a tax to the IRS code. An example of this would be the, say, 23 new taxes that were included in the Affordable Care Act.

Let me pause for just a minute. I get a lot of criticism from people who say: You're a doctor. You should have been for health care reform. But the bill that was signed by the President 2 years ago this March was not a health care bill; it was a tax bill.

Now, how do I know that?

I know that because, of course, the House passed its own bill on health reform, but when the Senate passed a bill on health reform, it wasn't the bill the House had worked on. It was not H.R. 3200. H.R. 3200 passed in this house November 9, 2009, and it immediately went to the dustbin of history. The bill that ultimately became the Affordable Care Act was called H.R. 3590, and it passed the Senate famously on Christmas Eve.

Oh, wait a minute. It was the Senate. Why was it a House bill number? Interestingly, H.R. 3590 started life as a housing bill, a bill to deal with veterans housing. It passed this House in July of 2009. I think I voted against it. I honestly don't remember. But H.R. 3590 had not one word about health care; it had not one word about taxes.

□ 1900

It goes over to the Senate, sits in the hopper, gets picked up by the Senate majority leader when he needed a vehicle to put a health care bill through the House. But he knew that it was fundamentally a tax bill and not a health care bill, so it had to originate in the House of Representatives.

So here's a convenient bill number, H.R. 3590. Amend it, strip all the housing language out of it, and then you start putting the health care language in it. That's how we get a health care bill that is really a tax bill passed initially by the Senate and then subsequently ratified by the House in March of 2010.

It was a dreadful process; and for anyone who remembers those days, it was certainly some pretty dark dealing from the bottom of the deck, and that's why the health care bill has been so unpopular. It was unpopular when it passed, and it stays unpopular to this day. And I hope that we are going to be able to get something done about it, if not this year, then next.

But back to the Tax Code. Twenty-three new taxes in the Affordable Care Act because, again, Congress wants to punish their enemies or reward their friends.

Well, how do you figure special interests like ethanol and the special treatment they get in the Tax Code?

The results of these actions is a compilation of laws fraught with opportunities for, yes, avoiding taxes, but also perhaps just simply making a mistake or not understanding all of the loopholes. And all of this, then, comes down to the expense of fellow Americans.

Now, everyone's familiar with the problems of the Tax Code. We all criticize it. It's almost like an American pastime to do that. But here are some interesting facts that further demonstrate why we need fundamental tax reform.

Mr. WEST. And if I can, my colleague.

Mr. BURGESS. I yield to the gentleman from Florida.

Mr. WEST. I'd like to talk about one of the things you just mentioned, how we are using the Tax Code as a weapon for behavior modification. You just brought up exactly one of the things we have to be very concerned about is all of the new taxes that will kick in in the Patient Protection and Affordable Care Act from January 2013 out to January of 2018. One of those taxes even includes a real estate transaction tax.

Now, why would we tax people for going out and selling homes and purchasing homes?

Those are the types of hidden things that you find in that bill, and that's why we need to come back and simplify

this Tax Code so that we don't have politicians using it for a certain ideological agenda.

But there's another unintended consequence that I see occurring down in our district because of this very complicated Tax Code. Now, you have many different shady typed of operators out there that are talking about how they will help prepare that Tax Code.

You know, when you drive by and you see the person spinning the arrow, or dressed up like the Liberty Bell, or something of that nature. And now we're finding that many of these places are rampant with tax fraud, that people are not getting their tax returns back.

Now think about, just as you have recommended, a simplified Tax Code. Think about what is happening with tax fraud that is targeting our seniors so that now you have people that are going trying to file their tax form and they are finding out that someone has already done it under their presumed identity. If we could simplify this, a lot of those unintended consequences would not be happening.

Mr. BURGESS. That's absolutely correct.

Here's a few fun facts that I've compiled over the years on the income tax code. Each year, America spends 6.1 billion hours preparing their tax form. It turns out that's 254 million days. Who knew?

The cost of compliance for Federal taxpayers filling out their returns and related chores was $163 billion in 2008. That's 11 percent of all income tax receipts. Think about that just for a moment. We could have an 11 percent increase in revenue to the Federal Treasury if these costs were not incurred.

The Tax Code has grown so long that it's become challenging even to figure out how long it is. A search of the Tax Code in 2010 turned up 3.8 million words. A 2001 study published by the Joint Commission on Taxation put the number at 1.3 million words. A 2005 report put the number of words had almost tripled since 1975. Such is the pace, the rate, at which new regulations are being added.

A study done in 1998, when the forms were even less complicated, was surveyed by 46 tax experts. They kind of ran some hypothetical numbers on a hypothetical earning, and each expert came up with 46 different answers from 46 tax experts when determining tax liability. The calculations ranged from a low of $34,000 to a high of $68,000. The one who directed the test even stated that his computation is not the only possible correct answer. And yet we are asking our fellow Americans, our fellow citizens, to make this same type of leap of faith every year when they fill out these forms.

They don't want to be non-tax compliant. They don't want to be perhaps afoul of the law. But the problem is it is so complicated that they literally have no choice.

Mr. WEST. One of the pieces of legislation that we are currently considering is how do we spur on capital for our small businesses. Now, think about what you are recommending, Dr. BURGESS, where you look at the personal income tax rate. And right now we have this progressive Tax Code system. What if we were to flat tax that out? One single rate?

Think what that would do for small businesses who operate from that personal income tax rate, subchapter S and LLCs. Think about the fact of how they go from being at the top end, maybe 35, 38 percent of that bracket. Now we bring it down a little bit lower, like you suggest in 1040.

What happens with that capital now we've put back in their pockets? What can they do with those small businesses? What can they do with providing the right types of benefits for their employees? What can they do to expand that business?

That's why what you're bringing up is one of the critical things we have to look at if we are truly going to turn around the economic situation here in America.

Mr. BURGESS. Well, they might spend it on goods and services produced by other Americans, which would help their businesses; or they might reinvest it in their own business and perhaps hire a new person, even with the threat of the health care act hanging over their heads.

The Tax Foundation estimated in 2007 that the average person spends 79 days working to pay their Federal taxes, another 41 days for their State and local taxes. To pay the Federal taxes is more than people pay in health care, housing, and transportation.

You can kind of see the return on investment for those other areas, but I'm not quite sure that people see the return on investment as they're forced to pay their Federal income taxes. We all complain about paying taxes; but the fact is, if the system was fair and simple, it would be easier to take.

Now, Americans don't mind paying for roads. They don't mind paying for a strong defense or for health care. But if the family who lives next door is paying a smaller share of the tax burden than you, living right next door, are forced to pay at a higher rate just because they have a better accountant, that simply doesn't make sense to people.

The Declaration of Independence states that all men are created equal, and I believe that should apply to our Tax Code.

Time is precious. All of us don't have enough time to do all of the things that are in our daily living. We've got to earn a living, raise our family, discipline our kids, spend time with friends.

And then the dollars-and-cents side of the equation, where time is money, valuable resources are squandered navigating the tax laws instead of growing the economy and instead of creating jobs.

Taken together, this is a strong prescription for real change in our Tax Code. And the good news is we know it works. We've seen it before. We caught a glimpse of it in 1986 when Ronald Reagan cut the Code in half. As a result of that reform, the economy grew, revenues increased, jobs were created.

I can't think of a better prescription for our economy than replicating the reform of the Tax Code on an even greater scale.

So what to do? To me, the prescription is very simple. Flatten the tax, broaden the base, shift the burden away from families and small businesses. Simplify the Tax Code and make it easier for businesses and families to use.

Now, even the National Taxpayer Advocate, Nina Olson, repeatedly states simplification of the Tax Code as one of her recommendations to her annual report to Congress. In 2009 she was quoted as saying, the complexity of the Code leads to perverse results. On one hand, taxpayers who honestly seek to comply with the law can make inadvertent errors, causing them to either overpay their tax, or to become the subject of an IRS enforcement action for mistaken payments of tax. On the other hand, sophisticated taxpayers often find loopholes that enable them to reduce or eliminate their tax liability.

Now, look, this is the National Taxpayer Advocate, and she thinks it's best for our constituents if we simplify the system. So it makes sense for Members of Congress to take up that sentiment and work toward that goal.

Mr. WEST, I can assure you your constituents and my constituents already know that.

Mr. WEST. You're absolutely right. Our constituents back in south Florida—and of course we get a lot of email from all across the country, and, hopefully, we'll get some of that email tomorrow after this Special Order—but they understand a single flat rate.

All flat tax proposals have a single rate, and usually that single rate is less than 20 percent. That low flat rate solves the problem of a high marginal tax rate by reducing those penalties against productive behavior such as work and risk-taking and entrepreneurship.

□ 1910

Also, you eliminate a lot of those special preferences because flat tax proposals would eliminate provisions of the Tax Code that bestow preferential tax treatment on certain behaviors and activities. Guess what? It reduces that influence of lobbyists up here that you already talked about.

When you get rid of deductions or lower those deductions, credits, exemptions, and other loopholes, that also helps to solve the problems of complexity, allowing taxpayers to file their tax returns on that one simple form. That's why H.R. 1040 is a great step forward.

Mr. BURGESS. Just a few years ago, a group called American Solutions conducted a nationwide poll on different topics relating to the Tax Code and on taxes and jobs. They crossed gender, ethnicity, economic, and party lines and discovered the following interesting facts about America:

The majority of people in America, 69 percent to 27, think the American tax system is unfair;

A majority believe that the death tax should be abolished, 65 percent;

A majority favor tax incentives for companies who keep their headquarters in the United States of America, 70 to 26;

Taxpayers should be given the option of a single income tax rate of 17 percent;

Taxpayers would still have the option of filing their taxes in the current system if they chose to do so. That was a 61 percent favorable;

The option of a single-rate system should give taxpayers the convenience of filing their taxes on a single sheet of paper. Guess what. That one was 82 percent of our constituents believe, our fellow Americans, believe they should be able to file their Federal income taxes on a single sheet of paper.

America has spoken. The evidence is clear, and we need real change in our tax system. The encouraging news is that we do have a practical and effective blueprint for making this change across the board. The blueprint, of course, is the flat tax.

In 1981, Robert Hall proposed a new and radically simple structure that would transform the Internal Revenue Service and our economy by creating a single rate of taxation for all Americans. Today, several States with their State income taxes have implemented single-rate tax structures for their State income taxes. From Utah to Massachusetts, citizens are seeing the benefit. In Colorado, a single tax rate generated so much income that the revenue—that lawmakers were actually able to reduce rates. In Indiana, the economy boomed after a single rate went into effect in 2003, and the following 3 years the corporate tax receipts rose by 250 percent.

Here in Congress, there is no shortage of champions who've worked on the problem. I've been involved in this for a number of years, but prior to my coming here, Congressman DAVID DREIER of California, the chairman of the Rules Committee, has spent a number of years working on this concept. PAUL RYAN, our budget chairman, PAUL RYAN of Wisconsin, chairman of the Budget Committee, has worked on this problem for a long time. MIKE PENCE of Indiana, who was our conference chair last term, of course my friend ALLEN WEST of Florida, all working to establish a simple tax rate structure for our country.

Other Members are working on this in the Senate as well. And let's be honest: This is a time where Congress is not held in high regard, and this would be a tremendous deliverable for the House and the Senate to work together on simplifying the Tax Code and actually returning not just dollars to the American people, but giving them back their time that we rob from them every year when we enforce compliance with the Tax Code.

Not everyone may agree on precisely where the flat tax rate should be. Seventeen percent, no deductions, is something that's been talked about for some time. I think that is certainly a system that is worthy of study. But if someone else wants to talk about a system with two or three rates or if they want to maintain deductions, we should be able to have that debate. We should have it civilly. It shouldn't be something that we clobber each other over the head about.

But every American should bear this burden equally at the lowest rate possible, and everyone should be able to do their taxes without the help of a professional. People should be confident that when you earn the same income as the person across the street, you pay the same income taxes at the end of that year.

Just by way of comparison, according to the Internal Revenue Service, there are 1.2 million tax professionals preparing taxes during the tax season, which is roughly equal to the population of the State of Hawaii.

There are 950,000 doctors in the United States. Now, as a physician, I think this number is off; it's askew. Healers should not be outnumbered by tax preparers. It makes no sense. More people should go into medicine and less into tax preparation, and it will provide them the simplicity in the Tax Code. Perhaps that can happen.

But let's also be honest. The accountants who do your taxes would much rather be talking to you about your long-term life planning, your planning for your retirement, your planning for covering expenses if you become disabled; they would much rather talk to you about life planning than they would talk to you about how they disrupt your life with the Tax Code.

I yield to the gentleman from Florida.

Mr. WEST. Thank you once again, dear colleague. You bring up a great point when you talk about your after years, your retirement years.

But I think another thing we need to be considering is: How do we spur on investment in the United States of America? How can we spur on innovation and ingenuity? When you look at the flat tax, then you can get rid of double taxation of savings and investment, because flat tax proposals would eliminate the Tax Code bias against capital formation by ending the double taxation of income that is saved and invested.

This means that we get rid of the death tax. We can get rid of capital gains tax. Definitely, we can reduce it. Most importantly, we get rid of the double tax on dividends.

By taxing income only one time, a flat tax is far easier to enforce and more conducive to the one thing that we need in the United States of America right now: job creation and capital formation. It's all about having the right type of tax policies that emanate out of this body, the House of Representatives, and that's why we have to get behind your proposal.

Mr. BURGESS. According to H&R Block, which is one of the major preparers of income taxes in this country, now 60 percent of Americans use some type of preparer for their income tax return, and quite likely that number is going to increase. In 1960, less than a fifth of taxpayers used tax preparers. In 2011, H&R Block garnered $3 billion in tax preparation revenue, up from $1.5 billion, so they doubled in the previous 10 years.

I've got nothing against this company. I think they do a good job. I've got nothing against my own accountant. But it's an indictment of our system when a tax preparer has seen their revenues increase so much, and it really is a shame.

The United States Congress has it within their power to change this, to transform this, and they simply will not do it, and instead they continue to create a system that is so complicated that more than half of the public feel the need to pay someone else just what they owe at the end of the year to Uncle Sam.

I will tell you, it just simply does not have to be this complicated. Let me show you what is possible if we were to transform the system into a simple, single-rate tax.

Here is the form. This is not the long form. It's not the short form. It is simply the tax form. Maybe someone at home should time me, But here you go:

Write in your name, a little bit of identification data, your income, a line for personal exemptions, calculate your deductions from your personal exemptions, your taxable income, and calculate your tax by multiplying by a flat rate, subtract the taxes already withheld, and you're done.

So what did that take? Thirty seconds, a minute if you write slow?

This is not a complicated formula. This is not a complicated scheme, and most people would be able to do this themselves without a lot of outside work or outside preparation. So no more tax preparation bills, no more tax attorney bills. Gone are the hours of stressful research trying to figure out things like how your marital status will affect your return or how many children affect your return. No more headaches in trying to determine where the estimated tax payments go. No more Congress picking one group over another just because they've got a clever lobbyist to advocate on their behalf. Instead, we just deliver a simple system to the American people.

Now, as you have said, a single-rate structure would eliminate the taxes on capital gains, taxes on dividends, taxes

on savings. Those things should only be taxed one time. Personal savings would increase.

□ 1920

I will never forget the time during the prior recession in this country—the savings and loan debacle, the meltdown. I was in solo practice in Texas, and I got worried at one point that I was not going to be able to meet my obligations. As we emerged from that and as cash flow picked up a little bit, I thought, you know, I am going to keep money in certificates of deposit, enough to cover 3 months of operating expenses so that I'll never again have to worry about the dire wolf being at the door. So I did that, and I kept that money there for a couple of years.

What I found out by doing that maneuver is that when that money eventually returned to the partnership and was distributed to the partners, we had paid corporate taxes on it at 38 percent, and then we had paid personal income taxes at 39.6 percent because we were all doing pretty well by that time. Needless to say, my partners were not amused by the fact that I had conjured up a scheme that I had thought would save us from ruin but that, in fact, exposed us to double taxation under the IRS code.

Mr. WEST. You're absolutely right.

When you think about last year, our GDP growth over the four quarters of about .4 percent, 1.0 percent, 1.3 percent, and the revised number in the last quarter of 3 percent, that's why, once again, economists will tell you that the two principal arguments for a flat tax are growth and fairness, which you just brought out.

They are attracted to this idea because the current tax system, with exorbitantly high rates and discriminatory taxation on savings and investment, reduces growth; it destroys jobs and it lowers incomes. A flat tax would not eliminate the damaging impact of taxes altogether; but by dramatically lowering rates and by ending the Tax Code's bias against savings and investment, it would boost our economy's performance, especially when we compare it to the present Tax Code.

I think, Dr. BURGESS, my dear colleague, if you look at where flat taxes have been instituted, you've seen GDP growth in those countries. So what holds us back from doing something that is just common sense?

Mr. BURGESS. The country of Estonia was a case in point a few years ago when they reported on their experience with the flat tax.

I think this is a good system, but do you know what? I am willing to admit to you that I do not know the best for every family in America. Some people would criticize this system by saying, Well, wait a minute. I need that income tax deduction for my home mortgage. I need that income tax deduction for charitable donations. That may be right; but I do know this, that you should have the option of saying, I accept a single flat-rate tax, and I am going to give up those other deductions.

It should be your option. It should not be the United States Congress that is dictating to each and every American what they shall and shall not do. If you have constructed your life by living around the IRS code, then you should be able to continue doing that. If that is the reason by which you've made economic decisions in your life, you should be able to live by those decisions. Congress should not be disruptive in this process.

I, personally, would give up all of the itemized deductions that I keep in order to get rid of having to keep up with those itemized deductions. Would I still give money to charity? Absolutely. Would I still turn stuff over to the Salvation Army and to Goodwill? Absolutely. It's no fun keeping up with those things and then having to report them to my accountant, and I always worry that I've left something off and that I'm not getting all that's owed to me off of my income tax return.

I would so much rather have a system that was simple and with which, within a few hours every spring, I could be done. The United States gets its money. I get the satisfaction of knowing I've done it correctly, that I'm not going to jail for some perceived misconstruction on the Tax Code, and that no others have gotten a better deal than I have because they were more clever about how they declared those charitable deductions, for example.

Let me give you an example of the mortgage tax deduction, because I do have a lot of friends who are in the real estate business, and they're concerned about losing that home mortgage deduction. It's one of the bedrocks on which the economy has been built over the years:

If you have invested in a starter castle in California and if your house payments are largely of interest and not much of principal, you probably don't want to do this because that number is likely very high; but if you live in Fort Worth or San Antonio, Texas, where the average home mortgage is much, much smaller, if you do the numbers, if you run the numbers, you'll find that the amount of money you actually get to keep from that mortgage income tax deduction is actually fairly modest.

I would give that up in a heartbeat to be out from under the tyranny of the shoebox full of receipts, but I fully understand how some families have made the decision. A home is a pretty important investment. After all, I get to write off the cost of the mortgage home deduction, so I will make this investment in this size of a home. It would be wrong for the United States Congress to say, as of next year, you don't get to do that anymore. The real estate market has already suffered, and it would suffer worse if Congress were to make a sudden decision like that.

So make it optional. You can either stay in the Code and keep doing what you've been doing, or you can evolve and come into the promised land of a flat tax and give up that shoebox full of receipts. The important thing here is it's your choice; it's your option.

Now, I will say that once you opt into the flat tax, you can't go back and forth into the Code and out of the Code depending upon what kind of year you have and what kind of investments you make. Once you make the decision to go into the flat tax, there you'll stay. I fully believe that, even though some people might not do as well under a flat tax system, because it is so much simpler and because it returns time to their lives, they will opt for this; and as a consequence, we will see the number of people participating in the IRS Code dwindle down to an ever-smaller number until, one day, it just vanishes under its own weight and the country is completely freed from the tyranny of the IRS Code.

Mr. WEST. You're absolutely right.

I think the most important thing we have to come to understand is that this time belongs to the American people. The money, the resources, belongs to the American people. Let's give them the option to do what is best for them in their lives—the option of going to a flat tax or staying in the current progressive Tax Code system with the options of the mortgage interest tax deduction, the child tax credit, charitable contributions, as we reduce those deductions.

But let's start treating the American people as adults. The key thing that has to accompany this is we have to reduce the size and scope of government as well because, as we start to focus more so on Main Street, as we start to focus more so on the hardworking American taxpayers and what's best for them, then we can have that investment at their level. We can have the growth at their level.

One of the things that really does trouble me is that when you drive around Washington, DC, you see a lot of construction cranes. Business is good up here, which means that there are fewer pockets of the hardworking American workers, that there are fewer pockets of the small business owners; and this is the means by which we unlock that entrepreneurial spirit that will grow this economy.

So that's why I hope that, in this Congress, which is one of the reasons I came here, we do those big reforms that show the American people that we're serious about turning this economy around and that we're serious about creating the right type of policies that set the conditions for job creation.

Mr. BURGESS. Our time here has almost concluded.

The gentleman is exactly right. All of the improvements in the Tax Code really become meaningless if we don't reduce the size and scope and the footprint of the Federal Government. You're right about the cranes that are all over town. But after those buildings

are built, let's be honest in that the money invested in the Federal Government doesn't really produce all that much, does it? We don't make things here during the day other than laws and regulations that interfere with other people's lives. We need to have this government smaller and more manageable.

We talk a lot about transparency, and I think transparency is good. The problem is you have something that is so complex, like the IRS Code, that even though you may have the ability to look inside it, you won't know what you're finding when you get there. If you have a system that's as simple as this, people are able to know what their government is costing them and what they are getting from that bond with the government.

If they didn't like that equation, they could change. They could change their Members of Congress; they could change their Senators; they could change their President. That's the beauty of living in the representational Republic that we all know and love here in the United States of America, and it is the thing that, arguably, has made us great—government with the consent of the governed. Wouldn't it be great if that governed knew just exactly what it was costing them, and then perhaps they could find out where those dollars were going.

I mentioned earlier that Budget Committee Chairman PAUL RYAN has called for broadening the base and lowering the rates. Obviously, I want to work together with him. Ways and Means Chairman DAVID CAMP has promoted the simplification of the Tax Code. The President, himself, through the Bowles-Simpson Commission, talked about it. Whatever the tax proposals are that we look to in the future, we need to remember that a flat-tax system could be less costly, saving the taxpayer over $160 billion a year, reducing tax compliance costs by over 90 percent, with a resulting increase in personal savings.

Here you go. How about a debt-free stimulus package, a gift to the American people, that could have an immediate effect on the American economy. American Solutions looked into this question in 2009: 80 percent of Americans favor an optional one-page tax form with a single rate. Who could complain about making something easier? And we've got 70,000 pages of the Tax Code and more on the way this December when we get through with the so-called ''lame duck session.'' I don't know about you, Mr. WEST, but it scares me half to death to think about what's coming at the end of this year. The current process comes at a cost that's way too high for the American people and that costs way too much time.

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Mr. WEST. Thank you so much to my colleague from Texas, Dr. BURGESS, and I think the seminal argument is this: We're talking about economic freedom for the American people, as opposed to economic dependency upon government. This incredible, exorbitant system that we have, it is complex to the point where it is causing more pain for the American people and causing them to have the freedom that they deserve.

Mr. BURGESS. Mr. Speaker, of course, I know I must direct my comments to you. April 17 is coming up. It's rapidly approaching. I know people are focusing and will begin to focus more and more on this issue for what remains of the month of March and the first couple of weeks of April, because they'll be having to arrange their own taxes, deal with their own shoe boxes full of receipts.

This is the time to make the point that it is time to return time and money to the American people. Let's get behind the flat tax.

I yield back the balance of my time.

## SPEAK OUT FOR WOMEN ACROSS AMERICA

The SPEAKER pro tempore (Mr. FLORES). Under the Speaker's announced policy of January 5, 2011, the gentleman from Illinois (Mr. QUIGLEY) is recognized for 60 minutes as the designee of the minority leader.

Mr. QUIGLEY. Mr. Speaker, it's an honor to be here tonight to speak out for women across America who rely on contraception for their health and well-being. I want to emphasize the world ''health'' because at it's heart that's what this debate is all about.

There has been a great deal of discussion about religion in this debate, but we want to use tonight to remind policymakers and Americans everywhere what's really at stake when we talk about contraception, and that's the health and well-being of millions of women and their families.

Ninety-nine percent of sexually active women have used contraception, including 98 percent of sexually active Catholic women. More than half of women between the ages of 18 and 34 have struggled to afford contraception. It's also important to recognize 28 States already require contraception coverage, and 57 percent of Catholic voters support the new policy requiring contraception coverage.

But today we want to move beyond statistics and tell human stories, the stories of women all across America who rely on contraception for a variety of vital health needs. Tonight I just want to share one of many stories I have received from women in my district. The story I want to share is from a young woman in my district in Chicago named Annalisa. Annalisa was so moved by the story of the young woman from Georgetown who was denied contraception to treat her ovarian cyst, she wrote me this letter:

> I would like to applaud your decision to walk out of the one-sided talk about birth control coverage. I have a similar story to that of the rejected witness' friend.
>
> I had my right ovary removed shortly after I turned 18 due to a large cyst that not only threatened my fertility, but I was told if it grew any larger it could burst and also threaten my life. My left ovary also had multiple smaller cysts, but they were able to be removed while leaving the ovary intact.
>
> My doctor said I was one of the youngest with such a problem, and the cyst was so large it was sent to be researched. Before I was even sexually active I was prescribed birth control pills to preserve my remaining ovary and to take my fertility beyond the age of 18.
>
> It saddens me to no end that some people don't understand the many uses and life-saving abilities of birth control. I hope to be a mother someday, a darned good one, and I thank you for standing up for women like me.

Well, I want to thank Annalisa for her bravery and sharing her story with me and allowing me to share it tonight. But Annalisa is not alone. Her story is the story of thousands of women around the country whose health relies on contraception. We will hear more stories like Annalisa's tonight.

But I hope that the next time we engage in a debate about restricting access to contraception, we remember Annalisa and women like her, and we remember that for thousands of women, contraception is not a question of religion but a question of life and death.

In addition to non-contraception health benefits, the contraception benefits of birth control cannot be understated. The simple fact is millions of women use birth control to delay or avoid pregnancy.

According to the American College of Obstetricians and Gynecologists:

> A full array of family planning services is vital for women's health, especially for the two-thirds of American women of reproductive age who wish to avoid or postpone pregnancy.

Nearly half of all pregnancies in the U.S. are unintended, and unintended pregnancies can have serious health consequences for women. For example, for some women with serious medical conditions such as heart disease, diabetes, and high blood pressure, a pregnancy could be life threatening.

Children born from unintended pregnancies are also at greater risk of poor birth outcomes such as congenital defects, low birth weight, and prematurity. According to the National Commission to Prevent Infant Mortality, 10 percent of infant deaths could be prevented if all pregnancies were planned.

I want to share another story of a young woman named Katy from my home State of Illinois. Katy, like millions of women across the country, currently relies on contraception because she is pursuing her career and wants to do so without getting pregnant. Here's what Katy wrote:

> Birth control is important to me personally because I am a 23-year-old medical student who would be distraught if I became pregnant. Don't get me wrong, I love children and dream of the day that I can become

a mother. That time isn't when I have $81,000 in medical school debt after just 2 years of medical school. That time isn't when I study for most hours of the day. That time isn't when I have no job, and my only source of 'income' is the overpayment checks I receive for my financial aid.

Birth control is important to me because I can't be a mother right now but want to have the option in the future. Birth control gives me the option to retain a somewhat normal intimate life with my partner of 8 years while still protecting my dreams of a future in medicine. That future would be extremely hard to obtain with an infant to care for.

Contraception has transformed our society by allowing women like Katy to take their own health and their own future into their own hands. Women have the power to decide when and how many children to have, which has allowed them to pursue successful careers and enter the workforce like never before.

But in the end, this is not about work versus home life. This is about empowering women to decide for themselves. Birth control lets women choose their own life paths, and that's why it is vital that we protect it.

I also want to remind opponents of contraception coverage that contraception prevents abortion. Nearly half—49 percent—of pregnancies in the U.S. are unintended, and 42 percent of unintended pregnancies end in abortion. Although abortion and contraception are one degree removed, it is easy to see that increased use of contraception will reduce unintended pregnancies and, therefore, reduce abortion rates.

The data shore this up as well. According to a study published in the American Journal of Public Health, the recent decline in pregnancy rates amongst American teens ''appears to be following the patterns observed in other developed countries, where improved contraception use has been the primary determinant of declining rates.''

Teen pregnancy is at a 30-year low, due in large part to increased contraception use. Another recent study found that California's family-planning program averted nearly 300,000 unintended pregnancies, 100,000 abortions and 38,000 miscarriages.

Finally, a Guttmacher Institute study of nationwide family planning programs found similar reports. According to Guttmacher:

Publicly funded contraceptive services and supplies help women in the U.S. avoid nearly 2 million unintended pregnancies each year.

In the absence of such services—from family planning centers and from doctors serving Medicaid patients, estimated U.S. levels of unintended pregnancy, abortion and unintended birth would be nearly two-thirds higher among women overall, and nearly twice as high among poor women.

There can be no denying that contraception prevents abortion. This means abortion opponents should be bolstering contraception programs, not banning them.

We should be able to find common ground on the issue of contraception—a basic health service already utilized by the vast majority of American women.

I hope we can work together to expand important investments in family planning such as title X and Medicaid.

And I hope we can move forward with the important new rule requiring coverage of contraception, to empower women, improve health, save lives, and reduce abortions.

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

## LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. DAVIS of Illinois (at the request of Ms. PELOSI) for today after 4 p.m. and the balance of the week.

Ms. MOORE (at the request of Ms. PELOSI) for today and the balance of the week on account of a family medical emergency.

## SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 1886. An act to prevent trafficking in counterfeit drugs, to the Committee on the Judiciary.

## 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. 4105. An act to apply the countervailing duty provisions of the Tariff Act of 1930 to nonmarket economy countries, and for other purposes.

## ADJOURNMENT

Mr. QUIGLEY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 42 minutes p.m.), under its previous order, the House adjourned until tomorrow, Thursday, March 8, 2012, at 10 a.m.

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

5196. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Indoxacarb; Pesticide Tolerances [EPA-HQ-OPP-2011-0578; FRL-9336-7] received February 7, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5197. A letter from the Secretary, Department of Defense, transmitting Report to Congress on the Review of Laws, Policies and Regulations Restricting the Service of Female Members in the U.S. Armed Forces; to the Committee on Armed Services.

5198. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting a letter regarding special account funds; to the Committee on Energy and Commerce.

5199. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, Joaquin Valley Unified Air Pollution Control District [EPA-R09-OAR-2011-0761; FRL-9501-6] received February 7, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5200. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Air Quality Designations for the 2010 Primary Nitrogen Dioxide (NO2) National Ambient Air Quality Standards [EPA-HQ-OAR-2011-0572; FRL-9624-3] (RIN: 2060-AR06) received February 7, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5201. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval of Air Quality Implementation Plans; Maryland; Preconstruction Permitting Requirements for Electric Generating Stations in Maryland [EPA-R03-OAR-2011-0623; FRL-9628-7] received February 7, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5202. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Alabama, Georgia, and Tennessee: Chattanooga; Particulate Matter 2002 Base year Emissions Inventory [EPA-R04-OAR-2011-0084-201167(a); 9628-2] received February 9, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5203. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of State Plans for Designated Facilities and Pollutants; State of Florida; Control of Large Municipal Waste Combustor (LMWC) Emissions From Existing Facilities; Correction [EPA-R04-OAR-2010-0392(a); FRL-9628-6] received February 7, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5204. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Disapproval and Promulgation of Air Quality Implementation Plans; Montana; Revisions to the Administrative Rules of Montana — Air Quality, Subchapter 7, Exclusion for De Minimis Changes [EPA-R08-OAR-2011-0100; FRL-9495-9] received February 7, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5205. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Modification of Significant New Uses of Tris Carbamoyl Triazine [EPA-HQ-OPPT-2011-0108; FRL-9330-6] (RIN: 2070-AB27) received February 7, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5206. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, California Air Resources Board — Consumer Products [EPA-R09-OAR-2011-0800; FRL-9609-7] received February 7, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5207. A letter from the Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), a six-month periodic report on the national emergency with respect to Lebanon that was declared in Executive Order 13441 of August 1, 2007; to the Committee on Foreign Affairs.

5208. A letter from the Corps of Engineers, Secretary, Mississippi River Commission, Department of Defense, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act covering the calendar year 2011, pursuant to 5 U.S.C. 552b(j); to the Committee on Oversight and Government Reform.

5209. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 19-313, ''Streetscape Reconstruction Temporary Act of 2012''; to the Committee on Oversight and Government Reform.

5210. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 19-314, ''Medical Marijuana Cultivation Center and Dispensary Locations Temporary Amendment Act of 2012''; to the Committee on Oversight and Government Reform.

5211. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 19-315, ''Historic Property Improvement Notification Amendment Act of 2012''; to the Committee on Oversight and Government Reform.

5212. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 19-318, ''Board of Ethics and Government Accountability Establishments and Comprehensive Ethics Reform Amendment Act of 2011''; to the Committee on Oversight and Government Reform.

5213. A letter from the HR Specialist, Office of Navajo and Hopi Indian Relocation, transmitting first annual report on the category rating system as required by 5 U.S.C., Section 3319(d); to the Committee on Oversight and Government Reform.

5214. A letter from the Secretary, Department of Transporation, transmitting the Department's report of obligations and unobligated balances of funds provided for Federal-aid highways and safety construction programs for Fiscal Year 2010 as of September 30, 2010; to the Committee on Transportation and Infrastructure.

5215. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Airplanes [Docket No.: FAA-2011-0717; Directorate Identifier 2010-NM-108-AD; Amendment 39-16869; AD 2011-24-05] (RIN: 2120-AA64) received February 16, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5216. A letter from the Assistant U.S. Trade Representative for WTO and Multilateral Affairs, Office of the United States Trade Representative, transmitting the Administration's Annual Report on Subsidies Enforcement, pursuant to the Statement of Administrative Action of the Uruguay Round Agreements Act; to the Committee on 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. SOUTHERLAND:

H.R. 4150. A bill to remove from the John H. Chafee Coastal Barrier Resources System the areas included in Indian Peninsula Unit FL-92 and Cape San Blas Unit P-30 in Florida; to the Committee on Natural Resources.

By Mr. SOUTHERLAND:

H.R. 4151. A bill to provide for the conveyance of a small parcel of Bureau of Prisons land in Leon County, Florida; to the Committee on the Judiciary.

By Mr. CUMMINGS (for himself, Mr. MORAN, Ms. NORTON, Mr. LYNCH, and Mr. CONNOLLY of Virginia):

H.R. 4152. A bill to amend the provisions of title 5, United States Code, which are commonly referred to as the ''Hatch Act'' to eliminate the provision preventing certain State and local employees from seeking elective office, clarify the application of certain provisions to the District of Columbia, and modify the penalties which may be imposed for certain violations under subchapter III of chapter 73 of that title; to the Committee on Oversight and Government Reform.

By Mr. GOODLATTE (for himself and Mr. HOLDEN):

H.R. 4153. A bill to support efforts to reduce pollution of the Chesapeake Bay watershed, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committees on Agriculture, and Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BOREN (for himself, Mr. COLE, Ms. MCCOLLUM, Mr. INSLEE, and Mr. KILDEE):

H.R. 4154. A bill to decrease the incidence of violent crimes against Indian women, to strengthen the capacity of Indian tribes to exercise the sovereign authority of Indian tribes to respond to violent crimes committed against Indian women, and to ensure that perpetrators of violent crimes committed against Indian women are held accountable for that criminal behavior, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Natural Resources, 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. DENHAM (for himself and Mr. WALZ of Minnesota):

H.R. 4155. A bill to direct the head of each Federal department and agency to treat relevant military training as sufficient to satisfy training or certification requirements for Federal licenses; to the Committee on Oversight and Government Reform.

By Mr. MARKEY (for himself, Mr. MARINO, and Mr. STEARNS):

H.R. 4156. A bill to amend the Federal Food, Drug, and Cosmetic Act to strengthen the ability of the Food and Drug Administration to seek advice from external experts regarding rare diseases, the burden of rare diseases, and the unmet medical needs of individuals with rare diseases; to the Committee on Energy and Commerce.

By Mr. LATHAM (for himself and Mr. BOREN):

H.R. 4157. A bill to prohibit the Secretary of Labor from finalizing a proposed rule under the Fair Labor Standards Act of 1938 relating to child labor; to the Committee on Education and the Workforce.

By Mr. HALL (for himself, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. SMITH of Texas, Mr. SENSENBRENNER, Mr. LUCAS, Mr. ROHRABACHER, Mr. COSTELLO, Ms. FUDGE, Mr. ADERHOLT, Mr. PALAZZO, Mr. BROOKS, Mr. OLSON, Mr. HULTGREN, Mr. BENISHEK, Mr. LIPINSKI, Mrs. ADAMS, Mr. POSEY, Mr. RIGELL, and Mr. CLARKE of Michigan):

H.R. 4158. A bill to confirm full ownership rights for certain United States astronauts to artifacts from the astronauts' space missions; to the Committee on Science, Space, and Technology.

By Mr. DEFAZIO:

H.R. 4159. A bill to increase the employment of Americans by requiring State workforce agencies to certify that employers are actively recruiting Americans and that Americans are not qualified or available to fill the positions that the employer wants to fill with H-2B nonimmigrants; to the Committee on the Judiciary.

By Mr. ROKITA (for himself, Mr. HUELSKAMP, Mr. BROUN of Georgia, and Mr. JORDAN):

H.R. 4160. A bill to amend the Social Security Act to replace the Medicaid program and the Children's Health Insurance program with a block grant to the States, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, Education and the Workforce, the Judiciary, Natural Resources, House Administration, Rules, and Appropriations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GRIJALVA:

H.R. 4161. A bill to amend title 39, United States Code, to provide that the United States Postal Service may not close or consolidate any postal facility located in a ZIP code with a high rate of population growth, and for other purposes; to the Committee on Oversight and Government Reform.

By Mrs. MILLER of Michigan:

H.R. 4162. A bill to amend the Food Security Act of 1985 to require the Secretary of Agriculture to establish a Great Lakes basin initiative for agricultural nonpoint source pollution prevention; to the Committee on Agriculture.

By Mr. GARY G. MILLER of California (for himself and Mr. SHERMAN):

H.R. 4163. A bill to amend certain provisions of the Truth in Lending Act related to the compensation of mortgage originators, and for other purposes; to the Committee on Financial Services.

By Mr. YOUNG of Alaska (for himself and Mr. LOEBSACK):

H.R. 4164. A bill to amend title 10, United States Code, to authorize space-available travel on military aircraft for members of the reserve components, a member or former member of a reserve component who is eligible for retired pay but for age, widows and widowers of retired members, and dependents; to the Committee on Armed Services.

By Mr. JONES:

H. Con. Res. 107. Concurrent resolution expressing the sense of Congress that the use of offensive military force by a President without prior and clear authorization of an Act of Congress constitutes an impeachable high crime and misdemeanor under Article II, section 4 of the Constitution; to the Committee on the Judiciary.

By Mr. KILDEE (for himself, Ms. DELAURO, Ms. FUDGE, and Ms. WOOLSEY):

H. Res. 574. A resolution expressing support for designation of the week of March 12, 2012, through March 16, 2012, as National Young Audiences Week; to the Committee on Education and the Workforce.

By Mr. JONES:

H. Res. 575. A resolution amending the Rules of the House of Representatives to observe a moment of silence in the House on the first legislative day of each month for those killed or wounded in the United States engagement in Afghanistan; to the Committee on Rules.

By Mr. MCGOVERN (for himself, Mr. SMITH of New Jersey, Mr. ELLISON, Mr. WOLF, Mr. MORAN, and Mr. PITTS):

H. Res. 576. A resolution expressing the sense of the House of Representatives that the Government of the People's Republic of China has violated internationally recognized human rights by implementing severe restrictions on the rights of Uyghurs to freely associate and engage in religious and political speech, subjecting detained Uyghurs to torture and forced confessions, carrying out extrajudicial killings against Uyghur dissidents, and pressuring other governments to unlawfully return Uyghurs to China, where they face mistreatment and persecution; to the Committee on Foreign Affairs.

By Mr. UPTON:

H. Res. 577. A resolution recognizing the service of the Gold Star Dads of America, a nonprofit organization consisting of the fathers of members of the Armed Forces who make the ultimate sacrifice in defense of the United States; to the Committee on Armed Services.

## MEMORIALS

Under clause 4 of rule XXII,

181. The SPEAKER presented a memorial of the House of Representatives of the State of South Carolina, relative to a Concurrent Resolution memorializing the Congress to designate in South Carolina the Southern Campaign of the Revolution as a National Heritage Area; to the Committee on Natural Resources.

## 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. SOUTHERLAND:

H.R. 4150.

Congress has the power to enact this legislation pursuant to the following:

Article IV, section 3 of the Constitution of the United States grants Congress the authority to enact this bill.

(The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States; and nothing in this Constitution shall be so construed as to Prejudice any Claims of the United States, or of any particular State.)

By Mr. SOUTHERLAND:

H.R. 4151.

Congress has the power to enact this legislation pursuant to the following:

Article IV, section 3 of the Constitution of the United States grants Congress the authority to enact this bill.

(The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States; and nothing in this Constitution shall be so construed as to Prejudice any Claims of the United States, or of any particular State.

By Mr. CUMMINGS:

H.R. 4152.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 18 of the Constitution of the United States grants the Congress the power to enact this law.

By Mr. GOODLATTE:

H.R. 4153.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3 of the Constitution of the United States. This clause allows Congress to regulate interstate commerce. In this case, this legislation is necessary to reduce burdens on interstate commerce.

By Mr. BOREN:

H.R. 4154.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8 of the Constitution.

By Mr. DENHAM:

H.R. 4155.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8 of the Constitution of the United States.

By Mr. MARKEY:

H.R. 4156.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8.

By Mr. LATHAM:

H.R. 4157.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 1; and Article I, Section 8 of the United States Constitution.

By Mr. HALL:

H.R. 4158.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 18

By Mr. DEFAZIO:

H.R. 4159.

Congress has the power to enact this legislation pursuant to the following:

Article I Section 8. Clause 4. The Congress shall have Power * * * To establish an uniform Rule of Naturalization, and uniform Laws on the subject of Bankruptcies throughout the United States.

By Mr. ROKITA:

H.R. 4160.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 [the Spending Clause] of the United States Constitution states that 'The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay for Debts and provide for the common Defence and general Welfare of the United States.' This bill restores the proper balance of power between the federal and state governments as intended under the 10th Amendment to the Constitution by devolving the responsibility of providing health care assistance for low income citizens to the states. It reinforces the founding constitutional principle that state governments are properly situated with attending to their citizens' health, safety, and general welfare.''

By Mr. GRIJALVA:

H.R. 4161.

Congress has the power to enact this legislation pursuant to the following:

U.S. Const. art. I, §§1 and 8.

By Mrs. MILLER of Michigan:

H.R. 4162.

Congress has the power to enact this legislation pursuant to the following:

Clause 1 of Section 8 of Article I of the United States Constitution.

By Mr. GARY G. MILLER of California:

H.R. 4163.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3

By Mr. YOUNG of Alaska:

H.R. 4164.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 14

To make Rules for the Government and Regulation of the land and naval Forces.

## ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 23: Mrs. CAPPS.

H.R. 104: Mr. LATTA and Ms. WASSERMAN SCHULTZ.

H.R. 324: Mr. GUTIERREZ and Mr. PLATTS.

H.R. 327: Mr. GUTIERREZ.

H.R. 329: Mr. BOREN.

H.R. 374: Mr. ROONEY.

H.R. 625: Mr. MCCAUL.

H.R. 683: Mr. SCOTT of Virginia.

H.R. 718: Mr. INSLEE, Mr. BISHOP of New York, and Mr. CRITZ.

H.R. 719: Mr. CHABOT, Mr. CARNEY, Mr. ROSS of Florida, Mr. BISHOP of Utah, Mr. MATHESON, Mr. PETERS, Mr. TURNER of New York, Mr. THOMPSON of Pennsylvania, Ms. EDWARDS, Mrs. CHRISTENSEN, Mr. NEAL, Mr. WOMACK, Ms. BONAMICI, Mr. COURTNEY, Mr. GRAVES of Missouri, Mr. PETRI, Mr. REYES, Mr. GERLACH, Mr. SIRES, Mr. PENCE, Mr. REED, Mr. KIND, Mr. JACKSON of Illinois, Mr. YOUNG of Florida, Mr. YOUNG of Indiana, Ms. WASSERMAN SCHULTZ, Mr. LATTA, Mrs. BLACKBURN, Mr. BASS of New Hampshire, and Mr. AMODEI.

H.R. 733: Ms. HAYWORTH.

H.R. 780: Mr. TONKO.

H.R. 807: Mr. HONDA.

H.R. 854: Ms. HAYWORTH and Ms. SPEIER.

H.R. 860: Mr. DAVIS of Kentucky.

H.R. 870: Mr. FATTAH, Mr. MCDERMOTT, and Mr. HOLT.

H.R. 885: Mr. HINOJOSA.

H.R. 891: Mr. SHIMKUS.

H.R. 931: Mr. AUSTIN SCOTT of Georgia, Mr. PALAZZO, Mr. UPTON, and Mr. GOWDY.

H.R. 941: Mr. MORAN, Mr. MCDERMOTT, Mr. BRALEY of Iowa, Ms. NORTON, Mr. BARTLETT, Mr. MCGOVERN, Mr. FITZPATRICK, and Mr. RAHALL.

H.R. 964: Mr. MICHAUD.

H.R. 1041: Mr. MCCOTTER.

H.R. 1112: Mr. LATTA.

H.R. 1179: Mr. BARROW.

H.R. 1193: Mr. COURTNEY.

H.R. 1208: Mr. CONNOLLY of Virginia.

H.R. 1236: Mr. AMODEI.

H.R. 1330: Mr. GRIJALVA.

H.R. 1340: Mr. ROHRABACHER and Mr. NUNNELEE.

H.R. 1360: Mr. COURTNEY, Mr. MCGOVERN, and Mr. PETERS.

H.R. 1370: Mr. HECK.

H.R. 1410: Mr. CONNOLLY of Virginia, Mr. SHERMAN, and Mr. BURTON of Indiana.

H.R. 1589: Mr. RANGEL.

H.R. 1612: Mr. CHANDLER and Ms. SPEIER.

H.R. 1639: Mr. GRIMM, Mr. LUETKEMEYER, and Mr. FARENTHOLD.

H.R. 1842: Mr. OLVER.

H.R. 1867: Mr. HULTGREN.

H.R. 1895: Ms. SPEIER.

H.R. 1955: Ms. ZOE LOFGREN of California.

H.R. 1960: Mr. KING of Iowa.

H.R. 2086: Mr. GUTIERREZ and Mr. PASCRELL.

H.R. 2102: Ms. ESHOO.

H.R. 2104: Mr. GUTIERREZ.

H.R. 2106: Mr. BERMAN and Mr. SMITH of New Jersey.

H.R. 2123: Mr. CRITZ.

H.R. 2124: Mr. GUTHRIE.

H.R. 2168: Mr. GRIJALVA.

H.R. 2195: Mr. LOEBSACK.

H.R. 2222: Mr. VISCLOSKY.

H.R. 2239: Ms. MOORE and Ms. HAYWORTH.

H.R. 2245: Mr. BUCSHON.

H.R. 2325: Mr. BRADY of Pennsylvania.

H.R. 2418: Mr. LATTA.

H.R. 2429: Mr. LATHAM.

H.R. 2485: Mr. TONKO.

H.R. 2543: Mr. PRICE of North Carolina.

H.R. 2595: Mr. ROSS of Arkansas.

H.R. 2600: Mr. ANDREWS and Mr. CRITZ.

H.R. 2649: Mr. BACA, Mr. CULBERSON, and Mr. QUIGLEY.
H.R. 2688: Ms. SCHAKOWSKY.
H.R. 2696: Mr. WITTMAN.
H.R. 2697: Mr. SCHWEIKERT and Mr. CARNAHAN.
H.R. 2828: Mr. RAHALL.
H.R. 2978: Mr. HERGER, Mr. WOMACK, and Mr. ROONEY.
H.R. 3032: Mr. MCCOTTER.
H.R. 3039: Mr. QUIGLEY.
H.R. 3059: Mrs. ADAMS.
H.R. 3086: Ms. PINGREE of Maine, Mr. MICHAUD, and Mr. COBLE.
H.R. 3145: Ms. EDWARDS.
H.R. 3167: Mr. FITZPATRICK and Mr. PLATTS.
H.R. 3187: Mrs. DAVIS of California, Mrs. BLACKBURN, Mr. BISHOP of Georgia, and Mr. THOMPSON of Pennsylvania.
H.R. 3264: Mr. RIBBLE and Mr. BURTON of Indiana.
H.R. 3339: Mr. TURNER of Ohio.
H.R. 3364: Mr. ROSS of Florida.
H.R. 3399: Mr. SCHRADER, Mr. BARROW, Mr. MICHAUD, Mr. CARDOZA, and Ms. LORETTA SANCHEZ of California.
H.R. 3418: Ms. LEE of California.
H.R. 3497: Mr. ROSKAM.
H.R. 3589: Mr. WOLF.
H.R. 3591: Mr. BLUMENAUER.
H.R. 3616: Mr. KLINE.
H.R. 3618: Mr. STARK.
H.R. 3635: Mr. OLVER and Mr. LEWIS of Georgia.
H.R. 3646: Mr. GRIJALVA.
H.R. 3681: Mr. CARNEY.
H.R. 3684: Ms. HAYWORTH.
H.R. 3783: Mr. SMITH of New Jersey.
H.R. 3803: Mr. GIBBS, Mr. BILIRAKIS, Mr. POSEY, Mr. SHIMKUS, Mrs. MCMORRIS RODGERS, Mrs. NOEM, Mr. MARINO, and Mr. UPTON.
H.R. 3808: Mr. POE of Texas.
H.R. 3839: Ms. BORDALLO, Ms. HAHN, Mr. OWENS, Mr. ROONEY, and Mr. BURTON of Indiana.
H.R. 3855: Mr. SMITH of Washington.
H.R. 3894: Mr. QUIGLEY, Ms. LEE of California, Mr. LIPINSKI, and Mr. RANGEL.
H.R. 3895: Mr. AMODEI, Mr. RANGEL, and Mr. RUNYAN.
H.R. 3980: Mr. TIPTON and Mrs. ELLMERS.
H.R. 3981: Mr. MILLER of Florida.
H.R. 3982: Mr. JONES.
H.R. 3985: Mr. HANNA and Mr. WEST.
H.R. 3993: Mr. MILLER of Florida.
H.R. 4018: Mr. POE of Texas.
H.R. 4032: Mr. RANGEL, Mr. ELLISON, and Mr. DENT.
H.R. 4036: Mr. LATOURETTE.
H.R. 4038: Ms. BROWN of Florida.
H.R. 4040: Mrs. BIGGERT, Mr. BUCSHON, Mr. BUTTERFIELD, Mrs. CAPITO, Mr. CLEAVER, Ms. DEGETTE, Mr. GIBSON, Mr. AL GREEN of Texas, Mr. GRIMM, Mr. HASTINGS of Washington, Ms. HAYWORTH, Mr. HENSARLING, Mr. HIGGINS, Mr. HIMES, Mr. SAM JOHNSON of Texas, Mr. KINGSTON, Mr. KINZINGER of Illinois, Mr. LUETKEMEYER, Mrs. LUMMIS, Mr. MATHESON, Mr. MCHENRY, Mr. MICHAUD, Mr. NEUGEBAUER, Mr. PAULSEN, Mr. PENCE, Mr. PETERS, Mr. PLATTS, Mr. POSEY, Mr. RENACCI, Ms. ROS-LEHTINEN, Mr. ROSS of Florida, Mr. SCALISE, Mr. DAVID SCOTT of Georgia, Mr. THOMPSON of California, Mr. WAXMAN, and Mr. WEBSTER.
H.R. 4063: Ms. MCCOLLUM.
H.R. 4070: Mr. NUGENT, Mr. MCCOTTER, and Mrs. BLACK.
H.R. 4077: Mr. POE of Texas.
H.R. 4080: Mr. MEEKS.
H.R. 4084: Mr. HONDA.
H.R. 4095: Mrs. BONO MACK, Mr. WHITFIELD, Mr. LANCE, Mrs. MYRICK, Mr. GRIFFITH of Virginia, Mr. KINZINGER of Illinois, and Mr. GINGREY of Georgia.
H.R. 4110: Mr. LONG.
H.R. 4126: Ms. LEE of California, Ms. BROWN of Florida, Ms. CLARKE of New York, and Mr. PETERS.
H.R. 4128: Mr. NUNNELEE.
H.R. 4133: Mr. COOPER, Mr. LANCE, Mr. GALLEGLY, Mr. BACA, Mr. BACHUS, Mr. HOLDEN, Mr. GOWDY, Mr. MCHENRY, Mr. NUGENT, Mr. SCHOCK, Mr. LOBIONDO, Mr. DOLD, Mr. LAMBORN, Mr. RIVERA, Mr. MATHESON, Mr. RANGEL, Mr. ACKERMAN, Ms. BERKLEY, Mr. BOREN, Mr. BRADY of Pennsylvania, Ms. BROWN of Florida, Mr. COSTA, Mr. DEUTCH, Ms. DEGETTE, Mr. GENE GREEN of Texas, Mr. HIGGINS, Mr. KEATING, Mr. KISSELL, Mr. LARSEN of Washington, Mr. LARSON of Connecticut, Mrs. MALONEY, Mr. NEAL, Ms. NORTON, Mr. PIERLUISI, Mr. POLIS, Mr. REYES, Mr. RYAN of Ohio, Mr. ROTHMAN of New Jersey, Mr. SARBANES, and Mr. TOWNS.
H.R. 4134: Mr. CROWLEY.
H.J. Res. 45: Mr. JONES.
H.J. Res. 103: Mrs. ADAMS, Mr. UPTON, and Mrs. NOEM.
H. Con. Res. 87: Ms. NORTON, Mr. JOHNSON of Ohio, Mr. NUGENT, and Mr. NEAL.
H. Res. 25: Mr. MCKEON, Mr. ROGERS of Michigan, and Ms. LINDA T. SÁNCHEZ of California.
H. Res. 271: Mr. CHABOT.
H. Res. 503: Mr. BILIRAKIS and Mr. AUSTIN SCOTT of Georgia.
H. Res. 560: Mr. BOSWELL, Mr. LEVIN, Mr. GRIJALVA, Mr. LANGEVIN, Ms. NORTON, Ms. MOORE, Mrs. MALONEY, Mr. CONYERS, Mr. GUTIERREZ, Mr. NEAL, and Mr. LEWIS of Georgia.
H. Res. 568: Mr. HARRIS, Mr. BISHOP of Utah, Mr. DIAZ-BALART, Mr. MATHESON, Ms. FOXX, Mr. KLINE, Mr. BRADY of Texas, Mr. SENSENBRENNER, Mr. ROE of Tennessee, Mr. KING of Iowa, Mr. UPTON, Mr. ROHRABACHER, Mr. KING of New York, Mr. CALVERT, Mr. RYAN of Ohio, Mr. CARDOZA, Mr. KILDEE, Ms. HAYWORTH, Mr. BOREN, Mr. LAMBORN, Mrs. LUMMIS, Mr. RANGEL, Ms. BASS of California, Mr. GOODLATTE, Mr. HERGER, and Mr. CRAWFORD.

## PETITIONS, ETC.

Under clause 3 of rule XII,

37. The SPEAKER presented a petition of City of Fort Myers, Florida, relative to Resolution No. 2012–2 urging the Congress to support funding of the Community Development Block Grant Program; which was referred to the Committee on Financial Services.

United States of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 112th CONGRESS, SECOND SESSION

Vol. 158 WASHINGTON, WEDNESDAY, MARCH 7, 2012 No. 37

# Senate

The Senate met at 10 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.

Lord, God, omnipotent, You are above all nations. Take our lives and use them for Your purposes. Cleanse our hearts, forgive our sins, and amend our ways as Your transforming grace changes our lives.

Today, make our Senators true servants of Your will. In these challenging times, give them the wisdom to labor for justice, to love mercy, and to walk humbly with You. Keep their minds and spirits steady as they strive to do Your will.

We pray in Your sovereign Name. Amen.

## PLEDGE OF ALLEGIANCE

The Honorable KIRSTEN E. GILLIBRAND led the Pledge of Allegiance, as follows:

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

## APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUYE).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
*Washington, DC, March 7, 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 morning business for 1 hour. Republicans will be in control of the first half, Democrats the final half. Following morning business, the Senate will resume consideration of the surface transportation act.

ORDER OF PROCEDURE

I ask unanimous consent that there be a recess at 5 p.m. and that be extended until 6:30 p.m. to accommodate Senators on the briefing.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. Madam President, we are having a briefing this evening at the request of Senator MIKULSKI, who is a long-term member of the Intelligence Committee, to have an actual demonstration of why we need to pass the cybersecurity bill. All Senators should be there, and that is why we asked for the recess.

## BLOODY SUNDAY

Mr. REID. Madam President, 47 years ago today a group of 600 freedom-loving men and women set out on a march from Selma, AL, to Montgomery, AL. The purpose of the march was to call for an end to discrimination and violence against African Americans. Among those peaceful protesters was a young man by the name of JOHN LEWIS, now Congressman JOHN LEWIS. His life has been one of truly a great civil rights leader, outstanding legislator, and a patriot beyond excellence.

Only 6 blocks from the church where the march began, they were met at Edmund Pettus Bridge by police dogs, firehoses, and clubs. The terrible violence that day, known as Bloody Sunday, was broadcast across the country.

March 1965 marked a turning point in the civil rights movement, as Americans cried out against the injustice and bloodshed they saw on television. Later that month about 25,000 courageous souls finally completed that 12-mile march from Selma to Montgomery that started on Bloody Sunday, and 6 months later President Lyndon Johnson signed the Voting Rights Act of 1965.

A year ago I was privileged to lock arms with Congressman JOHN LEWIS and Congressman Jim Claiborne, two men whom I admire deeply, as we reenacted the march across the Edmund Pettus Bridge. It was really a humbling experience as JOHN LEWIS, with throngs of people—but we were together—explained to me what he remembered from that day:

As we were starting up the bridge there was a drug store that doesn't exist anymore, but a lot of whites were gathered there. They were, of course, up to mischief.

JOHN LEWIS had on his back a backpack—they were not very common in those days—he had a backpack on his back. He thought perhaps he would be arrested, as he had been many times, and he would have something to read while he was in jail. He had a book and an apple in that backpack, but, of course, he was beaten very badly, and no one will ever know what happened to the backpack and the apple and the book.

It was really a humbling experience—I repeat, one I will never forget. On this day, I think we should all pause to

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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think that, while we have come a long way, we have a long way to go to make sure we have civil rights for everyone in America.

THE HIGHWAY BILL

Madam President, we were disappointed, as I indicated yesterday, at not being able to invoke cloture on this highway bill. I was satisfied yesterday that the Speaker of the House indicated that he thought the best thing to do, at least as I read the reports, would be to take the Senate version of a bill, if we can figure out a way to pass one, and then they would use that—he would bring it to the floor for a vote. I hope that is the case. The press doesn't always get things right, but I hope in this case they did.

Senator MCCONNELL's staff and my staff are exchanging paper as we speak. I hope we can work our way through this bill. I think it is unfortunate that we are going to have to have votes on a number of amendments that have nothing to do with this underlying piece of legislation.

This is one thing the American people really do not like. At our townhall meetings, our visitations with people throughout our States, I have come to the realization that they hate what they call riders—things that have nothing to do with bills. The Senate rules allow them in most instances, so if it takes this to get this bill done, then we will have to move forward in that way. I hope we can do that. As I said, we are going to exchange paper, and I hope both sides will react positively. I am confident we will over here, and I hope we can work something out.

## RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

## GAS PRICES

Mr. MCCONNELL. Madam President, last week I came to the Senate floor to speak out on an issue that is on the minds of a lot of Americans these days: the rising cost of gas at the pump and how the administration's policies are actually making matters worse.

The President may try to take credit for production gains that are entirely the work of others, but more to the point is the fact that production is up on private lands and down on Federal lands. The property the President and the Interior Secretary actually manage is the property upon which production is down.

In fact, when it comes to the rising cost of gas at the pump, it is my view that the administration's policies are actually designed to a purpose: to bring about higher gas prices. That is a view which should not be the least bit controversial given the fact that the President's own Energy Secretary has suggested on a couple of occasions now that his goal certainly is not to drive gas prices down.

For the President's part, he often says that Americans should judge him not only by his words but on his deeds. So when it comes to gas prices, I have pointed out that the President continues to limit offshore areas to energy production and is granting fewer leases on public land for oil drilling, has encouraged countries such as Brazil to move forward with their own offshore drilling projects, continues to impose burdensome regulations on the domestic energy sector that will further drive up the cost of gasoline for the consumer, has repeatedly proposed raising taxes on the energy sector, which we all know would only drive gas prices even higher, and, finally, has flatly rejected the Keystone XL Pipeline.

All of these help drive up the cost of gas and increase our dependence on foreign oil. So the President simply cannot claim to have a comprehensive approach to energy because he doesn't—he simply doesn't—and anytime he says he does, the American people should remember one word: Keystone. Keystone.

Another thing they might want to do is play a clip of the press conference the President held just yesterday. Asked about whether he actually wants gas prices to go up, the President's facetious attempt to deflect the question only served to confirm the premise. But it was the President's admission that rising gas prices hurt the economy that really betrayed the administration's attempt to have it both ways on this issue, because if higher gas prices hurt the economy, then why in the world is the administration calling for higher taxes on energy manufacturers? We know these taxes would drive up the price at the pump and send jobs overseas. The Congressional Research Service said that. If the President wants to drive prices down, he should stop calling for these increases in taxes.

Look, if the President wants Americans to think he is serious about lower gas prices, he has to do more than simply say—and this is what he said yesterday—''No President would want higher gas prices in an election year.'' ''No President would want higher gas prices in an election year.'' What about other years? Would they want them in other years? It is only in election years that it is a problem? He has to get serious about changing his policies, and he might want to consider an Energy Secretary who is more committed to helping the American people than in helping the administration's buddies in the solar panel business—and that brings me to a larger point.

The President likes to talk a lot about fairness. We have heard a lot about fairness, but when it comes to rising gas prices, the American people don't think it is particularly fair that at a time when they are struggling to fill the tank, their own tax dollars are being used to subsidize failing solar companies of the President's choosing, not to mention the bonuses executives at these companies keep getting. I think most Americans are tired of reading about all the goodies this administration's allies are getting on their dime even as the President goes around lecturing everybody about fairness.

I will tell you what is not fair. What is not fair is that it costs about $40 more to fill a 20-gallon tank with gasoline than it did when this President took office. That is not fair. Yet this administration continues to pursue policies that would make it even worse.

Earlier this year the White House launched a campaign in support of the payroll tax holiday, asking Americans what $40 a month would mean to them. Yet, now, when it comes to gas prices, they are doubling down on policies that are taking away that $40 a month given by the payroll tax holiday to fill the gas tank. Once again, they are trying to have it both ways, and, frankly, the American people have had it.

## TRIBUTE TO JOHN RABUN

Mr. MCCONNELL. Madam President, I would like to pay tribute today to a friend of many decades, a Kentuckian who is a hero to many and a personal hero of mine for his work on behalf of children that has had a national impact. In his 28 years of service with the National Center for Missing and Exploited Children, John Rabun has saved literally thousands of lives and averted tragedy for thousands of families.

As the very first employee of the national center since its creation back in 1984, he has been the heart and the soul of that organization. His dedication and passion for the issue will continue to shape the national center long after he leaves it. Frankly, for John, saving children was not just a job, it was his mission. That is why it is such a blow that after 28 years of service, John Rabun will retire from his work at the National Center for Missing and Exploited Children this Friday, March 9. I cannot say enough how much this man will be missed.

John and I have a history that stretches back almost four decades, dating to his time as a social worker in Jefferson County, KY. Of course, Jefferson County contains the city of Louisville, my hometown, and in the late 1970s and early 1980s, I served as the judge-executive for Jefferson County. What that is, I say to the Presiding Officer from New York, is like the county executive for the county. It was in this capacity that I got to know John Rabun.

John earned his bachelor's degree from Mercer University in Macon, GA, and his master of science in social work from the University of Louisville. As a social worker, John managed the company's group home for kids and was one of the first in town to identify

the growing crisis of child abduction and sexual exploitation. Working in those foster homes, John saw the problem firsthand and saw what local police and social services were not seeing. He saw that information between social service workers and law enforcement was not being shared as it should have been. He realized a lot more could be done.

So John, along with a friend and fellow social worker, Kerry Rice, approached Ernie Allen, who at the time was the director of the Louisville-Jefferson County Crime Commission. Ernie is now known as the director and CEO of the National Center for Missing and Exploited Children, which he helped build alongside John. But way back then, the issue of missing and exploited children had yet to receive the national focus it deserved.

It was John who proposed to Ernie that the county create a special unit bridging the traditional barriers between social services and law enforcement to try to combat this serious problem. They came to me—as the CEO of the county—with this idea, and together we created what I believe to be the first police-social services team in the Nation dedicated to working child abduction and sexual exploitation cases. Eventually, we created Jefferson County's first exploited and missing child unit, with John as its manager. Under John's leadership, almost immediately the unit began to solve cases, rescue victims, and put some very good news on the front pages.

John became famous nationwide as a leading expert on missing and exploited child cases. In 1980, the U.S. Department of Justice asked me to send John and Ernie to Atlanta to consult on a grisly child murder case. John is now so recognized as a leader in this field that he has provided expert testimony to Congress seven times on child abduction cases and has instructed for the FBI Law Enforcement Satellite Training Network. John has provided consultation at nearly 1,000 hospitals and for over 62,000 personnel in America, Canada, and the United Kingdom on the abduction of newborns in hospitals. He is the author of the book ''For Healthcare Professionals: Guidelines on Prevention of and Response to Infant Abductions.'' Thanks in large measure to his efforts, what was once a recurring problem is now all but eliminated.

John has been recognized by the FBI as 1 of only 27 investigators nationwide with the highest expertise in the investigation of cases concerning missing and exploited children. He has appeared on television shows such as ''20/20,'' ''Primetime,'' ''Good Morning America,'' ''Larry King Live,'' and, of course, ''America's Most Wanted'' with his friend and my friend, John Walsh.

In 1984, John signed the lease for office space for the National Center for Missing and Exploited Children right here in Washington. He began working as that organization's executive vice president and chief operating officer. It is a post he has held ever since. As the National Center's executive vice president and COO, John manages a staff of 350 and a budget of $42 million a year. He is the hub of the wheel for all interagency communication between the center, the Justice Department, the State Department, the Secret Service, the FBI, the Department of Homeland Security, as well as State governments.

When I say John Rabun has a great passion and drive on this issue that has animated his entire career, I mean it. He is absolutely dedicated to rescuing children who would otherwise fall through the cracks.

Back when he was running the Jefferson County Crime Unit, John led the effort to successfully identify and prosecute the pastor of a major local church for sexually abusing over one dozen children in his congregation. After this pastor's conviction, the judge shockingly sentenced him merely to probation with a community service requirement. John leapt from the prosecutor's table and cried: ''Your Honor, will you at least stipulate that this community service not be with children?'' The judge held John in contempt of court. Luckily, the prosecutor quickly scurried John out through a side door before he could be taken into custody and after a few days the heat died down. But this story goes to illustrate how John will stop at literally nothing to see justice is done for those who are weakest among us, our children.

John's lifetime of service to children has directly led to the rescue of over 80,000 kids. Let me share with my colleagues just one success story. About 1 year ago, a Los Angeles police detective contacted the National Center for Missing and Exploited Children for information on a 10-year-old boy who had been missing for many years. In 2004, the child's parents separated, and although the mother received custody, her son was abducted from their home. A search began for the boy and his father, which continued for 7 years. Law enforcement had no leads on the child's whereabouts, suspecting the father may have abducted him back to his native country of Guatemala. Upon receiving the call from that Los Angeles detective, the National Center's case management team began coordinating the center's resources with the child's mother and detectives in the Los Angeles Police Department. A missing child poster was created and disseminated around California, and detectives were provided with detailed public database searches throughout the National Center's case analysis division.

Just a little over 1 month ago, the center received a lead from a school official who believed he had recognized the boy as a fifth grader at a Los Angeles elementary school. This official had searched the center's Web site, saw the missing child's poster, and contacted the center's 24-hour hot line. The center passed this lead along to police, and I am pleased to say that on January 31 of this year, 8 years after his abduction, this boy was reunited with his mother, and his father was arrested.

Imagine that mother's relief and then multiply that feeling by literally thousands. Only then can we begin to appreciate the immense service John Rabun has done for his country. So that is why we are all going to miss John so much. No one can say he could have done more; however, neither could anyone say his retirement is not extremely well deserved. I am sure he is looking forward to being able to spend more time with his lovely wife Betsy, a retired schoolteacher, and their two children and five grandchildren.

A national movement on behalf of America's most precious resource, our children, was launched because one social worker in Louisville, KY, saw that too many children were at risk and not enough was being done. If every family impacted by the National Center for Missing and Exploited Children's work could thank John Rabun personally, it might take another 28 years, and he would never get to retire. But on behalf of a grateful and safer America, I hope the recognition of this Senate and the thanks and friendship of this Senator will suffice instead. So thank you very much, John Rabun.

I yield the floor.

## 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, there will now be a period of morning business for 1 hour, with Senators permitted to speak therein for 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 final half.

The Senator from Tennessee.

## SURFACE TRANSPORTATION ACT

Mr. CORKER. Madam President, I rise to speak regarding the highway bill. We each come into work daily with different thoughts. I come in today very hopeful. The fact is we have a bipartisan bill that hopefully will actually have the finance component of it on the floor soon. We have had it worked through the various committees of the Senate—the Banking Committee, the Commerce Committee, the EPW Committee. I think what this body is waiting for right now is the Finance Committee package, and I know they are continuing to work on that package. The reason I come down here, in a very hopeful way, is I think all of us support the highway bill. We want

to see a bill such as this passed. But I think we also want to see it passed in an appropriate way, and some of the earlier renditions that have come out of the Finance Committee, unfortunately, have not paid for this bill. It is my sense that maybe what is happening right now is that there is some work being done to try to make that not the case.

I know the Senator from New York is familiar with the health care debate we had years ago, and one of the issues many of the folks on this side of the aisle were concerned about—and I think many folks on the other side of the aisle were concerned about—was some of the gimmickry used to pay for it. We had 6 years' worth of spending and 10 years' worth of revenues. Obviously, people around the country—rightfully so—were concerned about that. What we have at present with this highway bill is something that is even worse than that. We have 2 years' worth of spending and 10 years' worth of revenues to pay for it. Everybody in this body knows there is no family in New York and no family in Tennessee who could possibly survive under that scenario.

I had an op-ed published this morning in the Washington Post talking about the fact that we have had so many bipartisan efforts here to try to deal with deficit reduction. We had the Bowles-Simpson report that came out; we had 64 Senators—32 on each side of the aisle—who wrote a letter to the President to encourage him to embrace deficit reduction and progrowth tax reform. We had another group of colleagues who became involved in something called Go BIG, and the whole focus was to deal with the fiscal issues of this country.

I come in somewhat hopeful this morning, but what I fear is happening is because this highway bill is so popular that Members on both sides of the aisle are willing to kick the can down the road in an area where we could—in a bipartisan way—address deficit reduction and get the highway bill on a spend-as-you-go basis, meaning that we pay for it as we go—instead of doing that, because this is an election year and this is a popular bill, both parties—instead of leading on deficit reduction—are going to cave in and basically kick the can down the road because this is ''a popular bill.'' To me, that is not what the American people sent us to do.

So we have this opportunity to pay for it. I don't know whether we are going to get where we need to go. As a matter of fact, even though I am hopeful we are going to make progress on this issue, I don't think we are going to quite get there. I sense in this body a desire to kick the can down the road, to turn our head, to not live up to our responsibilities as it relates to this bill.

So I am going to offer two amendments. One amendment would say: Look, we have a highway trust fund. We have had the transfer of $34 billion or $35 billion into it from the general fund since 2008. We have a trust fund. We ought to either spend the money that comes into it accordingly and reduce the amount of spending on highways or what we should do is lower discretionary spending someplace else.

Again, we have not seen the final bill because another negotiation is taking place. It appears to me, in order to live up to our responsibilities to the American people, that what we would have to do is cut about $11 billion or $12 billion out of the discretionary caps we agreed to as part of the Budget Control Act to make this appropriate. I will offer an amendment once we see what the final package is that does just that.

In other words, if we all think highways and transit bills are important—and by the way, I do. I used to be the mayor of a city. I know that infrastructure is very important to our economic growth in this country. But if we believe spending on highways and transit is important and it is a priority, then what we need to do is lower discretionary caps and lower spending in another area. For us to do anything short of that would be making a mockery of the American people and certainly making a mockery of the arrangement that was created through the Budget Control Act. So I am certainly hopeful this amendment will pass if we continue on this course. I can't imagine that in a bipartisan way both sides would show the irresponsibility that has led to today anyway. I am still hopeful that by the time we pass this highway bill, we will have come together and acted responsibly and actually paid for this. But I think the American people understand that passing a bill that spends money over 2 years and tries to recoup it over a 10-year period is a highway to insolvency.

So I am committed more than ever to us living up to our responsibilities to the American people. I believe there is something brewing in this body that says we have to live up to these responsibilities. I think the best place for us to start is on this highway bill.

I will close with this. I know the Senator from Utah wishes to speak for a few moments also. A lot of people are saying: Senator CORKER, this is such a small amount of money; and, gosh, this is such a popular bill—everybody likes it. Can't we just turn our heads on this issue and kick the can down the road and do something we know fiscally is totally irresponsible because all of us like highways?

My response is, look, if we cannot deal with the highway bill that, by the way, is just simple math—this isn't something such as Medicare reform or something else where we have all kinds of moving parts that are very difficult to deal with—the highway bill is just simple math. If we don't have the ability in this body to deal with just addition and subtraction, there is no way the American people are going to trust us with things such as Medicare reform and Social Security reform and making sure those programs are solvent down the road for seniors who depend upon them.

So what I would say to this body is we have a great opportunity this week and next week to show the American people we are serious about getting this country on a solid footing. There is no better place to do that than on a popular bill. In other words, if we have to make priorities, if we have to make choices, if we have to cut spending in other places to make 2 years' worth of payouts equal 2 years worth of income, there is no place better to do it than on the highway bill. I urge this body to stand tall, to meet its responsibilities, and only pass this bill if it is paid for over the same amount of time that it is extended. So that means all the money that goes out is paid for over the next 2 years. I will be offering amendments to do that if the Finance Committee does not in and of itself.

I thank my colleagues for listening, and I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Utah.

## GAS PRICES

Mr. LEE. Madam President, the American people need help because they are suffering at the gas pump. With the national average price for gasoline up at around $3.75 per gallon, representing an increase of about 40 cents from a year ago and about 20 cents from just 1 month ago, citizens are suffering and they need relief.

It is important to point out in this context that when President Obama took office, gas prices were at about $1.85 per gallon. Now that they are up to about $3.75 per gallon we can see a steady increase. Over this 38-month period of time of his Presidency so far, gasoline prices have risen an average of about 5 cents per gallon per month. This is staggering when we think about the fact that if he is reelected—if he serves out the rest of this term and if he is reelected—that is a total of an additional 58 months. With that increase, gas prices will be up at around $6.60 per gallon.

This is a lot of money. It is staggering. It affects everything we do—from the miles we drive to the products we buy at the grocery store. Everything gets more expensive when the fuel we use to transport ourselves and our products becomes more expensive.

Now, to some extent, one could suggest this was not only foreseeable, but it was actually foreseen. To some, it was considered a desired outcome. Let's consider, for example, that in 2008, Dr. Steven Chu, who now serves as President Obama's Energy Secretary, said:

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

Well, Mr. Chu, it looks as though we are headed in that direction, and if we

continue to follow this administration's energy policies, we may get there.

As a member of the Senate's Energy and Natural Resources Committee, I was somewhat surprised when a suggestion was made just a few days ago that there are some who believe there is no relationship between U.S. production of petroleum and the price of gasoline in the United States. That simply is not true, and it cannot be true. With oil being the input ingredient into gasoline, it is the precursor for gasoline. Anytime we do anything that cuts off or restricts or limits the supply, that is necessarily going to have an impact on the price, and it does.

The fact that it is indisputable that there are other factors which also influence the price of gasoline makes it no less true that we have to produce petroleum at home in addition to buying it from other places. In order to keep gasoline prices at reasonable levels, we have to produce more.

There are some things we can do in order to help improve that trend. For example, we could open ANWR for drilling. We could open our country's vast Federal public lands to development of oil shale. It is a little known fact that in three Rocky Mountain States, a small segment of Rocky Mountain States—Utah, Colorado, and Wyoming—we have an estimated 1.2 trillion barrels of proven recoverable oil reserves locked up in oil shale. Now, 1.2 trillion barrels is a lot of oil. That is comparable to the combined petroleum reserves of the top 10 petroleum-producing countries of the world combined—just in one segment of three Rocky Mountain States.

Yet we are not producing it commercially, in part to a very significant degree because that oil shale—especially in my State, the State of Utah—is overwhelmingly on Federal public land, and it is almost impossible to get to it, to produce it commercially on federally owned public land. We need to change that.

We need to create a sensible environmental review process for oil and gas production generally. We need to improve the permitting process for offshore development in the Gulf of Mexico and in other areas. We need to allow the States to regulate hydraulic fracturing without the fear of suffocating and duplicative Federal regulations. We need to keep all the Federal lands in the West open to all kinds of energy development. And, of course, we need the President to approve the Keystone XL Pipeline. This will contribute substantially to America's energy security and will provide an estimated 20,000 shovel-ready jobs right off the bat.

There are things we can do to help Americans with this difficult problem—one that will affect almost every aspect of the day-to-day lives of Americans. We need government to get out of the way. We need the government to become part of what the President laudably outlined as an all-of-the-above strategy in his State of the Union Address just recently. We need to get there. We cannot afford gas at $6.60 per gallon, which is exactly where we are headed if we continue to do things as this administration has done, which has lead to an increase in the price of gasoline at a staggering rate of 5 cents per gallon every single month.

## RAILROAD ANTITRUST

Mr. LEE. Madam President.

I stand in this moment in opposition to the railroad antitrust amendment offered by my distinguished colleague, Senator KOHL, and I urge my fellow Senators to do likewise.

As the Antitrust Modernization Commission noted in 2007, free market competition is the fundamental economic policy of the United States. In advancing this overarching policy goal, we should be wary of particularized exemptions from our Nation's antitrust laws. I know Senator KOHL shares my view in that regard.

When properly applied, antitrust laws function to help ensure that market forces promote robust competition, spur innovation, and result in the greatest possible benefit to the American consumer. In many respects, Federal and State agencies enforce antitrust laws in order to forestall the need for burdensome and long-lasting government regulation.

If competition thrives and market forces operate properly, there is no need for extensive government intrusion or interference. Likewise, when the antitrust laws do apply, comprehensive economic regulations should not dictate how an industry operates. It, therefore, makes little sense to impose upon a heavily regulated industry an additional layer of government oversight and enforcement through the application of antitrust laws while at the same time leaving in place a comprehensive regime of government oversight through economic regulation. Piling layer upon layer of government interference will not advance the cause of free market competition, innovation, and consumer welfare.

I am concerned that such layering of government regulation is effectively what the Kohl amendment does. I worry that in extending the reach of antitrust laws to the freight rail industry, the amendment does not remove any authority or jurisdiction of the Surface Transportation Board, the regulatory agency currently overseeing the rail industry. As a result, the amendment simply imposes additional government supervision over the rail industry with attendant increased regulatory burdens and costs as well as inevitable conflicts and uncertainties resulting from a second layer of government oversight over the same activities.

Given the highly regulated nature of the freight rail industry, application of antitrust laws would likely require courts to wade into the complex realm of rate setting and other highly technical matters—a task for which judges are particularly ill-equipped. In addition to this fundamental unease over multiplying government regulatory burdens, I am also very concerned with a number of the amendment's provisions that seem to reach beyond simply eliminating antitrust exceptions for the rail industry.

First, I worry that section 4 of the amendment limits what is known as the doctrine of ''primary jurisdiction'' in those antitrust cases that involve railroads. Under this longstanding doctrine, which was established in 1907, a court will normally defer to an expert agency when that agency has jurisdiction over the subject matter of a legal dispute. This doctrine allows courts to balance regulatory requirements with other legal requirements for regulated industries. The primary jurisdiction doctrine is not an antitrust exemption and discouraging the use of this would be a legal and judicial change that reaches far beyond the antitrust laws and its implications.

I would also note that section 4 would give trial lawyers the power to disregard agency action, but only with respect to the railroads. As a result, railroads would be singled out for special treatment, leaving the doctrine of primary jurisdiction available to the courts in cases involving electrical utilities and other regulated industries. I am unaware of any compelling justification for this disparity.

My second concern relates to section 7(a) of the amendment which not only repeals antitrust immunity for rail rate bureaus but also repeals procedural protections that facilitate lawful rail transportation services. Because of their route structures, railroads are often not individually capable of providing rail transportation services to all locations that a customer may request or that regulations may require. As a result, approximately 40 percent of all rail travel is jointly handled by more than one railroad.

While the railroads must work together to provide through service on some routes in order to meet their regulatory obligations and to meet their customers' transportation needs, the railroads compete with one another for freight movements on routes not involved with through service, and they are fully subject to the antitrust laws.

Current law provides that proof of an antitrust violation may not be inferred from discussions among two or more rail carriers relating to interline movements and rates. In the conference report for the Staggers Rail Act of 1980, Congress explained the need for these evidentiary protections as follows:

> Because of the requirement that carriers concur in changes to joint rates, carriers must talk to competitors about interline movements in which they interchange.
>
> That requirement could falsely lead to conclusions about rate agreements that were

lawfully discussed. To prevent such a conclusion, the Conference substitute provides procedural protections about lawful discussions and resulting rates.

These evidentiary protections are not antitrust exemptions. They are designed to avoid prejudicial inferences from discussions the railroads must have in order to implement joint arrangements. I am unaware of any compelling reason to alter Congress's considered judgment in establishing these procedural protections. Were these protections to be discarded, railroads would be exposed potentially to legal liability for interline discussions, and they may choose simply not to participate, and rail customers would be faced with the burden of having to deal separately with each railroad in a given route in order to work out commercial and service details.

Third, and perhaps most critically, I am concerned that section 8 of the amendment would effectively lead to retroactive application of antitrust laws, allowing a government agency or private plaintiff to bring a case attacking past railroad activities that were expressly immunized from the antitrust laws in that respect.

Section 8(b) would allow antitrust lawsuits for ongoing railroad activity that was previously immunized from the railroad antitrust laws. This would leave open the possibility that conduct in accordance with railroad merger and line sale transactions previously approved by the Interstate Commerce Commission or the Surface Transportation Board as in the public interest, immunized by statute from antitrust laws, and implemented by the railroads, consistent with the agency's approval, could now be challenged as unlawful.

Were this to become law, the impact on the railroad network and its ability to plan and invest to meet our Nation's growing transportation needs would be adversely affected in a significant way.

In summary, if this amendment eliminated regulatory intervention in the marketplace for rail transportation and left the rail industry subject solely to the antitrust laws, I could, perhaps, endorse that effort. However, that is not the case. This amendment increases rather than improves government oversight of the rail industry's activities and, in my view, is inconsistent with the overarching goal of seeking greater competition in the transportation marketplace unfettered by intrusive government regulation.

In addition, the amendment goes beyond simply eliminating antitrust exemptions and instead changes longstanding policies and judicial doctrine that are not antitrust law tenets.

Last year, when the Judiciary Committee favorably reported S. 49, which is the text of Senator KOHL's current amendment, I made clear that my support was contingent upon resolving these and other concerns prior to floor consideration. Regrettably, such a resolution did not occur, and I must now oppose the amendment and ask my colleagues in the Senate to do likewise.

Thank you, Madam President.

The ACTING PRESIDENT pro tempore. The Senator from New Mexico.

## ENERGY

Mr. BINGAMAN. Madam President, I wish to speak for a few minutes about gasoline prices, which my colleague from Utah talked about a few minutes ago, also about domestic oil and gas production, and also about access to federally owned oil and gas resources. These are issues that have been raised by numerous Senators on this Transportation bill. They are issues of critical importance to our country's economy, to national security, and to resource management. I have been increasingly concerned that the issues we are debating and the facts that are being put out there are often not the true facts. There is widespread misunderstanding of what needs to be done to deal with this set of issues, in my opinion.

Let me start with the issue that is most important to most Americans; that is, the price of gasoline at the pump—the price of oil and then, of course, the price of gasoline. We need to understand clearly what is causing these prices, and we need to be direct with our constituents about what is causing these prices.

Let me state as clearly as I can what I believe is really without dispute among experts; that is, we do not face cycles of high gasoline prices in the United States because of a lack of domestic production, and we do not face these cycles of high gasoline prices because of the lack of access to Federal resources or because of some environmental regulation that is getting in the way of us obtaining cheap gasoline. As was made clear in a hearing we had in the Senate Energy Committee in January, the prices we are paying for oil and the products refined from oil, such as gasoline, are set on the world market. They are relatively insensitive to what happens here in the United States with regard to production. Instead, the world price of oil and our gasoline prices are affected more by events beyond our control, such as instability in Libya last year or instability in Iran and concerns about oil supply from Iran this year.

First, I have two charts that I think make this point very clearly. I believe this first chart I have in the Chamber is very instructive. This is entitled ''Weekly Retail Price for Premium Unleaded Gasoline, Including Taxes Paid.'' There are two lines on the chart. The top line contains the weekly retail prices in Belgium, France, Germany, Italy, the Netherlands, and the United Kingdom. You can see how that has fluctuated. This is through January of last year. The comparable prices paid in the United States are reflected in this bottom line. And, of course, the lower prices are because we pay much less in taxes than do these other countries.

So it is a useful chart that I think makes a couple of important points. The first point it makes is that the price patterns are remarkably similar in all countries; that is, the prices for gasoline in all of these countries reflect the world price of oil. Second, while the patterns are similar, the U.S. price is significantly lower because of the lower taxes we pay in this country.

The second chart I have in the Chamber shows U.S. domestic oil production and U.S. gasoline prices between 1990 and 2011. Here, the red line is the change in domestic production year over year. The blue line is gasoline prices. What is striking about the chart is the lack of relationship between the two lines. Even with U.S. production increasing, as it was at some points, oil prices also were increasing and gasoline prices were increasing.

So while domestic oil production plays an important role in the energy security and the economy of our country, its contribution to the world oil balance is not sufficient to bring global oil prices down. For this reason, increased domestic production unfortunately will not bring down gasoline prices in our country.

We also need to understand the status of domestic production. Here again, the facts are often misunderstood. For example, we have heard the claim that the United States and the Obama administration have turned away from producing the domestic oil and gas resources we possess. The facts are very much to the contrary.

At the hearing we had in January in the Energy Committee, James Burkhard, a managing director of IHS Cambridge Energy Research Associates, described our situation in this country as the ''great revival'' of U.S. oil production. He provided this next graph, which clearly demonstrates what we are experiencing in the United States. This graph shows the net change in production of petroleum liquids in the United States and in other major oil-producing countries between 2008 and 2011. The U.S. increase is shown by this very large column here on the left. We can see that our increase in production is far greater than that of any other country in the world. The United States is now the third largest oil producer in the world, after Russia and Saudi Arabia.

Another chart on domestic production is also instructive. This chart shows total U.S. oil production between 2000 and 2011. It clearly demonstrates that current increases in oil production are reversing several years of decline in that production. We have not had to change any environmental laws or limit protections that apply to public lands in order to get these increases.

This next chart shows the percentage of our liquid fuel consumption that is imported, including the projections the

Energy Information Administration has made out to 2020. The trend is very encouraging. In 2005 we imported almost 60 percent of the oil we consumed. Now we import about 49 percent of the oil we consume. The Energy Information Administration projects that these imports will continue to decline to around 38 percent by 2020. This is an enormous improvement that we would not have thought possible even a few years ago.

Now, let me say a few words about natural gas because that is also something which greatly affects utility bills in this country and, of course, is very important to our economy.

The good news continues as we look at natural gas. This graph shows U.S. natural gas production between 2000 and 2011. As we can see, there has been a dramatic increase in recent years. As we have heard from the International Energy Agency, headquartered in Paris, U.S. gas production grew by more than 7 percent in 2011. Our natural gas reserves are such that the United States is expected to become an overall net exporter of natural gas in the next decade. And natural gas inventories are now at record highs—20 percent above their level at the same time last year. In fact, there is so much natural gas being produced, frankly, some producers are shutting-in production. They are waiting and hoping that prices improve before they actually sell the natural gas they are able to produce today.

This next chart contains production data for the world's largest natural gas producers for the years 2008 through 2010. There are three bars here. The green bar is 2010 production, the most recent data available. This chart shows that in 2009, the United States surpassed Russia and became literally the world's leader in natural gas production. The green bar shows that trend continued in 2010.

So, unlike oil, the price of natural gas is not set on the world market. For natural gas, our enormous domestic resources and increased production have a significant effect on the price American consumers have to pay on their utility bills especially. Natural gas prices are near historic lows, and this is important to consumers who depend on this fuel for electricity, for heating. It is good for manufacturers who depend on natural gas. It is good for our economy overall.

Further evidence of our extremely robust domestic oil and gas production is the fact that the number of oil and gas drilling rigs active in the United States exceeds that of most of the rest of the world. As of last week, there were 1,981 rigs actively exploring for or developing oil and natural gas in the United States. The best comparable figure we have for rigs operating internationally is 1,871. This does not include Russia. It does not include China. It is probably safe to say, though, that more oil and gas drilling is occurring here in the United States than in any other country in the world.

Despite our relatively modest resource base for conventional petroleum, the industry in the United States has led the world in developing state-of-the-art technology for oil and gas exploration and production, tapping both conventional formations and unconventional resources, such as shale and tight sands.

To use a boxing metaphor, we are ''punching above our weight'' in oil and gas production, thanks to the technology lead our companies have developed, and it is a success story our country should celebrate. Even in light of this good news on domestic production, we hear claims that the Obama administration has withheld access to the oil and gas that is available on Federal lands and the Outer Continental Shelf. So we in Congress are urged to mandate that virtually all federally owned oil and gas resources be leased for development more quickly without regard to any impact that might have on other resources or economic interests, without any scientific analysis that is currently required.

Again, however, the facts tell us a different story. Secretary Salazar testified before our Energy Committee on February 28 that oil production from the Outer Continental Shelf has increased by 30 percent since 2008. It is now at 589 million barrels—in 2010. Annual oil production onshore on Federal lands increased by over 8 million barrels between 2008 and 2011. It is now over 111 million barrels of production.

Industry has been given access to millions of acres, much of which they either have not leased—not chosen to lease—or they have not put into production. In 2009, 53 million acres of the resource-rich central and western Gulf of Mexico were offered for lease. Industry chose to lease only 2.7 million out of that 53 million acres. In 2010, 37 million acres of the gulf were offered. Only 2.4 million acres were actually leased in that year.

In June of 2012, 3 months from now, the administration will offer another 38 million acres in the central Gulf of Mexico for lease. The Interior Department estimates that these areas could produce 1 billion barrels of oil and 4 trillion cubic feet of natural gas. The administration has recently proposed a leasing plan for 2012 through 2017 that would make at least 75 percent of the undiscovered, technically recoverable oil and gas resources on the Outer Continental Shelf available for lease.

So even when the industry leases these resources, it often does not move to produce oil or gas from these areas they have leased. Onshore, out of 38 million acres currently under lease, the industry has about 12 million acres actually producing. Offshore, there are a total of 35 million acres under lease. Six million acres of that is actually in production.

As of September 2011, industry held over 7,000 permits to drill onshore that were not being used. I have heard it stated that only 2 percent of the acres in the Outer Continental Shelf are currently leased and that this is evidence of lack of access to the resources. In my view, this is a misleading way to think about the current situation.

Just as oil is not found uniformly everywhere on land but instead is concentrated where the geology is favorable, the same is true offshore. The total acreage on the Outer Continental Shelf is huge. It is 1.7 billion acres. Much of it does not have oil and gas reserves that can be tapped economically.

Oil and gas occurs in the greatest quantities in only a few areas, such as the central and western Gulf of Mexico. It is those productive regions in which the industry expresses interest and which are the primary areas where leasing is occurring that the Obama administration plan would cover.

The total 1.7 billion acres is not a useful metric without consideration of which of those acres actually have significant oil and gas resources that are economically recoverable. Much more relevant is the amount of the resources that are being made available. As I pointed out, Secretary Salazar has testified that the proposed 5-year oil and gas leasing plan they have put forward would make more than 75 percent of the Outer Continental Shelf resources available for development.

The bottom line is, an increased amount of Federal acres and resources onshore and offshore are being made available to industry. Production on federally owned resources continues to increase. The increase in this production can be even greater if industry would lease and explore and produce on a greater percentage of the lands that are offered to them for lease, the lands that are believed to have some of the highest oil and gas resource potential.

Before I close, let me return for a moment to the issue of gasoline prices. It is clear we are increasing our domestic production significantly but that gasoline prices continue to rise. So we need to look for other solutions. This does not mean we are powerless to help reduce the price of gasoline. We know what we need to do.

If we want to reduce our vulnerability to world oil prices and to volatility of world oil prices, the most important measure we can take is to find ways to use less oil. One of our colleagues gave a good speech a few years ago in which he advocated that we produce more and use less. We are doing a pretty good job of producing more, and we need to do a better job of using less. We can do much better in this ''use less'' part of the equation without affecting the quality of life in this country. We can do that by being more efficient in our use of fuel, by diversifying our sources of transportation fuel away from oil.

We have taken some first steps along this path, notably in the Energy Independence and Security Act of 2007. It passed the Senate with a strong bipartisan vote. That law required us to make our vehicles more efficient and

to shift toward relying more on renewable fuel, and it is working. Demand is down. Biofuel use is up. Consumers save money on fuel for their vehicles. Our percentage of imported oil has dropped by over 10 percent.

How do we continue on this path forward toward reducing oil use and dependence? I think there are three areas we can focus on. First, we need to enable further expansion of our renewable fuel industry, which is currently facing infrastructure and financing constraints. Second, we need to move forward the timeline for market penetration of electric vehicles. Finally, we need to make sure we use natural gas vehicles in as many applications as make sense based on that technology. Every barrel of oil that we are able to displace in the transportation sector and that we therefore do not need to consume makes our economy stronger.

Obviously, it also helps our personal pocketbooks. It makes us less available to the volatility of the current marketplace. This is not to say we should not keep drilling and that the Obama administration should not continue to move forward with its plans to bring even more supplies into the market. We lead the world in innovative exploration and production technology. It is helpful to our economy and our national security to increase domestic supply, and that is exactly what is happening.

But in the many debates we will have in the future over issues related to gasoline prices, we need to recognize the key issue very clearly is not lack of access to federally owned oil and gas resources. Our public lands contain many resources and uses that Americans value. We do not need to sacrifice science or balance the protection of these other resources and economic interests in order to have robust domestic production.

The long-term solution to the challenge of high and volatile oil prices is to continue to reduce our dependence on oil. This is a strategic vision that President George W. Bush, who had previously worked in the oil industry, clearly articulated in his State of the Union speech in 2006. We subsequently proved in Congress in 2007, the year after that State of the Union speech, that we have the ability to make significant changes in our energy consumption and that it is possible to mobilize a bipartisan consensus to do that. The bipartisan path the Senate embraced in 2007 is still the right approach today.

As part of whatever approach we take to energy and transportation in the weeks and months ahead, we need to be honest with our constituents about what works, and we need to keep moving in the direction that we began moving in with that 2007 bill. We need to allow the facts and not the myths to be our best guide.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Oregon.

## SURFACE TRANSPORTATION ACT

Mr. MERKLEY. Madam President, I rise to address the surface transportation bill that is on the floor. It has been a mark of the challenges this body faces in deliberation that we have now been on this bill for 3 weeks, and we have not had a debate over transportation amendments. But hope does spring eternal.

In that spirit, I wished to come to the floor and share some thinking about the amendments that we should be debating and should be approving in this process. Certainly, the underlying Transportation bill is a great step toward our No. 1 goal of passing legislation that would create jobs, put people back to work in the hardest hit sectors of our economy.

Building and repairing our transportation infrastructure will create or save 2 million jobs nationwide, good-paying jobs that would provide a huge boost to our struggling construction industry, the families, to the workers, and to our economy. This infrastructure we would be building is a down-payment for the success of our future economy.

China is spending 10 percent of its GDP on infrastructure. They are preparing for a stronger economy in the future. Europe is spending 5 percent of their GDP, but in America we are spending only 2 percent. Indeed, it was not but a few months ago that our colleagues on the House side of Capitol Hill said we should cut transportation spending by 30 to 35 percent, which would devastate the infrastructure efforts that are underway, even within the existing 2 percent, the small amount we are spending.

Is it any wonder our communities are struggling to repair the bridges and roads we have, let alone to solve the challenges, the bottlenecks in the transportation lines that need to be addressed for the future. We have made a good start in committee on this bill, despite the paralysis on the floor of the Senate. We had elements of this bill go through four different committees and incorporate good ideas from both sides of the aisle in each of those committees and come to the floor in a bipartisan fashion.

I wish to share a couple other thoughts to build on this groundwork that came out of our committees, commonsense fixes, cutting redtape, and closing loopholes. The first amendment, No. 1653, is one I am sponsoring with my colleagues Senator TOOMEY and Senator BLUNT. Right now, farmers are exempt from certain Federal regulations when they transport their products in farm vehicles, as long as they are transporting these products inside their own State. But should they venture across State lines, even by just a short distance, then the Federal regulations are triggered. So we have farmers who are simply trying to get their products to market, to the local grain elevator, if you will, and they have to cross a State border and suddenly their challenge becomes very complex indeed.

For instance, Oregon farmers who live just across the border from Idaho, in these cases, the best market might be the nearest processing facility just across the State line. These farmers are exactly the same as their counterparts elsewhere, except for one small fact, the processing facility is across the border. This arbitrary distinction can mean major differences in how these farmers and ranchers have to do business in the form of additional burdensome regulations, regulations such as vehicle inspections for every trip the vehicle makes, even if the farm vehicle is simply driving from the field to the barn or having to adhere to reporting requirements for things like hours of service rules, even though the farmer is just driving an hour down the road; or obtaining medical certifications meant for commercial truck drivers.

This amendment would simply make life a little easier and more logical for these farmers by exempting them from these regulations designed for interstate transport, not designed to intervene or interfere when a farmer is attempting to take his product to market. We have put limits on mileage and limits on purpose to make sure it serves the intended function—to get rid of that arbitrary boundary that creates a regulatory nightmare.

A second amendment is related to freight. The underlying bill has a freight program to improve the performance of the national freight network. That is a proposal that will help make desperately needed improvements. There are a few technical improvements that would further improve the bill; that is, to recognize that funding should be used in the most efficient and effective way to ensure that high-value goods are being moved quickly to market.

We often think of freight in terms of volume or tonnage. But when we start looking at the high-tech sector, we can have enormously high-value content such as that produced by the microchip industry in Oregon and the roads necessary to make sure that high-value freight gets to market, which drives a tremendous number of jobs. It is just as important to address as are the routes that involve high tonnage and volume.

Let's turn to a third issue, which is ''Buy American.'' I salute my colleagues, SHERROD BROWN and BERNIE SANDERS, for working on these issues. We already recognize the principle that if we are paying to complete a public infrastructure project in America, it only makes sense for American businesses and workers to do as much of the work as possible.

Unfortunately, there are several loopholes that have undermined this basic premise in recent years. My amendment No. 1599 is an amendment that addresses one of these loopholes.

This summer, construction of a rail bridge in Alaska to a military base will

be undertaken by a Chinese company because the Federal Rail Administration, unlike the Federal Transit and Federal Highway Administration, doesn't have the ''Buy American'' provision. An American company was ready to build this bridge, but because of this loophole the contract went to a Chinese company using Chinese steel. Isn't it frustrating that the infrastructure to provide access to a military base involves jobs and the steel going across the Pacific Ocean?

Then I wanted to note that a related amendment led by Senator SHERROD BROWN, No. 1807, addresses another ''Buy American'' challenge. States have been using a project segmentation loophole to avoid putting Americans to work, to avoid the ''Buy American'' seal.

The Bay Bridge in California put in 12 separate projects so that Federal funds would only apply to a couple of those pieces. This allows the bulk of the bridge to be built—you guessed it—with Chinese steel, by Chinese workers. My amendment is modeled after a Republican amendment in the House Transportation bill, by Representative CRAVAACK of Minnesota, to close this loophole and ensure that the spirit of the law is upheld. These provisions were incorporated into the amendment led by Senator SHERROD BROWN.

I urge my colleagues to support these amendments to make these commonsense fixes to our transportation program. We must have debate on the amendments on the Senate floor. This room should not be empty. The conversation should not be quiet because transportation is at the heart of our economy.

We have a construction industry that is flat on its back. We have interest rates that are low. We have infrastructure that needs to be built. This is a win-win for our future economy and our current workers and our current economy.

Let's get to work. I ask my colleagues to continuously object to amendments being debated—for those listening in, the Senate has had a rule that any Senator can block an amendment. We have to get 100 percent of the Senators to agree to bring an amendment to the floor. The social contract that allows this to happen on a regular and orderly fashion in the past has been broken. So while families across this country look to us to put a transportation plan into place for our future economy and to put America back to work now, we are sitting here fiddling. Let's end the fiddling and do our work so America can do its work of rebuilding our highway infrastructure.

Madam President, I yield the floor and 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.

Mrs. BOXER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

## CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

## TO APPLY THE COUNTERVAILING DUTY PROVISIONS OF THE TARIFF ACT OF 1930 TO NONMARKET ECONOMY COUNTRIES

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate having received H.R. 4105, the text of which is identical to S. 2153, the Senate proceeds to the consideration of H.R. 4105, the bill is considered read a third time and passed, and the motion to reconsider is considered made and laid upon the table.

## 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.

The assistant 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. 1761, of a perfecting nature.

Reid amendment No. 1762 (to amendment No. 1761), to change the enactment date.

Reid motion to recommit the bill to the Committee on Environment and Public Works, with instructions, Reid amendment No. 1763, to change the enactment date.

Reid amendment No. 1764 (to (the instructions) amendment No. 1763), of a perfecting nature.

Reid amendment No. 1765 (to amendment No. 1764), of a perfecting nature.

The ACTING PRESIDENT pro tempore. The Senator from California.

Mrs. BOXER. Madam President, I thought I would use this opportunity to inform our colleagues and anyone following this transportation debate as to where we are.

Yesterday, we had an opportunity to stop the filibuster and get right to our bill and get it done and protect 1.8 million jobs and create another 1 million. We didn't do that—pretty much on a party line vote. The filibuster continues.

The hopeful sign we had was right before the vote when the Republican leader said he was open to reaching an agreement. I was hopeful that agreement would not contain extraneous votes. I don't think that is going to happen. I think we are going to face extraneous votes—to repeal Clean Air Act rules, to open our States to drilling that rely on fishing and tourism and recreation when we know the oil companies have millions of acres they can drill on without going to these areas that are so essential to our economic future just as they are to our environmental future. It looks as though we are going to face that and a vote probably on the Keystone XL Pipeline.

Again, I am very sad we could not come together when we have a bill that got an 85-to-11 vote to proceed to it. We still have to face a filibuster and still we had to lose two votes to cut off debate. But the Senate, being the Senate, this is it.

So now we have to vote. The two leaders can agree. I hope they can work together to achieve an agreement whereby we would have votes on these extraneous matters, and, hopefully, we would not have a prolonged debate on them because this is a highway bill. Thousands and thousands of businesses are waiting for us to act. By March 31, if we don't act, everything stops. In your State and mine all these highway projects will shut down with no Federal contribution at all, which is most of them.

I am hopeful. I cannot report to the Senate that we have an agreement now, but I hope we will have one at some point today. Once we do have that, we have a path forward; and if we work together in goodwill, we can get this done.

Frankly, I don't think we have a choice but to get it done. Everything, as I said, expires March 31. Here it is March 7 and we have a few days left before this whole thing blows up, and we will have no highway bill and people will be laid off.

In this economic time, that is the last result we need. We need to fix our highways, bridges, and roads.

Madam President, the occupant of the chair is a proud member of the Environment and Public Works Committee. She has worked hard to get us to this day. I know she has worked hard to bring this debate to a close and get a path forward. We can all hope that happens today.

I will be back on the floor with Senator INHOFE. I am hopeful the two of us can lead us through this bill and get this bill done. Then I think we can have the House follow our example of Democrats and Republicans working together. If they start that over there, they will have the bill quicker than they think, and we can finally put this behind us and send a message that we are functioning.

This concept of a Federal highway system was brought to us by a Republican President, Dwight Eisenhower. He understood logistics better than most. He knew we could not have a thriving economy if we could not move goods and people. So I am hopeful. I will be back on the Senate floor when we have an agreement and we can move forward.

I will yield the floor, as I know the Senator from Vermont is here. I always look forward to his comments.

The ACTING PRESIDENT pro tempore. The Senator from Vermont.

CITIZENS UNITED

Mr. SANDERS. Madam President, over 2 years ago, the Supreme Court rendered what I consider to be one of the worst decisions in the history of the United States Supreme Court, and that is regarding the case of Citizens United. In that case, the Supreme Court, by a 5-to-4 decision, determined that corporations are people, and they have first amendment rights to spend as much money as they want on elections. I think when that decision first came about a lot of people in this country didn't pay attention to it. They looked at it as an abstract legal decision, not terribly important.

Well, today the American people understand the disastrous impact that decision has had because what they are seeing right now on their television screens all across this country is a handful of billionaires and large corporations spending huge amounts of money on the political process, and the American people are asking themselves: Is this really what people fought and died for when they put their lives on the line to defend American democracy? Is American democracy evolving into a situation where a small number of billionaires can put hundreds of millions of dollars into the political process in this State and that State, in Presidential elections, and then elect the people who will govern this country?

I believe very strongly the American people do not think that is appropriate, and I am very happy to say that yesterday, on Town Meeting Day in the State of Vermont—I think my small State has begun the process to overturn this disastrous Citizens United decision. We had 55 towns at town meetings demand the Congress move forward to overturn Citizens United and restore American democracy to the concept of one person, one vote.

What we do on Town Meeting Day in Vermont, all over our State, is people come together and argue about the school budget. They argue about the town budget. They debate the issues, and then they vote. What people in Vermont are saying is they do not want to see our democracy devolve into a situation where corporations are determining who will govern our Nation.

So I am very proud that in the State of Vermont just yesterday 55 separate towns voted to urge the Congress to move forward on a constitutional amendment to overturn Citizens United. I hope we will heed what the towns in Vermont are saying. I hope other towns and cities in States all over the country will move forward in that direction. I hope the day will come—sooner rather than later—where the Congress will entertain a constitutional amendment and bring it back to the States.

Madam President, at this difficult moment in American democracy, it is imperative that we stand and reclaim our democracy and say to the millionaires and billionaires and the large corporations: Sorry, this country belongs to all of us. This democracy belongs to all of us and not just to you.

Madam President, I ask unanimous consent to have printed in the RECORD the names of the 55 towns that passed resolutions yesterday to overturn Citizens United.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Bolton, Brandon, Brattleboro, Bristol, Burlington, Calais, Charlotte, Chester, Chittenden, Craftsbury, East Montpelier, Fayston, Fletcher, Greensboro, Granville, Hardwick, Hartland, Hinesburg, Jericho, Marlboro, Marshfield, Monkton, Moretown, Montpelier, Newfane, Peru, Plainfield, Randolph, Richmond, Ripton, Roxbury, Rochester, Rutland City, Rutland Town, Sharon, Shelburne, South Burlington, Thetford Center, Tunbridge, Underhill, Waitsfield, Walden, Waltham, Warren, West Haven, Williamstown, Williston, Windsor, Winooski, Woodbury, Woodstock, Worcester,

I am proud to sponsor a constitutional amendment which would overturn Citizens United and return the power to regulate elections to Congress and the states. In the coming weeks and months I hope to see more towns, cities, counties, and states pass similar resolutions.

Mr. SANDERS. Madam President, I yield the floor, 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.

Mrs. GILLIBRAND. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. FRANKEN). Without objection, it is so ordered.

Mrs. GILLIBRAND. Mr. President, I rise to speak about an issue of great importance to millions of my constituents in New York, our Nation's transportation system, particularly public transit. This is the very lifeline that millions rely on to get to and from work, to bring their paychecks home every single day to their families at night. Various proposals that have been put forth throughout the course of the debate in both the House and the Senate would actually slash funding for mass transit. The proposal advanced by the House Republicans last month to eliminate the mass transit account of the highway funds was a stunning misunderstanding of our Nation's transit needs. Cutting off public transit from its traditional funding source without providing viable alternatives is irresponsible. In fact, former Congressman and now Transportation Secretary Ray LaHood called the House bill ''the worst transportation bill'' he had ever seen.

Let me state some clear facts. New York's Metropolitan Transit Authority is the Nation's largest public transportation system, operating over 8,000 rail and subway cars and nearly 6,000 buses. On an average weekday, nearly 8.5 million Americans ride these trains, subways, and buses operated by the MTA to commute to work or to visit the city, which generates enormous economic revenue, not just for New York but for our country. Moving these riders into cars flies in the face of any sound environmental public policy and furthers our dependence on Middle Eastern oil.

Increasing costs for our Nation's transit riders should be rejected out of hand by the Senate. I will continue to work with my colleagues to ensure that we do what is responsible and that we maintain transit funding to encourage the use of mass transit and reduce our dependence on foreign oil. I understand we have many very difficult decisions to make as we debate this bill, but I think stopping New York's transit system in its tracks is simply not a credible solution.

I also have a few amendments for this bill. Each of them is equally important and they address different issues. The first one I wish to address affects me as a mom of two young boys who I know will want to be driving at 16. Kids all across America cannot wait for that day when they get their driver's license. But there are terrible statistics about teen deaths. In fact, one statistic showed 11 teens die every single day because of car accidents. I know every family in America has been affected by those horrible high school tragedies, of kids dying in a car accident on their way home from the big game, on their way from the prom, every scenario we can imagine.

We have to give our teens better tools, better training, so when they get to become full-time drivers and have all the various permissions allowed, they are ready for that. We can imagine the scenarios in our own minds as parents, I know. Think about texting and driving. One cannot imagine how deadly distracted driving is in our country. Imagine the young driver who does not have a lot of judgment. Imagine the young driver who has five other kids in the car and they are coming back from the big game and they are all excited and they are all listening to the music and it is nighttime. Those are risky situations where we know if we give those drivers more training before they are in those risky situations, they will be able to handle them better.

Experts agree the graduated driver's license, basically gradually phasing teens into the driving experience with different responsibilities and different permissions as they get older, is the way to begin to address some of these risks. It has been a proven effective method in many States that have already instituted graduated driver's licenses. So I think we need to have a national priority, a priority that says they must as a State put in some basic training requirements, some measure of graduated driver's license, to ensure when these kids get on the road they have the skills and tools they need to keep themselves safe, their passengers safe, and the other drivers on the road are safe as well.

As parents, as people who set public policy for our Nation, we should be making the safety and well-being and the lives of at least those 11 teens every day who die a priority, and this is a proven way to do it and we can do it.

The second amendment basically increases economic opportunity. New York is unusual in that we are a border State. We share a border with Canada. There is so much opportunity for cross-border transactions and cross-border commerce. This change is very simple. It gives authority to our States to invest in critical border crossings, such as freight and passenger rail systems. By providing this very simple change, States such as New York, California, Vermont, and Texas will be able to choose to enhance these crossings and increase many more economic engines to address our tough economy.

The last amendment, equally important, is about jobs. How do we create the economic engine to get America working again? One way is to increase our pipeline, actually do better training for jobs that are available. One of the ways we can do that is this pilot program, already proven effective elsewhere, the Construction Careers Demonstration Project, amendment No. 1648. Basically, it is a proven commonsense strategy for at-risk workers to give them an opportunity to be trained in the building and construction trades so they find employment, they provide for their families, and we reduce unemployment. It is a very simple change. It is just a pilot program.

I urge my colleagues to support these three amendments and focus on how we can pass a good, useful, beneficial transportation bill which will get our economy moving.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mrs. McCASKILL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. McCASKILL. Mr. President, I ask to speak as in morning business for up to 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO JUDGE JIMMIE EDWARDS

Mrs. McCASKILL. Mr. President, I rise today to speak about a new and successful program for at-risk youth in St. Louis—the Innovative Concept Academy—and about its founder, my friend, Judge Jimmie Edwards. Before I talk about the school and the incredible work Judge Edwards has done in the St. Louis community, I wish to spend a moment talking about his childhood roots.

Judge Edwards grew up on the north side of St. Louis in the shadows of the city's Pruitt-Igoe housing project. The residents of this housing project faced many challenges, including drug and gang activity, violence, and sometimes acute poverty. But through discipline, hard work, and determination, Judge Edwards rose above these circumstances. He earned his bachelor's and law degrees from St. Louis University before being appointed to the State bench in 1992, and for 4 years he has served as the chief judge of the St. Louis Family Court's Juvenile Division.

During his service on the bench, Judge Edwards became increasingly concerned about the number of young repeat offenders coming into his courtroom time and time again, only to be sent back to the same troubled environment that negatively influenced their behavior in the first place. From his own experience, he knew that offering these kids the opportunity for a proper education and for mentoring was absolutely critical to breaking the cycle.

In 2009 Judge Edwards, together with the St. Louis public school district, the Family Court Juvenile Division, and the nonprofit organization MERS/Goodwill Industries, founded Innovative Concept Academy, a unique educational opportunity for juveniles who had already been expelled from the city's public schools and who were on parole. These young people, whom many would have given up on, found a formidable advocate in Judge Edwards and the academy. From the beginning, Innovative Concept Academy has been devoted to helping at-risk youth achieve success through education, rehabilitation, and mentorship. Its mission—to enrich the learning environment for some of our most troubled kids—has resulted in second chances for these young men and women to dramatically improve their lives.

At the start, Judge Edwards planned on providing educational and mentoring services to 30 students who had been suspended or expelled due to Missouri's Safe Schools Act. When he asked the St. Louis public schools for a building to use for the program for 30 students, they asked him if he wouldn't mind taking on the responsibility of 200 more. This was a challenge he accepted with his usual enthusiasm and can-do attitude.

During the first year of its existence, the academy saw 246 students move through its doors. Today the academy teaches at-risk youth between ages 10 and 18 and has an enrollment of over 375. Some of these students are visiting our Nation's Capital this week with Judge Edwards, his wife Stacy, his daughter Ashley, and his son John, along with chaperones. Here today along with Judge Edwards and his family and chaperones are students Angel Tharpe, Deyon Smith, Tyrell Williams, and Nadia Jones. These are young men and women who have turned their lives around with the help of Judge Edwards and the academy and who serve as an inspiration to others in the community and, frankly, an inspiration to me. I am so proud of what they have been able to accomplish.

The Innovative Concept Academy provides these students and many like them with so many important services—a quality education in a safe environment; one-on-one mentoring with school staff, counselors, deputy junior officers, and police; an array of extracurricular and afterschool activities, many of which are often new experiences for these students, including golf, chess, dance, classical music, and creative writing; uniforms, meals, and so many other necessities are also provided; and with tough love and important lessons about discipline, respect, anger management, goal setting, and follow-through.

All of this allows the students to meet their full potential, and St. Louis has seen positive results already. The academy has an attendance rate of over 90 percent. Let me repeat that. The academy has an amazing attendance rate of over 90 percent, and we are seeing significant improvement in these young people's grades. And the students are responding positively. For example, at the end of the first semester at the academy, the suspensions of 40 of the students ended and the students were supposed to return to their home school. Almost every student asked if they could stay at the academy because they know the academy is a special place where they can improve their lives.

The innovative program has garnered national attention. Judge Edwards has appeared as a guest on a number of major network shows and most recently was honored by People Magazine as one of its 2011 Heroes of the Year. But, for him, it is not about the magazines or the interviews; for him, it is still about the kids.

I am proud that Judge Edwards hails from my home State of Missouri and from my hometown of St. Louis. His compassion for those whom society may have given up on and his commonsense and innovative approach to solving the problems facing some of our young men and women are inspirational. He is compelled by his duty to serve and uplift the next generation no matter what the circumstances. He said it best when he observed that ''if the community, and that includes judges, does not take it upon itself to educate the children, then our community and what we stand for will be no more.'' This notion that we all succeed when we work together with a common cause and unified purpose is central to our American identity.

I ask my distinguished colleagues to join me in congratulating the Innovative Concept Academy and Judge Jimmie Edwards. The success of the academy and Judge Edwards' dedication and service to the St. Louis community should be an inspiration for everybody serving in this Chamber. If we could have a little bit of Judge Jimmie Edwards' attitude about working together, not worrying about taking the credit, and a can-do attitude, it is amazing what we could accomplish on behalf of the American people.

Mr. President, I yield the floor for my distinguished colleague, the Senator from Missouri, Mr. BLUNT.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BLUNT. Mr. President, I ask unanimous consent to speak as in morning business for up to 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BLUNT. Mr. President, I thank my colleague for all the comments she has made about Judge Edwards, his family, and the school. This is truly a remarkable story. I know both of our staffs have been telling us for some time now of incident after incident of young people's lives that are being changed by this school, by a judge who decided he needed to get outside the courtroom to make a difference in the lives of kids.

In fact, People magazine calls this the ''School of Last Resort.'' It is a chance, it is an opportunity of which many are taking advantage.

Judge Ohmer, presiding judge of the circuit where Judge Edwards works, put out the following statement. He said:

> The editors of PEOPLE magazine have selected St. Louis Juvenile Court Judge Jimmie Edwards as one of the publication's 'Heroes of the Year' for 2011. Judge Edwards was profiled in a recent issue of the magazine and the announcement was made in the November 7, 2011 issue.

Quoted in this comment from his colleague, the magazine said:

> ''We chose men and women who reached across boundaries to help strangers or worked within their communities to deepen bonds. From Logan, Utah . . . to Judge Jimmie Edwards of St. Louis who started a school for wayward teens, the 2011 winners never let daunting odds stand in their way,'' said Managing Editor [of People magazine] Larry Hackett.

In 2009, after watching a string of teen offenders come through his courtroom, Judge Edwards decided to take action. Along with 45 community partners, he took over an abandoned school that he and I were talking about earlier today and opened the Innovative Concept Academy. Providing strict discipline, counseling, and programs such as, as my colleague mentioned, music, chess, and creative writing, the center literally has changed life after life of young person after young person, giving them the opportunity to graduate from high school and lead successful lives after they had been expelled from high school at an earlier time.

These winners each received an award of $10,000 that they were able to use for their favorite causes, and certainly Judged Edwards has this cause and others.

Quoting Judge Edwards:

> I am thrilled that our school has received this recognition but also amazed at the other individuals across America profiled by the magazine.

Judged Edwards is married to Stacy, and Stacy is here today in Washington with two of their three children—Amy, Ashley, and John.

His colleagues at the circuit court admire what he has done. The families involved, the teachers involved, the community partners involved admire what has happened here. MERS Goodwill, the St. Louis public schools, according to the judge himself, court employees, all the teachers and staff and volunteers at the school have made a difference in the Innovative Concept Academy.

Judge Edwards said:

> By supporting our school St. Louis is refusing to give up on troubled juveniles and, in turn, the students are proving that hope for a better life is a universal dream.

What a great story this is. His colleagues see him as a hero among us. People magazine has talked about this. I notice and like in the People magazine article what they refer to as Judge Jimmie's rules. Here are three of Judge Jimmie's rules.

One headline is, ''No Saggy Pants.''

> Like mumbling, bad grammar and rudeness, droopy pants are big no-nos [at this school]. ''Kids need to understand what it means to be civilized,'' says Edwards.

Another rule: ''No Loitering.''

> Edwards wears his kids out with after-school activities. ''I expect them to be so tired that they can't do anything but go [home and go] to sleep, get back up and start [the day] all over again.''

Then maybe the best rule of all: ''No Quitting.''

> ''As long as you're trying,'' says Edwards, ''you're succeeding.''

This is being proven time after time, day after day: One person can make a difference, and the way this one judge has made a difference is inspiring a lot of other people to come together and make that difference, and then inspiring these kids and others who care about them to decide that this is the school of last resort, but the school of last resort can produce lots of great results, and we are seeing that happen. I am proud this is going on in our State and hope that Judge Edwards's example becomes an example for community after community around this country.

I yield back the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. UDALL of New Mexico). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BARRASSO. 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. BARRASSO. I ask unanimous consent to speak as if in morning business and engage in a colloquy with my colleagues for up to 20 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

A SECOND OPINION

Mr. BARRASSO. Mr. President, I come to the floor, as I do week after week, as a physician who has practiced medicine in Wyoming for almost one-quarter of a century to give a doctor's second opinion about the health care law, a law that I believe is bad for patients, it is bad for providers—the nurses and the doctors who take care of those patients—and terrible for taxpayers.

March 23 of this year, a little over 2 weeks from now, will mark the second anniversary of the President's health care law being signed. Two years ago at this time, Democrats in Congress said the Americans would learn to love this law. As a matter of fact, on March 28, 2010, the senior Senator from New York Mr. SCHUMER said: As people learn what's exactly in the bill, 6 months from now by election time—the election of 2010, remember—this is going to be a plus. Because the parade of horribles, particularly the worries that the average middle-income person has that this is going to affect them negatively, those will have vanished and they will see it will affect them positively in many ways.

Here we are 2 years later. We know that is definitely not the case. The health care law is more unpopular today than it was when it was passed and NANCY PELOSI famously said: First, you have to pass it before you get to find out what is in it. The more the American people have learned about the President's new law, the less they like it. Maybe that is why the White House and Democrats in Congress are hoping this 2-year anniversary of the health care law passes quietly and without great fanfare, while Republicans believe the American people deserve to know exactly how this law is going to impact them as well as the health care they receive.

So in the lead-up to the second anniversary of the law, I am going to talk about specific ways the law has actually made it worse for the American people—something I believed from the beginning would happen and now, 2 years later, we are seeing is specifically the case: It has hurt jobs, it has driven up costs, it has given Washington more control over Americans' health care, and I believe it has weakened Medicare.

Today, Senator CORNYN and I are going to focus on how the law threatens Medicare and specifically our seniors trying to get a doctor, our seniors trying to get health care, and how this new Washington board, called the Independent Payment Advisory Board, has had that impact. It is an unaccountable board. It is a group of unelected bureaucrats who will decide how to fund the care that is covered by Medicare.

So I come to the floor with my colleague Senator CORNYN. He has been traveling around the State of Texas as I have been traveling around the State of Wyoming talking with seniors, visiting with them, asking about their needs. They have great concerns about what is happening with this health care law, to the point that this week the House of Representatives is actually working in a bipartisan way to repeal this Board, these unelected, Washington-appointed bureaucrats. To me,

it is the commission that is going to ration seniors' care and make it harder for our seniors to see a health care provider and get the care they need.

I know Senator CORNYN is leading the effort in the Senate to work with the House in an effort to repeal this payment board. I know Senator CORNYN is doing this in an effort to protect our seniors, to make sure our seniors get the care they need. So I would ask that the Senator possibly share with me and others the concerns he has and the concerns he has heard and ways he is hoping to address them.

Mr. CORNYN. Mr. President, I am happy to respond to my colleague from Wyoming Senator BARRASSO, who has been not only a Senator but a medical doctor and who has been on the receiving end of government policy, that while it may be well intended, backfires, particularly this bipartisan support now we have seen in the House of Representatives Energy and Commerce Committee yesterday, where they voted to repeal this Independent Payment Advisory Board—Independent Payment Advisory Board, IPAB—not iPOD, IPAB.

The reason this is so important, and I would like to ask my colleague, from his long experience as a medical practitioner, the purpose of this 15-member, unelected, unaccountable bureaucracy to actually set prices for health care, what happens if, to the exclusion of all other health care reform, the IPAB or the Federal Government generally cuts reimbursement to providers? It would seem to me we get a phenomenon that we get the illusion of coverage, but we have no real access to health care.

The experience we have had in Texas is, for example, Medicaid and the President's health care bill puts a whole lot of people into Medicaid, but only about one-third of Medicaid patients can find a doctor who will see a new Medicaid patient in the Dallas-Fort Worth area, one of the most populous parts of our State. I know, particularly in many rural areas—and I know Wyoming has a big rural population as well—many times it is hard for seniors to find a doctor who will see a new Medicare patient, again, because reimbursement rates are so low.

So I would like to ask the Senator from Wyoming what his experience has been in that area.

Mr. BARRASSO. My experience is exactly what the Senator describes. He said the words ''the illusion of coverage.'' When the President talked about the health care law, so often he wasn't actually talking about care; he was using the word ''coverage,'' and he was trying to use those words interchangeably. But coverage is not care, because someone having a card doesn't mean they can actually see a doctor. We see that with Medicaid now, with its low levels of reimbursement. With seniors already having trouble getting in to see a physician, this has a significant impact when a board, an independent payment advisory board—15 unelected bureaucrats—decides they are going to decide how much to pay for a doctor's visit, how much they are going to pay a hospital for a bypass surgery or a hip replacement, which is an area of my specialty. That hospital has to decide if they are going to provide that service. That doctor gets to decide whether they are going to see that patient.

In rural communities, if the reimbursement is so low—and I have heard this from hospital administrators in Wyoming. If the reimbursement level is so low for a procedure that is primarily, if not exclusively, done on people of Medicare age—and we can think of those things that are more likely to happen with someone over the age of 65—the hospital may ultimately decide they cannot continue to afford to provide those services and keep the doors open to a hospital. So seniors in that community will then be denied access to the care in their own community because the hospital will no longer do or provide that service, whether it is bypass heart surgery, whether it is total joint replacement. That senior then has to travel greater distances to try to find someplace to do that. The hospital may look at reimbursement for a procedure or different kinds of technology and say: The reimbursement is so low we are not going to upgrade our x-ray equipment or our MRI machine. Again, that community would suffer.

Even during the debate of the health care law, we heard in many rural communities that 1 in 10 hospitals was likely to actually be so financially stressed by the health care law that they may end up having to close their doors over the next 10 years. I am hearing that in Wyoming. But it is because of this Board that the President wants to be the one to essentially, it looks to me, do the rationing of care.

Mr. CORNYN. Mr. President, I ask the Senator from Wyoming, it seems to me that what the intent is behind this Independent Payment Advisory Board and the President's health care law, sometimes called the Patient Protection and Affordable Care Act—I think it needs to be named ''Unaffordable Care Act'' for reasons we can go into later.

But the purpose behind it we can all understand; that is, to try to contain health care costs and spending by the Federal Government because, of course, health care inflation is going up much faster than regular inflation of the Consumer Price Index.

It strikes me that, as in a lot of the policy debates we have in Washington and Congress, we all agree we need to do something to contain costs, but we disagree about the means to achieve that affordability that we all know we need and to contain the inflation of health care costs. I would like to ask my colleague, rather than have Congress outsource its responsibility in this area to an unelected, unaccountable group of 15 bureaucrats, from which there is no appeal and which would have the consequence, as he said, of limiting people's access—because if all they are going to do is cut provider payments to hospitals and doctors, then fewer and fewer doctors and hospitals are going to be able to see those patients. Does he see an alternative that would perhaps help contain costs more by using transparency, patient choice, and good old-fashioned American competition? I am thinking, in particular, about the rare success we have had in the health care area containing costs in the Medicare Part D Program, to me, perhaps a model even where seniors have a choice between competing health care plans and where they get their prescription drugs. But because of the choices they have and the natural competition that occurs, we get market forces disciplining costs. Indeed, it is a very popular program, but the projected costs for Medicare Part D have come in at about 40 percent less than what was originally projected. It strikes me that is one of the missing elements with outsourcing of this responsibility to this unelected, unaccountable group of bureaucrats, where the only thing they try to do is cut provider payments.

Does the Senator see any alternative along the lines of Medicare Part D or otherwise?

Mr. BARRASSO. I think the two key words I heard the Senator from Texas say are ''choice'' and ''competition'' because those things put the patient at the center. It is patient-centered care, not government-centered care, not insurance company-centered care but patient-centered care. It is something we have been talking about for years on the Senate floor, at least on this side of the aisle, to put the patient at the center to give them the choice, as well as have the availability of the competition.

The concern I have—and I was at a statewide meeting in Wyoming with a number of our veterans and their families and I asked the simple question: How many believe, under the health care law as passed, that they are actually going to ultimately end up paying more for their health care? Every hand went up, every hand. Over 100 people there in Casper and over 100 hands went up. They all believe they are going to end up paying more under the President's health care plan than they would have had it not been passed. That is what we are seeing from a lot of the research as well, the admittance that the costs are going up even faster under the health care law than if it hadn't been passed.

Then we ask the critical question the Senator from Texas has referred to about the availability of care, the quality of care. If we asked the question: How many believe the availability of their care and the quality of their care under the President's new health care law will go down, again, every hand in the room went up.

These are all people who believe this health care law, crammed through Congress, crammed down the throats of the

American public at a time when they were shouting: No, we don't want this—the American people believe it made it worse and that they are going to end up paying more and getting less for something they didn't ask for at all.

The American public did have concerns from the beginning, which is what generated the whole discussion about health care and reform. What patients are looking for is the care they need, from the doctor they want, at a cost they can afford. Under the President's health care law, they are losing all three.

Mr. CORNYN. Mr. President, I thank the Senator from Wyoming for his response. I think that shows there is an alternative to this outsourcing of our responsibilities to try to make care more affordable to this group of unelected, unaccountable bureaucrats and cutting provider payments, which actually limits access to health care.

But I tell my colleague from Wyoming, I had an experience a couple years ago visiting with some folks at Whole Foods, the grocery chain that is headquartered in Austin, TX, where I live. John Mackey, the CEO, is very proud of this. They vote each year on their health care plan. What they have chosen—the employees choose year after year—is a high-deductible insurance coverage for catastrophic losses, but then to cover the rest of their care it is a health savings plan that actually Whole Foods makes contributions into, which is owned by the worker and could then be used to pay for their health care for their regular sort of routine needs.

I remember sitting at the table with a number of the workers and talking about why they like this alternative so much, and it is clear: Because it gave them the choices we all would want for ourselves and our families in terms of the doctor we want and the kinds of treatment we want, and it provided incentives because people were spending not the government's money, some sort of a credit card they would never see the bill for, but they were spending their own money in their health savings account; thus, realigning incentives for not only providers but also for consumers in a way that creates more transparency, more choices, and the kind of market discipline to hold down the costs.

I ask my colleague, my impression is, while there was great division in Congress over the passage of the Patient Protection and Affordable Care Act, what some people call ObamaCare—60 Democrats voted for it, 40 Republicans voted against it in the Senate—that on this issue, on the IPAB, Independent Payment Advisory Board, there actually is bipartisan support, particularly in the House Energy and Commerce Committee, to take out that particular provision because people now, on further examination, have seen how it could actually backfire in limiting people's access to health care.

I would ask my colleague, does he see a way for us, on a bipartisan basis, to narrowly address that provision while we continue to wait on the Supreme Court of the United States to rule on the constitutionality of the individual mandate? We don't know how things, such as the State-based insurance exchanges, will operate and the subsidies and whether those are going to be affordable. But on the narrow issue of repealing the Independent Payment Advisory Board, does he see the possibility for bipartisan support for that?

Mr. BARRASSO. I believe there is going to be bipartisan support. We see bipartisan support in the House. I would like to see bipartisan support in the Senate. When you look at what fundamentally this board does, they make recommendations, and it is practically impossible for the recommendations not to automatically become law. We were elected to make laws, not having independent parties make the laws. American patients are going to be forced to accept whatever this unelected board's recommendations are. It is very hard for Congress to override. I expect, in a bipartisan way, people would say: Let's completely eliminate this board, which I know the Senator's legislation is designed to do.

If American patients, people all across the country, suffer from the recommendations of the board, the way the law is written, they cannot challenge this unelected board in court. Americans have a right to challenge things but not this unelected board, as was written into the health care law.

Those are the sorts of issues I hear about when people say: What if I can't get a doctor? What if I can't get the care I need because of the decisions made by the board?

This fundamentally gets to the issue of the whole health care law, which took $500 billion from our seniors on Medicare not to save and strengthen Medicare but to start a whole new government program for someone else. This board, which I think we should eliminate and which I think is going to be hurtful for our seniors, is the group responsible for making the sorts of very challenging cuts from our seniors on Medicare—again, not to help save Medicare but to start a program for someone else, which is why this program is even more unpopular today than it was the day it was passed.

I do believe we have a bipartisan reason to eliminate this, and that is why I am supporting this legislation.

Mr. CORNYN. I would like to ask my colleague one final question. Whenever we talk about reforming, saving, and securing Medicare so we can keep the promise we made to seniors that when people reach the appropriate age, they can actually qualify for this benefit and it actually will be there for them—and people do, in fact, pay into this fund, and they expect to get their money's worth back—sometimes the charge is made that various reform proposals will destroy Medicare as we know it.

I would like to ask the Senator from Wyoming, a medical doctor by profession, whether Medicare as we know it, as currently constructed under the President's health care bill, with this IPAB provision in place—does it have any chance of survival as it currently operates now with this new board of unelected, unaccountable bureaucrats setting prices and limiting access? Because doctors and hospitals simply cannot afford to provide the service at that cost. Doesn't that have the potential to radically transform Medicare as people have come to know it?

Mr. BARRASSO. My view is that people will still get a Medicare card in the mail, but whether there will be doctors or hospitals or nurse-practitioners or others who will accept that card is the bigger concern. Because of what this board may do and is likely to do under the demands of the health care law, those on Medicare today and those coming onto Medicare may have a harder and harder time finding a doctor and a hospital to care for them.

Let's face it, today about 10,000 baby boomers will turn 65. Yesterday about 10,000 baby boomers turned 65. Tomorrow about 10,000 baby boomers will turn 65. We need to make sure Medicare is there and secure for the current generation as well as the next generation and generations to come.

My concern is that this board, which I know my colleague is trying to repeal and which I am trying to repeal, is going to make it that much harder for our seniors to receive the care they need from a doctor they want at a cost they can afford.

Mr. CORNYN. Mr. President, as we approach the 2-year anniversary of the Patient Protection and Affordable Care Act—otherwise known as ObamaCare—there are a lot of things you are going to hear from across the street at the Supreme Court of the United States on the constitutional challenge to this individual mandate, which is a very important constitutional question for the Supreme Court to decide—whether there is any limit to the power of the Federal Government when it comes to forcing you to buy a product approved by the government and penalizing you if you do not do it, whether that is within the constitutional power of the Congress under the commerce clause. Then there are other important questions about the workability of the law, the affordability of the law.

I think today we can just see if we could work together in a bipartisan way to repeal the IPAB requirement. Senator REID is the only one, as the majority leader, who can bring it to the floor, but hopefully, in light of the bipartisan support this has on the House side, he will see fit to do that. I certainly encourage him. I know Senator BARRASSO will encourage him to do that. I hope we can do this and help ensure that people, when they qualify for Medicare, do not just get a card but actually have a good chance—I should say better than a good chance—they will be able to find a doctor who will treat them for the price the government is willing to pay.

Mr. BARRASSO. I thank the Senator for the efforts on his part to repeal this terrible idea that was a fundamental part of the President's proposal. It is one reason I think the health care law is even more unpopular today than the day it was passed and signed into law almost 2 years ago.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. CARDIN). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. JOHNSON. 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. JOHNSON. I ask unanimous consent to speak as in morning business for up to 10 minutes.

The PRESIDING OFFICER. The Senator is recognized.

HONORING OUR ARMED FORCES

WISCONSIN CASUALTIES

Mr. JOHNSON of Wisconsin. Mr. President, I come to the floor today to pay tribute to America's sons and daughters who have fallen in the line of duty—citizens of this great Nation who gave their lives to preserve the liberties upon which America was founded, the finest among us who, because they cherished peace, risked their lives by becoming warriors on our behalf.

What could be more sacrificial than the lives our service men and women choose to lead? They love America, so they spend long years separated from their loved ones, deployed in faraway lands. They revere freedom, so they sacrifice their own so that we may be free. They defend our right to live as individuals by yielding their own individuality in that noble cause. They value life, yet bravely ready themselves to lay down their own in humble service to their comrades-in-arms, their families, and their Nation.

For more than 234 years, our service men and women have served as guardians of our freedom. The cost of that vigilance has been high. Since the Revolutionary War, more than 42 million men and women have served in our military and more than 1 million of those selfless heroes have given their lives. Wisconsin has borne its share of that great sacrifice. Since statehood, 27,000 of Wisconsin's sons and daughters have died in military service. Since September 11, 2001, we have lost 143 brave souls with ties to Wisconsin. Since I took office last January, 13 more have perished. Statistics cannot possibly convey the weight of these losses. After all, statistics are merely numbers that could never fully communicate the qualities of these fine men and women whose promising lives were cut far too short. Statistics say nothing of their unfulfilled hopes and dreams. So instead of numbers such as 1 million, 27,000, 143, or even 13, I would like to ask everyone to think for a moment about a much smaller but still staggering number, the number 1.

Each of these men and women was a loved one cherished by family and friends. Each was a loss to their community and to this great Nation. Each paid a price that we must never forget. We must also remember the sacrifice made was not theirs alone. Every family member and friend left behind experiences profound loss, sadness, and grief. The tragedy multiplies; it is not contained. For those left behind, the pain may slowly subside, but the wound will never heal.

Two weeks ago I had the privilege of bearing witness to the sacrifice of one of Wisconsin's fallen heroes and the courage of those he left behind. On February 22, a grateful Nation laid 1LT David Johnson of Mayville, WI, to his final rest at Arlington National Cemetery. I was honored to join David's loving and proud parents Laura and Andrew, his sister Emily, and his brothers Matthew and Michael as they said their final goodbyes. Out of sheer coincidence Michael was already scheduled to intern in my office this week and is with us today. It is fitting that we acknowledge his loss and sacrifice.

The Johnson family loved their brother and son. They loved him dearly and our hearts go out to them. I pray that they find God's peace and comfort today and in the tough times ahead as they deal with this overwhelming and tragic loss.

Lieutenant Johnson was only 24 years old when he died of injuries suffered after encountering an improvised explosion device on January 25 while leading his men in Kandahar Province, Afghanistan.

In addition to Lieutenant Johnson, today I would also like to pay tribute to the other Wisconsin heroes who gallantly gave their lives since I took office last January.

Since then Wisconsin has lost SSgt Jordan Bear, U.S. Army. Staff Sergeant Bear, age 25, of Elton, WI, died March 1, 2012, in Kandahar Province, Afghanistan; SSgt Joseph J. Altmann, U.S. Army. Staff Sergeant Altmann, age 27, of Marshfield, WI, died December 25, 2011, in Kunar Province, Afghanistan; SPC Jakob J. Roelli, U.S. Army. Specialist Roelli, age 24, of Darlington, WI, died September 21, 2011, in Kandahar Province, Afghanistan; SGT Garrick L. Eppinger Jr., U.S. Army Reserve. Sergeant Eppinger, age 25, of Appleton, WI, died September 17, 2011, in Parwan Province, Afghanistan; SGT Chester D. Stoda, U.S. Army. Sergeant Stoda, age 32, of Black River Falls, WI, died September 2, 2011, while on recreational leave from duties in support of the war in Afghanistan; CPL Michael C. Nolen, U.S. Marines. Corporal Nolen, age 22, of Spring Valley, WI, died June 27, 2011, in Helmand Province, Afghanistan; SPC Tyler R. Kreinz, U.S. Army. Specialist Kreinz, age 21, of Beloit, WI, died June 18, 2011, in Uruzgan Province, Afghanistan; Private Ryan J. Larson, U.S. Army. Private Larson, age 19, of Friendship, WI, died June 15, 2011, in Kandahar Province, Afghanistan; SGT Matthew D. Hermanson, U.S. Army. Sergeant Hermanson, age 22, of Appleton, WI, died April 28, 2011, in Wardak Province, Afghanistan; SPC Paul J. Atim, U.S. Army. Specialist Atim, age 27, of Green Bay, WI, died April 16, 2011, in Nimroz Province, Afghanistan; CPL Justin D. Ross, U.S. Army. Corporal Ross, age 22, of Green Bay, WI, died March 26, 2011, in Helmand Province, Afghanistan; Finally, 1LT Darren M. Hidalgo, U.S. Army. First Lieutenant Hidalgo, age 24, of Waukesha, WI, died February 20, 2011, in Kandahar Province, Afghanistan.

May God bless and comfort their loved ones with peace. May he watch over those who have answered the call and are serving today and those who will serve in the future. May God bless America.

I yield the floor and note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll of the Senate.

The legislative clerk called the roll.

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

HONORING DOUG AND SAMANTHA LEVINSON

Mr. NELSON of Florida. Mr. President, this Friday will mark 5 years since FBI agent Bob Levinson disappeared while on a business trip as a retired FBI agent. He was on a business trip to Kish Island in the Persian Gulf. It is a part of Iran. That is 5 long years that his wife Christine has been without a husband and 5 long years that her seven children have been without their father.

Over those 5 years I have spoken so many times about Bob—a retired FBI agent and a resident of south Florida—from the floor of the Senate and so many other venues. Just yesterday I met with his wife Christine after she joined FBI Director Robert Mueller and Deputy Director Sean Joyce in announcing a $1 million reward for information leading to Bob's safe return. So in southwest Asia billboards will soon start to appear announcing that $1 million reward, and it is in southwest Asia that we know Bob is being held.

Today I wish to talk about his children because tomorrow in Miami the Society of Former Special Agents of the FBI will honor Bob's two youngest children—his son Doug and his daughter Samantha, both of whom, along with their other siblings, have persevered through this very difficult time.

Doug was in the seventh grade when Bob disappeared. This year he will graduate from high school, on his way to college. He has excelled academically and athletically and has grown to almost his father's height. Bob will be shocked at how tall Doug is, but he will be even more proud of all that his son has accomplished.

Samantha, Bob's daughter, was in high school when Bob disappeared. In

just a few weeks she will graduate from college. Samantha has been a resident adviser and a proud member of her sorority. She interned at Disney where she hopes to work after graduation. Again, when her father returns, he will be so proud.

To honor Bob's children, and standing in solidarity with one of their own, the Society of Former Special Agents of the FBI will award to Doug and Samantha scholarships to assist with the cost of college. I thank that society and those agents who have protected us so much over the years. I thank them for their service and for their kindness. I congratulate Doug and Samantha for all they have accomplished under such very difficult circumstances.

To Christine Levinson, this heroic woman who has stood so strong in the midst of great adversity for 5 years—I say to Christine and her children that this government will not rest, none of us will rest until we have brought Bob home. I look forward, as do so many, to that day of celebrating with them and celebrating with all of Bob's friends and his former colleagues.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll of the Senate.

The legislative clerk proceeded to call the roll.

Mr. ENZI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator is recognized.

Mr. ENZI. Mr. President, first, I want to say how important roads and bridges are. We are on the highway bill, and that is one of the main advantages the United States has had—having excellent transportation. Of course, that is particularly important in my own State because we want people to be able to get to the first national park, which is Yellowstone National Park, and another gorgeous park, the Grand Teton National Park, and a place called Fossil Butte National Monument, where people can actually fish for 60 million-year-old fish. We have a spot in the middle of the State where people can help dig up dinosaur bones—and if you dig one out by yourself, you get it named after you—or the first national monument, Devils Tower, which is up in the northeast corner. And, of course, we are a corridor between those Western States too. So we know how important roads and bridges are. We need to do that, and we need to do it now, but we should do it the right way.

So I want to refer to an amendment I have filed, No. 1645. My amendment is very simple and straightforward. It would allow the gas tax to be adjusted with inflation—not with the price of gas, with inflation. This is not a new idea, and it certainly is not a very popular discussion point, but this is the debate the Senate needs to have.

The long-term viability of the highway trust fund is incredibly important to our States. The underlying proposal the Senate is debating would pay for transportation and infrastructure projects and programs for the next 2 years, but it does not address the future of these programs, nor do the financing proposals fit within the timeframe of the bill. I have serious objections to paying for 2 years of spending with 10 years of revenue.

Let me stop on that issue for a moment. We are spending money in 2 years that it will take us 10 years to generate. How can we tell the American people we are serious about the deficit and serious about spending when we allow money to be spent five times as fast as it comes in?

If the Senate wants to keep the highway programs viable through a trust fund instead of subjected to the general fund, which any accountant or banker would say is bankrupt, we need to either cut spending or generate more revenue. Those are the two choices.

A lot of work has gone into the bill before the Senate. Four committees have worked on it. Four committees have filed amendments that have been included in the version we are seeing. I appreciate that many of my colleagues are trying to reduce the mandates on the States as well as consolidate and eliminate programs. That is good. Those are steps we need to take. Even with some serious streamlining, however, the highway trust fund will not have the revenues needed to meet the current obligations of the fund. We can certainly give States more flexibility in how they prioritize the Federal funds they receive.

We should not and cannot ignore that with this bill we are just buying time. Buying time is something the Federal Government has been doing for decades, and that has gotten us into this serious financial mess. We are buying time with borrowed money. The borrowing is pretty dubious, and some of it is from countries we would rather not be borrowing from.

I want to share some charts with you. You may only be able to discern what I say, and what I say is what appears in the Senate RECORD, not the charts.

These have a lot of numbers on them. I am an accountant, so I get excited over numbers. Too many numbers, but it still makes the point. What we have is the highway trust fund balances, starting in 1993, which was the last time we passed the gas tax. That was 18.3 cents. This column shows the total revenue received. For the most part they have been going up, which means more gas has been bought.

But here are the expenditures, and you will see what effect that has had on the closing balance in the trust fund. We have had quite a few years when there was some money in there—right after 1993 when the gas tax more closely matched the cost of construction, and as we get out here in 2001, we can see that it drops significantly and keeps dropping. At balance, at the end of 2012, it is going to be $11.4 billion. Of course, we are spending more than that just in this one bill.

So next year it will be a minus $2.8 billion and $18.7 billion, and then $34.7 billion. Those are deficits I am talking about, deficits in the trust fund, which means in those years we are going to have to get the money from somewhere else. It winds up in 2016 at being a $50.7 billion deficit to the trust fund. That is what we are doing generally with all of our accounting, but it shows up here in something that I do not think anybody in America denies is absolutely necessary. We have to have roads and bridges.

So if my amendment were enacted, what kind of an adjustment to the tax rate would we see? If this amendment had been enacted last year, in 2011, this January—the tax does not go into effect until the year after the inflation is measured. This January the tax would have increased by one-half of one penny—one-half of one penny. The price of a gallon fluctuates more than that on a daily basis. In fact, I was watching on television the other night, and the lady was showing the high price of gas, and she showed a sign out in front of the pumps. Just as she was about to leave, she said: Wait a minute. While I have been talking, the price has gone up 20 cents.

So we are seeing some huge changes there, but not with the gas tax. If we had enacted the indexing in 1993, the last time Congress adjusted the gas tax, there would have been an increase of 11 cents in the gasoline tax over 19 years. Excluding the one-tenth of 1 cent that is added to the base tax rate for the leaking underground storage tanks, the rate would adjust from 18.3 cents a gallon in 1993 to 29½ cents per gallon today.

That is what this chart shows. It shows the amount of inflation there was each of those years, so the amounts the gas tax would have gone up in each of those years to provide a fund that would actually help us with building the roads and bridges, and it would be at 29.5 cents per gallon today.

In that same timeframe gasoline prices have risen from $1 per gallon to $3.50 per gallon or more. It was $4 in the example I was giving off the television. If we had enacted indexing in 2005 under the last highway bill, there would have been only a 3½-cents-per-gallon adjustment. I estimate there would have been increased revenue in the highway trust fund by over $18 billion from the gas tax alone.

So this is the chart that shows what would have happened if we had indexed it in 2005, what the CPI index would have been and what the adjustment would have been. So that would have been a change of 3.5 cents per gallon, hardly noticeable in the price of gas we have today. But the trust fund would have had $18 billion, which we need to be able to spend. Very important.

In 1993 the gas tax of 18.3 cents was included in the $1 of gas, and there was

also State taxes included in the $1 gasoline price, 18 cents out of a dollar. Now the 18 cents is part of $4 a gallon.

Don't you think construction costs have increased based on the cost of a gallon of gas alone? Remember, the gas tax is what paid for roads and bridges but cannot anymore, causing us to use very bad financing methods—stealing from pension funds with no way to pay it back, using 10 years' of projected revenue to pay for 2 years' of construction.

What do we do for the money in 2 years? Roads and bridges will always need construction. Our economy runs on construction. The construction industry has mixed feelings about my proposed amendment. They are for it as long as it does not bring the bill down. My intent is not to bring the bill down but, rather, to make it a viable bill. Of course, my amendment will not make it a viable bill all by itself. The Bowles-Simpson Commission deficit report said we needed to increase the gas tax by 5 cents a year for 3 years to have a viable fund.

Here are the quotes from that deficit commission. The President appointed the deficit commission. They looked at everything, and on highways and bridges alone, this is what they came up with: 15-cent-per-gallon increase in the gas tax over a 3-year period; limit spending to match the revenues the trust fund collects. That is what we are failing to do with this current bill.

Once fully implemented, a 15-cent increase would generate an additional $24 to $27 billion per year for the highway trust fund. Each 1-cent increase would generate about $1.6 to $1.8 billion per year. That is from that deficit commission that was trying to figure out how to get ourselves out of the hole we are in right now. This is what they came up with just for the highway fund.

So with my amendment, it indexes with inflation. It does not start until next year. It is just a way to test the waters to see if there is enough courage in this body to take a very minimal step. My amendment does not solve the shortfall of the highway trust fund, nor would it fully pay for this legislation. It is just a small step in the right direction. It is a step in getting the highway trust fund back to what it was created to be, a dedicated pot of money to pay for the roads, funded by those who use the roads.

We need to take this step and a lot of other steps if we are going to fix our money problems and fund programs as intended. The National Commission on Fiscal Responsibility and Reform—that is that Simpson-Bowles Commission—supported a 15-cent increase in the gas tax to be gradually adjusted over a 3-year period. Once fully implemented, a 15-cent increase, as I said, would provide $24 to $27 billion per year. That is what we need for roads and bridges.

The Commission also recommended that Congress enact a limitation so that the spending could not go beyond revenues. That seems like a fairly commonsense approach. Spend only what we generate. We could use that around here. Of course, that principle is something we need to enact in the overall budgeting in Washington.

Let's be clear. The tax rate and gas prices are two very separate issues. Folks might think that as the price of fuel goes up, so does the Federal gas tax. That is not true. Whether the price of gas is $1 per gallon or $4 per gallon, the Federal tax remains the same. Again, the fund collected 18.3 cents from every dollar of gas in 1993. Construction costs have increased, and now we only collect the same 18.3 cents for a $4 gallon of gas. If we were being successful with some alternate means of transportation, the amount of gas would go down as people used those other ones, but it is not.

I am sensitive to the fact that the gas prices are high right now. I am always looking for ideas on how we can work to bring those prices down. With the distances we have to travel in Wyoming alone, high fuel prices have a disproportionate effect on the residents of my State.

The President said there is not a silver bullet to bring the prices down. That is certainly true if we look at his administration's policies, having done everything possible to increase the price of fuel. While there might not be a silver bullet, there are a number of actions that will make a real difference.

One reason gas prices are high is that the supply is limited, and tensions in the Middle East have further strained that supply and encouraged speculators.

To fix the supply problem, we should be producing American energy wherever it is possible. Instead of blocking production the President should be encouraging us to develop American energy in Alaska and off the Outer Continental Shelf and on Federal land. Yes, production is up, but it is not from Federal lands. That is shut down. It is coming from private land where a permit does not take a lifetime of investment and delay. Federal lands are down 12 percent in production. We should be enacting policies that encourage energy production on public lands in Wyoming and other Western States rather than relying on oil from the Middle East and Venezuela.

President Obama should approve the Keystone XL Pipeline so we can get as much supply as possible from friendly nations such as Canada before they feel forced to sell it all to China, who is buying up energy worldwide. China understands that in 20 years the country with the energy will have the power. I am not talking about electrical power; I am talking about world power.

Gas prices are high because of the regulatory uncertainty created by the administration's relentless pursuit of policies that are designed to make energy more expensive under the guise of halting climate change. Rather than arguing over new taxes for the oil and gas industry, we should be working to rein in the Environmental Protection Agency to stop those regulations that make it impossible for businesses to plan.

We have a permitting problem. When I hear the lecture about the number of acres leased for exploration but not being drilled, I get angry. I am usually not angry. Leased parcels include land that has no oil. When you buy a lease, you buy a package, and then you drill where the oil or gas is within that package. Also, there are millions of acres ready to be drilled, but the leaseholder cannot get the bureaucrats to turn loose the permits.

Of course, Energy Secretary Chu recently confirmed that his energy policy is to create conservation by having our gas prices reach the same level as Europe. Well, unless we do something with the gas tax at his desired $7 a gallon, we will still only get 18.3 cents a gallon for the critical highway fund.

If we were really trying to match cost to construct with revenue, the radical suggestion would be for the gas user fee—and it is a user fee. If you do not drive on the roads, you do not need to buy the gas. You do not need to pay the tax. So it is a user fee. But it would be a percentage of the cost of a gallon of gas if we were really being radical.

But be clear, we are not doing that. We are probably not doing any of this. We need to do everything we can to lower gas prices. I am working to do just that. In fact, we are debating some of these issues on this legislation because the majority refuses to debate them using regular order. However, the issue of gas prices is entirely separate from the issue of determining how we should pay for highways.

We have set up a trust fund that is supposed to take care of road and bridge needs. I might mention that changing the formula to miles driven would just be to increase the gas user fee while hiding the increase. That is not the way to do it. We should be honest about whatever kind of an increase we are putting on this user fee. That is the wrong way to do it. If we do not add more revenue to the trust fund, we should cut our spending to the amount of money we have in the trust fund. That is, again, what the Simpson-Bowles report said.

I know there a lot of sensitivities in talking about the rate of gas tax or any other tax. There is no doubt that individuals and businesses are still stressed in this economy and are struggling to make ends meet. People in rural States such as Wyoming have few options. They have to drive long distances for many of their needs. Several of my colleagues have said to me: This just is not the time to be talking about the gas tax.

I must ask: When will the time be right? Members of Congress do not want to tackle this topic when the economy is strong nor do they want to tackle the topic when we have economic challenges. When revenues to

the highway trust fund were meeting the needs of the highway program, no one wanted to consider that there might be a time when the revenue could not keep up with the needs to maintain our highway system.

We are pennies away from insolvency of the highway trust fund. When is the right time to talk about the revenue stream for the highway trust fund? We need to start today. My amendment is a small step to address the long-term viability of the highway trust fund. It is a small step to get us moving toward living within our means and maintaining our roads with the money we have not the money we wish we had.

I probably cannot get a vote on this minimal increase, but it does test the water. I would be happy to revise my amendment to any reasonable level that Senators would support. We cannot continue to kick this conversation down the road for another 2 years. We cannot lie to our constituents about the state of the highway trust fund. We should not steal from other trust funds, and we should not do unapproved long-term financing for short-term projects. We have a mechanism to pay for the road programs, a dedicated funding stream paid for by those who use the roads.

I hope my colleagues will take a hard look at my amendment, take a look at the plan under Simpson-Bowles, and study the numerous ideas out there. Let's have a real debate on how to preserve this dedicated funding for our roads.

In Wyoming, we have an optional sales tax for projects by communities and counties. The construction project is stated, and the people get to vote for this increase in their taxes. As long as the money is used to pay for the promised projects, the voters continue to approve additional projects with additional taxes. It has happened for 30 years in Wyoming. People will allow focused taxes for what they know they need if they believe that is what it will be spent for. And I say they know the needs for roads and bridges.

When is it the wrong time to do the right thing? I believe most everyone in this Chamber knows this is the right thing. Most of our constituents will see it that way too. A vocal few won't, but the reason congressional approval is at a record low is because so many live in fear of taking the votes that will fix the problems. We have a chance to change that with this amendment. I hope my colleagues will take a serious look at it and fund the highway fund the way it was intended.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. MERKLEY). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KYL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

BENEFITS OF FREE ENTERPRISE

Mr. KYL. Mr. President, last week I came to the floor to talk about how free enterprise helps people achieve earned success and thus helps them pursue true happiness. Today I want to talk about another moral benefit of free enterprise—its effectiveness in reducing poverty and promoting economic mobility.

This is an important conversation to have since President Obama has made income and class inequality the centerpieces of his reelection campaign. For example, in his Osawatomie, KS, speech last year, he said:

> This is a make-or-break moment for the middle class and all those who are fighting to get into the middle class. I believe that this country succeeds when everyone gets a fair shot, when everyone does their fair share, and when everyone plays by the same rules.

He followed up with similar themes in the 2012 State of the Union speech, saying that he believes in ''an America where hard work paid off, responsibility was rewarded, and anyone could make it if they tried—no matter who you were, where you came from, or how you started out.''

Of course, these are quintessential American values in no dispute. But the President's soaring rhetoric is at odds with his main policy, which is to achieve greater economic equality not by equal opportunity but through forced redistribution of wealth. For example, the President has proposed a litany of tax increases, such as the so-called Buffet rule, higher marginal income tax rates, and higher taxes on investment. New taxes don't lift anybody, but they do tear some people down.

The President also proposes more government spending to redistribute the new tax dollars collected. Redistributionist programs have a role, of course, as government safety nets. They help, for example, people who are ill temporarily, down on their luck, or not able-bodied. But, unfortunately, they do not cure poverty. If they did, poverty would no longer exist in America.

The only permanent cure for poverty and the only system capable of producing massive increases in economic mobility is free enterprise. Senator MARK RUBIO put it well when he said that ''the free enterprise system has lifted more people out of poverty than all the government anti-poverty programs combined.'' As we will see in a moment, economic data confirms this is true.

As Arthur Brooks and Peter Wehner wrote in their book called ''Wealth and Justice: The Morality of Democratic Capitalism,'' before the rise of free enterprise; that is, for most of human history, life was ''bleak, cruel and short.'' Life expectancy was low, infant mortality was high, disease was rampant, and food was scarce. Education was only for the wealthy. Indeed, the wealthy were the only people who lived in relative comfort.

But the emergence of free enterprise roughly two centuries ago helped to change all that. As the free enterprise system took root, particularly in Western Europe, protectionist measures eased, trade increased, and businesses accumulated capital to grow and create new jobs. People pursued their self-interests free of state coercion or corruption, and the economic benefits flowed to every strata of society. As Brooks and Wehner note, ''Markets, precisely because they are wealth generating, also end up being wealth distributing.''

By every universal measure, life has improved dramatically in free market societies. Literacy, basic living standards, and life expectancy have increased, while disease and starvation have plummeted. Child labor has been eradicated. As free enterprise has spread during the last two centuries, the world's average per capita income has skyrocketed by about 10 times. These are major moral achievements. Yes, some people are richer than others, and that is true in all nations whether characterized as market economies or not. But where it exists, free enterprise has helped make the poor make tremendous gains, and they continue to climb. In the modern era of globalization, we have seen this on an unprecedented scale. Since 1970, as economic freedom has grown in developing countries such as China and India, the number of people living on $1 a day has plunged by 80 percent, according to a recent study.

What about President Obama's arguments that free enterprise has harmed middle-class prosperity? Over the past quarter century, economic studies have shown otherwise. Indeed, as Hoover Institution fellow Henry Nau pointed out in a recent Wall Street Journal article, middle-income earners have become richer and many have leaped into the upper-middle class. Between 1980 and 2007, a period Nau calls ''the Great Expansion,'' the United States grew by more than 3 percent per year and created more than 50 million new jobs, ''massively expanding a middle class of workers,'' in Nau's words.

Nau continues:

> Per capita income increased by 65 percent, and household income went up substantially in all income categories. . . . In the past three decades, households making more than $105,000 in inflation-adjusted dollars doubled to 24 percent from 11 percent.

These are remarkable increases in wealth. What policies produced this expansion? Again quoting Nau:

> Precisely the free-market policies of deregulation and lower marginal income-tax rates that [President] Obama decries.

If the President wants to increase class mobility and prosperity and build on the successes of the ''Great Expansion,'' then he must turn away from

the statist policies that have dominated his 3 years in office. As Brooks and Wehner write:

> The answer is not less capitalism, it is better capitalists.

And I would add, that includes the President and his advisers.

Most fundamentally, our policies must reward hard work and merit for the simple reason that people are more successful and industrious when they get to keep more of the fruits of their labor.

That is what we call earned success. Their prosperity flows to others when they open businesses, create jobs and new products, compete for workers, raise wages, and invest their profits, which can then be lent to other entrepreneurs. But when market forces are restricted—when taxes are too high and regulations are too stifling—entrepreneurship loses its appeal. If people think outcomes are predetermined by the government, they don't have incentives to compete.

A 2005 study by economists Alberto Alesina and George-Marios Angeletos underscores the point. They found that beliefs about meritocratic rewards are self-fulfilling. They concluded that if a society thinks people have a right to enjoy the fruits of their effort, it will choose low taxes and have lower tolerance for redistribution. Effort will be high in these places. Conversely, they found that if citizens believe the system is rigged and that luck and connections, not merit, are the key determinants of success, then they will demand forced wealth redistribution and effort will be lower in these places.

Simply put, if people think the system is inherently unfair, it will wind up that way. That is precisely what has happened in countries such as Spain and Greece, where outcomes are divorced from effort, and, to a large measure, bureaucrats and special interests dictate who gets economic rewards.

Since everyone does better when effort is rewarded, then protecting merit-based success is a moral issue. Indeed, the first American immigrants left countries with too little opportunity for advancement to come here and earn rewards based on merit and be the masters of their own destiny. Polls have shown that, over the years, Americans have not grown tired of the merit-based system but instinctively support it. U2 singer Bono colorfully explained why individual determinism in America is so great:

> In America, the guy looks up at the mansion on the hill and says, ''One day, if I really work hard, I am going to live in the mansion on the hill.'' In Dublin, they look at the mansion on the hill and say, ''One day I'm going to get that [guy].''

Free markets breed a culture of aspiration and mobility, in which people reject the politics of envy and instead focus on their own advancement and their own success. If our goal is to foster such a positive culture of achievement, then we must eschew class warfare in favor of the free-market policies that have done so much to boost prosperity both at home and abroad.

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. BLUNT. 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. BLUNT. Mr. President, I wish to speak on the amendment I have offered with my friend, Senator CASEY from Pennsylvania, on the highway bill, amendment No. 1540.

In my State, and I think in the whole country, the question we hear over and over again is: Where are the private sector jobs? What can we do to get the economy back on track?

There are very few places the Federal Government can create private sector jobs. One of the few places we can do that is in public works, such as the highway bill, where most of the work to build a new bridge or a new highway is done by competitive bid and by private sector employers and private sector employees. While we probably take a different approach to how we get there, I think all of us understand it is critical we work together to find common ground to create jobs and to create economic growth.

This infrastructure bill could be—and I hope it turns out to be—a good start. There is no doubt that infrastructure is the foundation of our economy. Quality transportation is vital to connect people and communities, to connect people to the places they work, to connect the products they make to the places they need to go. That doesn't happen without a good infrastructure program and one that maintains and expands as needs to be the infrastructure that we have. I am very hopeful this bill can provide that additional element to getting our economy back on track.

At the heart of the problem for small towns and for local governments in so many States, and particularly in Missouri, is the bridge system that is not part of the Federal structure. It is the so-called off-system bridge network, where local communities are responsible for bridges.

Missouri has perhaps more bridges than any other State. I was in one of our counties just recently where the county itself—and we have 115 counties. So unlike some of the Western States, the counties aren't huge. They are designed to be compact, and people could get across them in the 1820s and 1830s in 1 day, before automobiles. So we have lots of counties, and 1 of them has 148 bridges. Our smallest county by population, with only 4,000 people, has 100 bridges. So every 40 people in that county are essentially responsible for maintaining a bridge, and bridges are expensive. That off-system bridge network carries schoolbuses, emergency vehicles, lots of agricultural products, families going about their daily routine. Without those bridges, that local infrastructure doesn't work.

What we are suggesting and calling for in this amendment is simply to continue the current policy. I am not talking about any new money for bridges. We are not talking about any new program for bridges. But the bill itself doesn't continue the 15 percent of the bridge funds that has been allocated for some time now to local government. This would continue to have that same 15 percent going to local governments.

There are almost 600,000 bridges in the country—more than 590,000, and 50 percent of those are considered off-system, and approximately 28 percent of that 50 percent are currently considered deficient. Thirty-two percent of the bridges in Missouri in the off-bridge system are considered deficient. They either aren't adequate for the traffic they now carry or are in need of repairs. One out of three bridges in our State needs an investment.

The new penalty section of the underlying bill that would replace the current off-system bridge program makes that program even more uncertain at times when communities and job creators need it the most. Without our amendment, States would only have to sustain the previous number of deficient bridges every other year in order to avoid investing in their off-system bridges. It is a formula that doesn't work. It might work in big communities that have lots of miles that they maintain, but I doubt that. I think this makes an inconsistent investment in bridges all over the country.

Our amendment ensures that counties are not left bearing the full responsibility of these off-system bridges. If they are left bearing that full responsibility, many of these bridges will not be fixed. This has been a major source of funding for counties working on bridges. This amendment would give States and counties the proper tools and resources and the assurance of a steady flow of funding in order to invest in the Nation's bridges.

Additionally, the amendment establishes a procedure where the Transportation Secretary can rescind this requirement if State and local officials determine they have inadequate needs to justify these expenditures. In other words, if they can't justify spending the money in their State, then the Federal Government clearly doesn't have to allocate that 15 percent to local communities and to States for the off-system program.

When I listen to community leaders, and certainly when I listen to county commissioners, this is a topic that comes up in most of our counties with great concern. The counties where it doesn't come up wouldn't have to apply for the money. That 15 percent, allocated appropriately, will make a big difference.

Community leaders and job creators are looking for things that allow them

to prepare for a more certain future. They need the ability to look beyond 6 months or 1 year to plan and anticipate how they are going to repair bridges, which bridges they are going to look at this year, which bridges they will then put off until next year. But right now, they would have no way of knowing whether there would be any Federal assistance to these communities. We need to be sure we provide this certainty for off-system bridges if we are going to promote job creation and economic development. We have to work together in the Nation's Capital to make smart investments in our Nation's transportation system if we are going to provide communities and job creators with greater certainty to prepare for the future.

I wish to thank Senator CASEY for his hard work on this issue. I am glad to join him on this amendment. It is critical to the State of Missouri and many other States. The National Association of Counties, the National League of Cities, the National Conference of Mayors, the National Association of County Engineers, the American Public Works Association, the National Association of Regional Councils, and the National Association of Development Officials are all in support of this amendment. I hope we have it included in the amendments we get to vote on, and I urge my colleagues to join in this bipartisan effort to create more certainty for local governments.

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.

The PRESIDING OFFICER (Ms. KLOBUCHAR). The Senator from Tennessee.

Mr. ALEXANDER. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALEXANDER. Madam President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

WIND TURBINE SUBSIDIES

Mr. ALEXANDER. Madam President, today in the Wall Street Journal there coincidentally was an editorial on the subject about which I speak, and this was entitled ''Republicans Blow With the Wind. Another industry wants to keep its tax subsidies.'' It is about the possibility that the Senate will be asked—maybe as early as the next few days during the debate on the Transportation bill—to extend yet 1 more year the Federal taxpayers' subsidy for large wind turbines.

I would like to take a few minutes to say why I don't believe we should do that, and I ask unanimous consent that following my remarks the Wall Street Journal editorial be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. ALEXANDER. Madam President, I believe it is time for Congress to stop the Big Wind gravy train. Subsidies for developers of huge wind turbines will cost taxpayers $14 billion over 5 years, between 2009 and 2013, according to the Joint Tax Committee and the Treasury Department. This is more than the special tax breaks for Big Oil, which Congress should also end. $6 billion of these Big Wind subsidies will come from the production tax credit for renewable energy, which Congress temporarily enacted in 1992. The prospect for the expiration of this tax break at the end of this year has filled the Capitol with lobbyists hired by investors wealthy enough to profit from the tax breaks. President Obama even wants to make these tax credits permanent. According to the Wall Street Journal, this is a ''make or break moment'' for wind power companies.

There are three reasons the Big Wind subsidies should go the way of the $5 billion annual ethanol subsidy, which Congress allowed to expire last year. First, we cannot afford it. The Federal Government borrows 40 cents of every dollar it spends. It cannot justify such a subsidy, especially for what the Nobel Prize-winning U.S. Energy Secretary calls a ''mature technology.''

Second, wind turbines produce a relatively puny amount of expensive, unreliable electricity. Wind produces 2.3 percent of our electricity, less than 8 percent of our pollution-free electricity. One alternative is natural gas, which is abundant, cheap, and very clean. Another alternative is nuclear. Reactors power our Navy and produce 70 percent of our pollution-free electricity. Using windmills to power a country that uses one-fourth of all of the world's electricity world would be the energy equivalent of going to war in sailboats.

Finally, these massive turbines too often destroy the environment in the name of saving the environment. When wind advocate T. Boone Pickens was asked whether he would put turbines on his Texas ranch, Mr. Pickens answered: No, they're ugly.

A new documentary movie, ''Windfall,'' chronicles upstate New York residents debating whether to build giant turbines in their town. A New York Times review of this film reported this:

> Turbines are huge: Some are 40 stories tall, with 130-foot blades weighing seven tons and spinning at 150 miles per hour. They can fall over or send parts flying; struck by lightning, say, they can catch fire. Their 24/7 rotation emits nerve-racking low frequencies (like a pulsing disco) amplified by rain and moisture, and can generate a disorienting strobe effect in sunlight. Giant flickering shadows can tarnish a sunset's glow on a landscape.

Let's consider the three arguments one by one. First, the money. For all we hear about Big Oil, you may be surprised to learn that special tax breaks for Big Wind are greater. During the 5 years from 2009 to 2013, Federal subsidies for Big Wind equal $14 billion. I am only counting the production tax credit and the cash grants that the 2009 stimulus law offered to wind developers in lieu of the tax credit. An analysis of that stimulus cash grant program by Greenwire found that 64 percent of the 50 highest dollar grants awarded—or about $2.7 billion—went to projects that had begun construction before the stimulus measures started.

Steve Ellis, the vice president of Taxpayers for Common Sense, told Greenwire:

> It's essentially funding economic activity that already would have occurred. So it's just a pure subsidy.

According to President Obama's new budget, Big Oil receives multiple tax subsidies. Doing away with them would save about $4.7 billion a year in fiscal year 2013 or about $22 billion over 5 years it says. So far it sounds like Big Oil with $22 billion, is bigger in subsidies than Big Wind with $14 billion. But here is the catch: Many of the subsidies that the President is attacking oil companies for receiving are regular tax provisions that are the same or similar to those other industries receive. For example, Xerox, Microsoft, and Caterpillar all benefit from tax provisions like the manufacturing tax credit, amortization or depreciation of used equipment that the President is counting as Big Oil subsidies.

Of course, wind energy companies also benefit from many similar tax provisions. But the production tax credit that benefits wind is in addition to the regular Tax Code provisions that benefit many companies. So the only way to make a fair comparison is to look only at subsidies that mostly benefit only oil or only wind, and by that measure wind gets more breaks than oil.

The Heritage Foundation has done an analysis showing that if Big Oil received the same type of production tax credit as Big Wind, then the taxpayer would be paying Big Oil about $50 per barrel of oil when adjusted for today's prices. According to a 2008 Energy Information Administration report, Big Wind received an $18.82 federal subsidy per megawatt hour, 25 times as much as per megawatt hour as subsidies for all other forms of electricity production combined.

The production tax credit became law in 1992. Its goal was to jump-start renewable energy production. While it is advertised as a tax credit for renewable energy, according to the Joint Committee on Taxation, 75 percent of the credit goes to wind developers. Here is how it works: For every kilowatt hour of electricity produced from wind, turbine owners receive 2.2 cents in a tax credit. For example, if a Texas utility buys electricity from a wind developer at 6 cents a kilowatt hour, the Federal taxpayer will pay the developer another 2.2 cents per kilowatt hour. This 2.2-cent subsidy continues

for the first 10 years that the turbine is in service. This 2.2-cent credit is worth 3.4 cents per kilowatt hour in cash savings on the tax return of a wealthy investor. Wind developers often sell their tax credits to Wall Street banks or big corporations or other investors who have large incomes. They create what is called a tax equity deal in order to lower or even eliminate taxes. This is the scheme our President, who is championing economic fairness, would like to make permanent.

Energy expert Daniel Yergin, the Pulitzer prize winner, says the price of oil during 2011, when adjusted for inflation, is higher than at any time since 1860. It therefore makes no sense whatsoever to give special tax breaks to Big Oil. Neither does it make sense to extend special tax breaks to Big Wind, a mature technology. For every $3 saved by eliminating these wasteful subsidies, I would spend $2 to reduce the Federal debt and $1 to double research for new forms of cheap, clean energy for our country.

The second problem with electricity produced from wind is there is not much of it, and since the wind blows when it wants to, and for the most part, it cannot be stored, it is not reliable. For this reason the claims in newspapers about how much electricity wind produces are misleading because of the difference between the capacity of an energy plant and its actual production.

Daniel Yergin says the U.S. installed capacity for wind power grew at an average annual rate of 40 percent between 2005 and 2009. In terms of absolute capacity, Yergin writes in his book The Quest, that growth in capacity was the equivalent to adding 25 new nuclear plants. But Yergin writes: In terms of actual generation of electricity, it was more like adding nine reactors. This is because nuclear plants operate 90 percent of the time while wind turbines operate about one-third of the time.

As an example, the Tennessee Valley Authority constructed a 29-megawatt wind farm at Buffalo Mountain at a cost of $60 million. It is the only wind farm in the Southeast.

We read in the papers about a 29-megawatt wind farm, but that is not its real output. In practice, Buffalo Mountain has only generated electricity 19 percent of the time, since the wind doesn't blow very much in the Southeast. So this wind farm, sounding like a 29-megawatt power plant, only generates 6 megawatts. TVA considers Buffalo Mountain to be a failed experiment. In fact, looking for wind power in the Southeast is a little like looking for hydropower in the desert.

So one problem with this Big Wind subsidy is that it has encouraged developers to build wind projects in places where the wind doesn't blow or the wind doesn't blow.

Finally, there is the question of whether in the name of saving the environment wind turbines are destroying the environment. These are not your grandma's windmills. They are taller than the Statue of Liberty, their blades are as long as a football field, and their blinking lights can be seen for 20 miles. Not everyone agrees with T. Boone Pickens that they are ugly but, when these towers move from television advertisements into your neighborhood, you might agree with Mr. Pickens. Energy sprawl is the term conservation groups use to describe the march of 45-story wind turbines onto the landscape of ''America the Beautiful.''

If the United States generated 20 percent of our electricity from wind, as some have suggested, that would cover an area the size of West Virginia with 186,000 wind turbines. It would also be necessary to build 12,000 new miles of transmission lines.

The late Ted Kennedy and his successor Senator SCOTT BROWN have both complained about how a wind farm the size of Manhattan Island will clutter the ocean landscape around Nantucket Island.

Robert Bryce told the Wall Street Journal that the noise of turbines, the ''infra sound'' issue, is the most problematic for the wind industry. ''They want to dismiss it out of hand, but the low frequency noise is very disturbing,'' he explains. ''I interviewed people all over, and they all complained with identical words and descriptions about the problems they were feeling from the noise.''

Theodore Roosevelt was our greatest conservation President, and his greatest passion was for birds. Birds must think wind turbines are Cuisinarts in the sky.

Last month, two golden eagles were found dead at California's Pine Tree wind farm, bringing the total count of dead golden eagles at that wind farm to eight carcasses. And the Los Angeles Times reports that the U.S. Fish and Wildlife Service ''has determined that the six golden eagles found dead earlier at the 2-year-old wind farm in Kern County were struck by blades from some of the 90 turbines spread across the 8,000 acres at the site.'' That puts the death rate per turbine at the Pine Tree wind farm at three times higher than at California's Altamont Pass Wind Resource Area, which has 5,000 turbines that kill 67 golden eagles each year.

Apparently eagle killing has gotten so commonplace that the U.S. Department of the Interior will grant wind developers hunting licenses for eagles. In Goodhue County, MN, a company wants to build 48 turbines on 50 square miles of land, and to do that it has applied for an ''eagle take'' permit which will allow it to kill a certain number of eagles before facing penalties.

I have figured out how such a hunting license squares with federal laws that will put you in prison or fine you if you kill migratory birds or eagles. Nor have I figured out how it squares with the Fish and Wildlife Service fining Exxon $600,000 in 2009 when oil development harmed protected birds. Do not the same laws protecting birds apply to both Big Wind and Big Oil?

Surely, there are appropriate places for wind power in a country that needs clean electricity and that has learned the value of a diverse set of energy sources. But if reliable, cheap, and clean electricity without energy sprawl is our goal, then four nuclear reactors—each occupying 1 square mile—would equal the production of a row of 50-story wind turbines strung along the entire 2,178-mile length of the Appalachian Trail from Georgia to Maine.

According to Benjamin Zycher at the American Enterprise Institute, a 1,000-megawatt natural gas powerplant would take up about 15 acres while a comparable wind farm would take up 48,000 to 60,000 acres. And, of course, even if someone built all of those turbines, you would still need the nuclear or gas plants for when the wind doesn't blow.

Our energy policy should to be, first, double the $5 billion Federal energy budget for research on new forms of cheap, clean, reliable energy. I am talking about such research for the 500-mile battery for electric cars, for commercial uses of carbon captured from coal plants, solar power installed at less than $1 a watt, or even offshore wind turbines.

Second, we should strictly limit and support a handful of jumpstart research and development projects to take new technologies from their research and development phase to the commercial phase. I am thinking here of projects like ARPA-E, modeled after the Defense Department's DARPA, that led to the internet, stealth, and other remarkable technologies. Or the 5-year program for small modular nuclear reactors.

Third, we should end wasteful, long-term, special tax breaks such as those for Big Oil and Big Wind. The savings from ending those subsidies should be used to double clean energy research and to reduce our Federal debt.

For a strong country, we need large amounts of cheap, reliable, clean energy, and we need a balanced budget. This is an energy policy that could help us do both.

EXHIBIT 1

REPUBLICANS BLOW WITH THE WIND

ANOTHER INDUSTRY WANTS TO KEEP ITS TAXPAYER SUBSIDIES

Congress finally ended decades of tax credits for ethanol in December, a small triumph for taxpayers. Now comes another test as the wind-power industry lobbies for a $7 billion renewal of its production tax credit.

The renewable energy tax credit—mostly for wind and solar power—started in 1992 as a ''temporary'' benefit for an infant industry. Twenty years later, the industry wants another four years on the dole, and Senator Jeff Bingaman of New Mexico has introduced a national renewable-energy mandate so consumers will be required to buy wind and solar power no matter how high the cost.

The truth is that those giant wind turbines from Maine to California won't turn without burning through billions upon billions of taxpayer dollars. In 2010 the industry received

some $5 billon in subsidies for nearly every stage of wind production.

The ''1603 grant program'' pays up to 30% of the construction costs for renewable energy plants (a subsidy that ended last year but which President Obama calls for reviving in his budget). Billions in Department of Energy grants and loan guarantees also finance the operating costs of these facilities. Wind producers then get the 2.2% tax credit for every kilowatt of electricity generated.

Because wind-powered electricity is so expensive, more than half of the 50 states have passed renewable energy mandates that require utilities to purchase wind and solar power—a de facto tax on utility bills. And don't forget subsidies to build transmission lines to deliver wind power to the electric grid.

What have taxpayers received for this multibillion-dollar ''investment''? The latest Department of Energy figures indicate that wind and solar power accounted for a mere 1.5% of U.S. energy production in 2010. DOE estimates that by 2035 wind will provide a still trivial 3.9% of U.S. electricity.

Even that may be too optimistic because of the natural gas boom that has produced a happy supply shock and cut prices by more than half. Most economic models forecasting that renewable energy will become price competitive are based on predictions of natural gas prices at well above $6 per million cubic feet, more than twice the current cost.

The most dishonest claim is that wind and solar deserve to be wards of the state because the oil and gas industry has also received federal support. That's the $4 billion a year in tax breaks for oil and gas (which all manufacturers receive), but the oil and gas industry still pays tens of billions in federal taxes every year.

Wind and solar companies are net tax beneficiaries. Taxpayers would save billions of dollars if wind and solar produced no energy at all. A July 2011 Energy Department study found that oil, natural gas and coal received an average of 64 cents of subsidy per megawatt hour in 2010. Wind power received nearly 100 times more, or $56.29 per megawatt hour.

Most Congressional Democrats will back anything with the green label. But Republican support for big wind is a pure corporate welfare play that violates free-market principles. Last week six Republican Senators—John Boozman of Arkansas, Scott Brown of Massachusetts, Charles Grassley of Iowa, John Hoeven of North Dakota, Jerry Moran of Kansas and John Thune of South Dakota—signed a letter urging their colleagues to extend the production tax credit.

''It is clear that the wind industry currently requires tax incentives'' and that continuing that federal aid can help the industry ''move towards a market-based system,'' said the letter. What's the ''market-based'' timetable—100 years? In the House 18 Republicans have joined the 70–Member wind pork caucus. Someone should remind them that in 2008 and 2010 the wind lobby gave 71% of its PAC money to Democrats.

Here's a better idea. Kill all energy subsidies—renewable and nonrenewable, starting with the wind tax credit, and use the savings to shave two or three percentage points off America's corporate income tax. Kansas Congressman Mike Pompeo has a bill to do so. This would do more to create jobs than attempting to pick energy winners and losers. Mandating that American families and businesses use expensive electricity doesn't create jobs. It destroys them.

Mr. ALEXANDER. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant editor of the Daily Digest proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 6:30 p.m.

Thereupon, the Senate, at 5:03 p.m., recessed until 6:30 p.m. and reassembled when called to order by the Presiding Officer (Mr. BENNET).

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER (Mr. MERKLEY). The Senator from Pennsylvania.

Mr. TOOMEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## MOVING AHEAD FOR PROGRESS IN THE 21ST CENTURY ACT—Continued

Mr. TOOMEY. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

### CAPITAL FORMATION

Mr. TOOMEY. Mr. President, it is probably clear to all of us that the American people have a very high level of frustration with the lack of productivity of this Congress. The fact is, when we go home to our respective States, I am sure we are all hearing what I heard last week as I traveled across Pennsylvania. People ask me: Why can't you guys work together? Why can't you get something done? Why does it seem there is so much partisan bickering that you can't come together even on simple things that could help grow this economy, help make progress in these very difficult times?

Well, on this front I think we have some good news, and I am delighted to talk about this tonight. I hope this early sign of good news reaches fruition and we actually have a meaningful accomplishment soon in this body as well as the other body.

Specifically, I am referring to the work that has been coming together of late on a series of capital formation bills that will help small and growing companies raise the capital they need to expand, to hire new workers, to help improve our economy and give us a healthier economy with the job growth we badly need.

In particular, I want to thank House majority leader ERIC CANTOR. Congressman CANTOR took the step of pulling together a series of separate bills and putting them together in a package—a capital formation package. There is very broad support for this package in the House. I think under his leadership it is very likely to pass the House and will present a tremendous opportunity for us because there is broad bipartisan support for these commonsense reforms that will help companies raise capital and grow.

The bipartisan support includes the President of the United States. Much to his credit, the President—I believe just yesterday—issued a formal Statement of Administrative Policy indicating his full support for the passage of the measure that Leader CANTOR is proposing in the House. Many of these proposals come from the work that the President initiated. Some of them are included in the startup America jobs plan that the President proposed. Some of them were recommended by commissions that the President assembled. The President spoke about the need for enhancing small- and medium-sized companies' access to capital in his State of the Union Address. So I think the President has been very clear and very strong in his support as the House Republican leadership has been.

In this body I think the leadership on both sides of the aisle has indicated support. The majority leader and the minority leader have both indicated their support for moving in this direction. The chairman and the ranking member of the Banking Committee have expressed a desire to move forward with the capital formation package, and there is wide support among outside groups. In fact, there is very broad support and very little opposition. The support includes support of entrepreneurs, whether they be from convenience stores, financial services firms, or high-tech firms.

In Pennsylvania, the life science companies feel very strongly about this because for them access to capital is a huge challenge. It is the absolutely essential precondition for their growth, and they are not alone. Manufacturers generally, supermarkets, all kinds of trade associations, the support for these kinds of capital foundation bills is very broad.

I want to touch specifically on three of the bills that I have been working on for quite some time now, and I am very hopeful and optimistic. First of all, these three bills are among six bills. The House companion version of these bills is in the package that Leader CANTOR has proposed, and I believe there is broad support in this body for these bills as well.

The first I want to refer to is a bill that I have introduced with Senator TESTER. It is S. 1544, and it is called the Small Company Capital Formation Act. It is more commonly known as the reg A bill. What it does is lift the current ceiling on the amount of money that a business can raise under the regulation provision of the securities law. That is a provision that allows a small

company to issue a modest amount of debt or equity without being subject to the full range of very costly regulations. The limit has been at $5 million for many years, and the bill that Senator TESTER and I have proposed would raise that limit to $50 million. It has not been updated in almost two decades, and there is no question that raising the ceiling would allow a lot of companies that need to raise substantially more than $5 million the ability to do so and to thereby grow.

This is something the President has supported as well, and it passed the House by a pretty stunning margin of 421 to 1. It was not very controversial. I don't think it is controversial here, so I am glad this bill is included in this package in the House.

The second bill I would like to mention is S. 1824, the Toomey-Carper bill. It has to do with the limit on the number of shareholders a closely held company can have without triggering the full SEC compliance. Currently, that limit is at 500 shareholders. If you reach 500 or go above 500, then you are treated as a public company such as ExxonMobile for reporting purposes. That might have been appropriate many years ago, but in the modern era where communication is so much easier, access to information is so much greater and so much faster, the necessary information for shareholders can be distributed more broadly, more quickly, more easily, it is high time we raised that limit from 500 to 2,000 as this bill would do.

I appreciate Senator CARPER's support for this legislation.

This is a bill that has a companion measure in the House that was raised at the House Financial Services Committee. They voted on it. They voted by voice vote and approved it. By voice vote that means, generally speaking, there is no opposition and nobody bothered with the rollcall vote because everybody supported it. That is a big, broad committee that represents virtually every constituency in the House of Representatives, and it was passed by a voice vote. This has very strong and broad support.

The third bill I want to mention is S. 1933, the Schumer-Toomey bill. The technical name is Reopening American Capital Markets to Emerging Growth Companies Act. We call this more colloquially the on-ramp bill. The reason we call it that is because we think of it as an on-ramp to becoming a publicly traded company, a path to launching an IPO that will facilitate this.

There has been a big reduction in the number of IPOs that occur in the United States. The IPO, initial public offering, is the process by which a private company becomes a public company. It can be a very substantial opportunity to raise capital. As I mentioned earlier, when companies raise capital, they put that money to work by expanding and hiring new workers. An IPO is a hugely important step in a company's progress and almost invariably follows a substantial increase in hiring, and that is why this is so important.

One of the reasons companies are slower to go public now than they were in the past is because we in Congress created a much more expensive set of regulations when a company does go public. Part of that is the Sarbanes-Oxley bill, and certain features within Sarbanes-Oxley are enormously complex and expensive to comply with.

Our bill says if you are a relatively small company—specifically, less than $1 billion in revenues or less than $700 million in public float, the amount of stock that is traded, then you can do an IPO without having to comply with all of the Sarbanes-Oxley regulations immediately. Over time you will have to comply if you exceed those thresholds that I mentioned, or within 5 years. In any case, you have to comply as everybody else does, but at least you have the opportunity to grow and the ability to afford the expense that is associated with it.

A companion measure to this bill—an identical version in the House was considered by the House Financial Services Committee, and that passed just a week ago. It passed the Financial Services Committee by a vote of 54 to 1. This is not very controversial. This has very broad bipartisan support, and this is the kind of legislation that is going to help businesses grow. I cannot stress enough the link between raising capital and growing one's company and hiring new workers. Capital and jobs are completely linked. What these bills will do, together with the other bills that make the broader package, is they will encourage a wealthier economy, stronger job growth, and more people working.

Let me stress one other aspect about this that I think is important to note. This came out at a hearing we had earlier this week on this very topic; that is, for many small companies, young companies, growing companies, there are a number of steps along the way to becoming a larger and more successful company, employing more people.

There are a number of steps along the way in raising capital that can start with an angel investor, followed by venture capital, followed by private equity, followed by maybe a securities issuance, followed by an IPO. This sequence of capital-raising is very important. If you facilitate any one step along the way, as these bills would, the experts who came and testified before our committee confirmed that by facilitating one step along the way, you facilitate the capital-raising at the earlier steps because what happens is the investors are more confident they will have the opportunity to liquidate their investment at a later stage if they see that the regulations have been made more amenable to that liquidation further down the road. So even if a company is not yet necessarily poised, for instance, to do the IPO, the fact that the IPO is easier to achieve when that company gets there increases their chance of raising money now through other vehicles, through other sources, and therefore increases their ability to grow.

I am very enthusiastic, as my colleagues can tell, about this legislation—certainly the three bills I have been working on and the other bills as well, which are a perfect complement to this and really constitute a portfolio of bills that will facilitate portfolio-raising across the board.

I thank my Democratic cosponsors of these particular bills, including Senators TESTER, CARPER, and SCHUMER, for working with me. I also wish to commend Leader MCCONNELL for his leadership and Senator REID for his, as well as Ranking Member SHELBY and Chairman JOHNSON. I think what our constituents have been telling us for a long time is they want to see us working together and doing what is right for our country, for our economy, for job growth. This is a wonderful opportunity to do that.

I think it is quite likely that a package of these bills is going to pass the House very soon. I hope some comparable measure will pass in the Senate. The President has already indicated he supports it and wants to sign it. I don't think we should waste any time at all in passing the legislation that will be good for small and medium-sized businesses and good for their ability to grow and hire more workers.

With that, Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. MANCHIN). The clerk will call the roll.

The bill 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.

Mr. REID. Mr. President, first of all, I don't think apologies are in order. We have been doing the best we can for several days now. We have a typical agreement, not one that either side jumps for joy about. In the near future, we are going to be able to finish this important piece of legislation.

Mr. President, I ask unanimous consent that the motion to recommit be withdrawn; that the pending second-degree amendment be withdrawn; that the Reid of Nevada amendment No. 1761 be agreed to; that the bill, as amended, be considered original text for the purposes of further amendment; that the following amendments be the only first-degree amendments remaining in order to S. 1813:

Vitter No. 1535; Baucus or designee relative to rural schools; Collins No. 1660; Coburn No. 1738; Nelson of Florida, Shelby, Landrieu No. 1822, with a modification in order if agreed to by Senators Nelson of Florida, Shelby, Landrieu, and Baucus; Wyden No. 1817; Hoeven No. 1537; Levin No. 1818;

McConnell or designee with a side-by-side to Stabenow No. 1812; Stabenow No. 1812; Demint No. 1589; Menendez-Burr No. 1782; DeMint No. 1756; Coats No. 1517; Brown of Ohio No. 1819; Blunt No. 1540; Merkley No. 1653; Portman No. 1736; Klobuchar No. 1617; Corker No. 1785, with a modification; Shaheen No. 1678; Portman No. 1742; Corker No. 1810; Carper No. 1670; Hutchison No. 1568; McCain No. 1669, modified with changes at the desk; Alexander No. 1779; Boxer No. 1816; and Paul No. 1556; that on Thursday, March 8, at a time to be determined by the majority leader, after consultation with the Republican leader, the Senate proceed to votes in relation to the amendments in the order listed; that the following amendments be subject to a 60-vote affirmative threshold: Vitter No. 1535; Baucus or designee relative to rural schools; Collins No. 1660; Coburn No. 1738; Nelson of Florida-Shelby-Landrieu No. 1822; Wyden No. 1817; Hoeven No. 1537; McConnell or designee side-by-side to Stabenow No. 1812; Stabenow No. 1812; DeMint No. 1589; Menendez-Burr No. 1782; that there be no other amendments in order to the bill or the amendments listed other than the managers' package and there be no points of order or motions in order to any of these amendments other than budget points of order and the applicable motions to waive; that it be in order for a managers' package to be considered and, if approved by the managers and the two leaders, the managers' package be agreed to; further, the bill, as amended, then be read the third time and the Senate proceed to a vote on passage of the bill, as amended, and if the bill is passed, it be held at the desk; finally, that when the Senate receives the House companion to S. 1813, as determined by the two leaders, it be in order for the majority leader to proceed to its immediate consideration, strike all after the enacting clause and insert the text of S. 1813, as passed by the Senate, in lieu thereof; that the House bill, as amended, be read the third time, a statutory pay-go statement be read, if needed, and the bill, as amended, be passed, the motions to reconsider be considered made and laid upon the table; that upon passage, the Senate insist on its amendment, request a conference with the House on the disagreeing votes of the two Houses and that the Chair be authorized to appoint conferees on the part of the Senate.

The PRESIDING OFFICER. Is there objection?

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 permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

## ADDITIONAL STATEMENTS

### FREDERICK COUNTY, MD CHAMBER OF COMMERCE

• Mr. CARDIN. Mr. President, I wish to recognize the 100th anniversary of the Frederick County Chamber of Commerce, the first chartered chamber in the United States. When the United States Chamber of Commerce was formed at a conference held by President Taft in April 1912, four delegates from the Maryland's Frederick County Board of Trade were in attendance. Inspired by the conference, the Frederick County Board of Trade applied for membership to the newly formed chamber the very next day.

The newly renamed Frederick County Chamber of Commerce committed itself to serving the business interests of Frederick County. During the ravages of the Great Depression, the chamber was a beacon of hope, advocating for Federal work programs and organizing the Community Chest, now known as the United Way of Frederick County.

Over the past 100 years, the Frederick County Chamber of Commerce has successfully promoted economic vitality in Frederick, and has been a crucial partner to countless local businesses and organizations. The Frederick Arts Council and the Tourism Council of Frederick County were both chamber initiatives that grew into independently successful organizations. The Chamber has also been a leader in promoting women and minority-owned businesses. In 1969, the chamber worked with the NAACP to form the People's Opportunity and Information Center, and in 1997 they welcomed their first female president.

Today, the Frederick County Chamber of Commerce works with nearly 1,000 member businesses to expand Frederick County's economy and improve the quality of life for Frederick County residents. By bringing business leaders together to tackle challenges and proactively plan for the future, the Frederick County Chamber of Commerce has strengthened the community and the region.

I ask my colleagues to join me in congratulating the Frederick County Chamber of Commerce on 100 years of leadership and advocacy on behalf of the businesses and citizens of Frederick County.•

### REMEMBERING MINNESOTA SENATOR GARY KUBLY

• Mr. FRANKEN. Mr. President, I would like to take a few minutes to remember the life of Minnesota Senator Gary Kubly, who died on Friday, March 2, after a battle with Lou Gehrig's disease.

Gary was a model Midwestern politician—one who worked hard, but quietly, on behalf of his constituents. He was a strong voice for the rural communities that he served, communities whose struggles continue to mount and are shared across this country. He cared deeply about issues from agriculture and rural development to education and the environment.

In 2010, Gary was diagnosed with amyotrophic lateral sclerosis, more commonly known as Lou Gehrig's disease. As a Lutheran pastor, Gary met his diagnosis with strong faith and determination. He chose to continue his work in public service, always putting his constituents first.

Gary wasn't the stereotypical politician whom many disparage so often in today's discourse. He kept his head down and just worked for the people who elected him, reaching across ideological boundaries to do his job. In his 16 years in the Minnesota House and Senate, he didn't seek out the limelight. He simply served as a voice for rural Minnesota, and he was remarkably effective.

We in this body have a lot to learn from Gary's style of legislating. Minnesota benefited greatly from his work, and we have lost a hard-working public servant and friend.

I would like to conclude with a prayer that Gary read at a Minnesota Farmers Union convention in 2010, which I think is a perfect reflection of his values:

Creator God, Redeemer Son and Indwelling Spirit, we thank You for bringing us together this weekend. Be with us as we attempt to move our industry forward in ways that benefit the people of our State and Nation.

Help us to see that the decisions we make in caring for the land, marketing local foods, sustaining our resources for all of these things are part and parcel of our call as Your people to care for our neighbor.

Help us to embrace once again the values of community that allow us to see our neighbors in the same light that You see them for You have created all of us in equal standing before You.

Move us from our tendency to isolate ourselves from one another to seeing our neighbors as benefactors along with us of Your love and grace.

Bless us now as we received these gifts of nourishment from Your hand that we might be sustained in our call to care for our neighbor coupled with our own call to farm the land You have given into our keeping.

In Your strong name, Amen.•

### TRIBUTE TO ASSISTANT POLICE CHIEF MARCY KORGENSKI

• Mr. LEE. Mr. President, today I wish to recognize the career of Assistant Police Chief Marcy Korgenski, who is retiring after 30 years with the Ogden Police Department and was the first female to hold the position in Ogden's history.

A graduate of both Weber State University and the FBI National Academy, Chief Korgenski first joined Ogden's police force in 1982 as a patrol officer.

She helped to found the department's gang unit in 1991, and, rising through the ranks, she became a sergeant in 1995 and a lieutenant in 1999. In 2010, Korgenski was promoted to assistant police chief, a position she had earned with hard work throughout her career.

As assistant chief, Korgenski has been in charge of the department's Investigation Division, training and records operations, and selective enforcement. She has also directed officers assigned to the Weber-Morgan Narcotics Strike Force, established and managed the Ogden Police Apprentice Program, and joined prosecutors in establishing a special investigator for Hispanic victims of domestic violence. Using her experience to teach others, Korgenski trained members of the Volunteers in Policing program in techniques to assist local police in keeping residents safe.

In 2011, Korgenski was awarded the Ogden/Weber Chamber Women in Business Committee's ATHENA award, which recognizes individuals who demonstrate excellence, initiative, and creativity in their profession. When interviewed about the award, Korgenski said that she encourages women to ''dream the impossible dream.''

Korgenski has also received her department's Distinguished Service Award, the Mattie Harris Spirit of the American Woman Award, and the Rotary Club's Outstanding Selfless Dedication and Public Service Award.

Beyond her professional accomplishments, Korgenski is very active in her community. She is involved with the Ogden Area Youth Alliance, the American Cancer Society Relay for Life, the Special Olympics of Utah, and the Domestic Violence Coalition for Weber County. She also serves on the Swanson Foundation Advisory Board, the Ogden Noon Exchange Club Executive Board, Weber Sate's Child and Family Services Advisory Board, and the GOAL Foundation, and is a trustee for Youth Impact, a nonprofit organization dedicated to helping at-risk youths. Her decision to retire was made in part to devote even more time to her volunteering efforts.

I join Ogden Mayor Mike Caldwell in saying that Marcy Korgenski's service to the public will be missed. Her career is a testament to the accomplishments of hardworking women everywhere, and I congratulate her on her many achievements and 30 years of excellence in her field.●

## RECOGNIZING BAXTER BREWING COMPANY

● Ms. SNOWE. Mr. President, throughout the 112th Congress, I have consistently implored my colleagues to remember the value of our Nation's small businesses. These enterprising firms are the key to job creation. Nowhere is this more prevalent than in my home State of Maine, whose entrepreneurial spirit has remained vibrant as businesses continue to make headlines. Today I wish to recognize and commend Baxter Brewing Company, whose owner and founder, Luke Livingston, was recently named one of Forbes Magazine's 30 under 30 in the food and wine category.

A native of Auburn, ME, Luke began brewing while still in college at Clark University in Worcester, MA. Following college, although he was successfully employed, Luke's passion continued to remain in brewing. At 24, he decided it was time to take the leap, and quit his day job to develop a business plan for Baxter Brewing Company. In seeking to create a well-crafted business plan—particularly in such a tumultuous economy—Luke turned to counselors within the Maine Small Business Development Center, who provided him critical guidance that was instrumental in achieving his goal.

Now at age 27, Luke's dream has become a reality, as his business has quickly risen to the ranks of top micro-breweries. Baxter Brewing Company, began selling its product in January of 2011, and is located in a portion of newly renovated space at the Bates Mill Complex, a historic former textile mill in downtown Lewiston. Currently, the company offers three varieties of beer including a Stowaway India Pale Ale, IPA, Pamola Xtra Pale Ale, and its newest addition, the Amber Road. Unlike most craft beer producers, Luke sells his micro-brew in cans rather than glass bottles. By using cans, Baxter is able to utilize recycled materials while reducing shipping costs and providing fresher beer to their customers at the same time.

Recently, celebrating Baxter's first year anniversary, Luke's gamble has certainly paid off with expanding sales markets and multiple accolades for the young brewery. In the first year, the company sold slightly over 5,000 barrels of beer, making it one of 2011's most successful first year craft breweries. Accordingly, in addition to Luke's personal recognition by Forbes, Baxter Brewing is also being recognized by BevNet Magazine, an elite beverage trade magazine, as the New Brewery of the Year.

As Baxter Brewing Company continues to expand further into Massachusetts and New Hampshire, this small business offers incredible insight into how young entrepreneurs can triumph in today's economy. Luke's ambition and zealous commitment to his craft have provided a remarkable pathway to success. I am proud to extend my congratulations to Luke and everyone at Baxter Brewing for their richly deserved honors, and offer my best wishes for their future endeavors.●

## MESSAGES FROM THE HOUSE

At 10:49 a.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 4105. An act to apply the countervailing duty provisions of the Tariff Act of 1930 to nonmarket economy countries, and for other purposes.

### ENROLLED BILL SIGNED

At 6:47 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. 4105. An act to apply the countervailing duty provisions of the Tariff Act of 1930 to nonmarket economy countries, and for other purposes.

The enrolled bill was subsequently signed by the Acting President pro tempore (Mr. REID).

## MEASURES DISCHARGED

The following bill was discharged from the Committee on Finance, and referred as follows:

S. 2152. A bill to promote United States policy objectives in Syria, including the departure from power of President Bashar Assad and his family, the effective transition to a democratic, free, and secure country, and the promotion of a prosperous future in Syria; to the Committee on Foreign Relations.

## MEASURES READ THE FIRST TIME

The following bill was read the first time:

S. 2173. A bill to preserve and protect the free choice of individual employees to form, join, or assist labor organizations, or to refrain from such activities.

## ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, March 7, 2012, she had presented to the President of the United States the following enrolled bill:

S. 1710. An act to designate the United States courthouse located at 222 West 7th Avenue, Anchorage, Alaska, as the James M. Fitzgerald United States Courthouse.

## 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–5223. A communication from the Secretary of the Department of Agriculture, transmitting pursuant to law, the 2011 Packers and Stockyards Program Annual Report; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5224. A communication from the Under Secretary of Defense (Acquisition, Technology and Logistics), transmitting, pursuant to law, a report relative to the Department of Defense taking essential steps to award multiyear contracts for nine ARLEIGH BURKE Class Guided Missile Destroyers in fiscal years 2013 through 2017, in the second quarter of fiscal year 2013; to the Committee on Armed Services.

EC–5225. A communication from the Under Secretary of Defense (Acquisition, Technology and Logistics), transmitting, pursuant to law, an annual report on operations of

the National Defense Stockpile (NDS) for fiscal year 2011; to the Committee on Armed Services.

EC–5226. 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 2012–0017—2012–0027); to the Committee on Foreign Relations.

EC–5227. A communication from the Chairman of the Board of Governors, Federal Reserve System, transmitting, pursuant to law, the Board's semiannual Monetary Policy Report to Congress; to the Committee on Banking, Housing, and Urban Affairs.

EC–5228. A communication from the Chairman of the Federal Energy Regulatory Commission, transmitting, pursuant to law, a report relative to the progress made in licensing and constructing the Alaska Natural Gas Pipeline; to the Committee on Energy and Natural Resources.

EC–5229. 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 ''Weatherization Assistance for Low-Income Persons: Maintaining the Privacy of Applicants for and Recipients of Services'' (RIN1904–AC16) received in the Office of the President of the Senate on February 29, 2012; to the Committee on Energy and Natural Resources.

EC–5230. A communication from the Secretary of the Interior, transmitting, pursuant to law, a report relative to the North Slope Science Initiative; to the Committee on Energy and Natural Resources.

EC–5231. A communication from the Director of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Removal of Oman from the Restricted Destinations List'' ((RIN3150–AJ06) (NRC–2011–0264)) received in the Office of the President of the Senate on February 29, 2012; to the Committee on Environment and Public Works.

EC–5232. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Regulation of Fuels and Fuel Additives: Identification of Additional Qualifying Renewable Fuel Pathways Under the Renewable Fuel Standard Program'' (FRL No. 9642–3) received in the Office of the President of the Senate on March 5, 2012; to the Committee on Environment and Public Works.

EC–5233. A communication from the United States Trade Representative, Executive Office of the President, transmitting, pursuant to law, the 2012 Trade Policy Agenda and 2011 Annual Report of the President of the United States on the Trade Agreements Program; to the Committee on Finance.

EC–5234. 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 ''Annual Price Inflation Adjustments for Passenger Automobiles First Placed in Service or Leased in 2012'' (Rev. Proc. 2012–23) received in the Office of the President of the Senate on March 5, 2012; to the Committee on Finance.

EC–5235. A communication from the Secretary of Education, transmitting, pursuant to law, the Annual Performance Report of the Department of Education for fiscal year 2011; to the Committee on Health, Education, Labor, and Pensions.

EC–5236. A communication from the Assistant General Counsel for Regulatory Services, Office of Special Education and Rehabilitative Services, Department of Education, transmitting, pursuant to law, the report of a rule entitled ''National Institute on Disability and Rehabilitation Research (NIDRR)—Disability and Rehabilitation Research Projects and Centers Program—Disability and Rehabilitation Research Project—Center on Knowledge Translation for Disability and Rehabilitation Research'' (CFDA No. 84.133A–13) received in the Office of the President of the Senate on February 28, 2012; to the Committee on Health, Education, Labor, and Pensions.

EC–5237. A communication from the Acting Director, Office of Management and Budget, Executive Office the President, transmitting, proposed legislation entitled ''Reforming and Consolidating Government Act of 2012''; to the Committee on Homeland Security and Governmental Affairs.

EC–5238. A communication from the Chief Acquisition Officer, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled ''Federal Acquisition Regulation; Federal Acquisition Circular 2005–57, Introduction'' (FAC 2005–57) received in the Office of the President of the Senate on March 5, 2012; to the Committee on Homeland Security and Governmental Affairs.

EC–5239. A communication from the Chief Acquisition Officer, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled ''Federal Acquisition Regulation; FAR Case 2012–004, United States-Korea Free Trade Agreement'' (FAC 2005–57) received in the Office of the President of the Senate on March 5, 2012; to the Committee on Homeland Security and Governmental Affairs.

EC–5240. A communication from the Chief Acquisition Officer, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled ''Federal Acquisition Regulation; FAR Case 2005–57, Small Entity Compliance Guide'' (FAC 2005–57) received in the Office of the President of the Senate on March 5, 2012; to the Committee on Homeland Security and Governmental Affairs.

EC–5241. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19–318 ''Board of Ethics and Government Accountability Establishment and Comprehensive Ethics Reform Amendment Act of 2011''; to the Committee on Homeland Security and Governmental Affairs.

EC–5242. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19–313 ''Streetscape Reconstruction Temporary Act of 2012''; to the Committee on Homeland Security and Governmental Affairs.

EC–5243. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled ''Fiscal Year 2010 Report to Congress on Funding Needs For Contract Support Cost of Self-Determination Awards''; to the Committee on Indian Affairs.

EC–5244. A communication from the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Agency, Department of Justice, transmitting, pursuant to law, the report of a rule entitled ''Schedules of Controlled Substances; Extension of Temporary Placement of Five Synthetic Cannabinoids Into Schedule I of the Controlled Substances Act'' (Docket No. DEA–345) received in the Office of the President of the Senate on February 29, 2012; to the Committee on the Judiciary.

EC–5245. A communication from the Director of the Regulation Policy and Management Office of the General Counsel, Veterans Health Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled ''Drug and Drug-Related Supply Promotion by Pharmaceutical Company Representatives at VA Facilities'' (RIN2900–AN42) received in the Office of the President of the Senate on March 5, 2012; to the Committee on Veterans' Affairs.

EC–5246. A communication from the Director of the Regulation Policy and Management Office of the General Counsel, Veterans Health Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled ''Exempting In-home Video Telehealth from Copayments'' (RIN2900–AO26) received in the Office of the President of the Senate on March 5, 2012; to the Committee on Veterans' Affairs.

EC–5247. A communication from the Acting Under Secretary of Defense (Personnel and Readiness), transmitting the report of an officer authorized to wear the insignia of the grade of brigadier general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC–5248. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revision of Compulsory Reporting Points; Alaska'' ((RIN2120–AA66) (Docket No. FAA–2010–1398)) received during adjournment of the Senate in the Office of the President of the Senate on February 21, 2012; to the Committee on Commerce, Science, and Transportation.

EC–5249. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Restricted Areas R–3704A and R–3704B; Fort Knox, KY'' ((RIN2120–AA66) (Docket No. FAA–2011–1274)) received during adjournment of the Senate in the Office of the President of the Senate on February 21, 2012; to the Committee on Commerce, Science, and Transportation.

EC–5250. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class C Airspace; Springfield, MO; Lincoln, NE; Grand Rapids, MI'' ((RIN2120–AA66) (Docket No. FAA–2011–1406)) received during adjournment of the Senate in the Office of the President of the Senate on February 21, 2012; to the Committee on Commerce, Science, and Transportation.

EC–5251. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class D Airspace; Altus AFB, OK'' ((RIN2120–AA66) (Docket No. FAA–2011–0630)) received during adjournment of the Senate in the Office of the President of the Senate on February 21, 2012; to the Committee on Commerce, Science, and Transportation.

EC–5252. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class D Airspace; Jackson, MI'' ((RIN2120–AA66) (Docket No. FAA–2011–1143)) received during adjournment of the Senate in the Office of the President of the Senate on February 21, 2012; to the Committee on Commerce, Science, and Transportation.

EC–5253. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class D Airspace; Saginaw, MI'' ((RIN2120–AA66) (Docket No. FAA–2011–1144)) received during adjournment of the Senate in the Office of the

President of the Senate on February 21, 2012; to the Committee on Commerce, Science, and Transportation.

EC–5254. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Iverness, FL'' ((RIN2120–AA66) (Docket No. FAA–2011–0540)) received during adjournment of the Senate in the Office of the President of the Senate on February 21, 2012; to the Committee on Commerce, Science, and Transportation.

EC–5255. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class E Airspace; Rugby, ND'' ((RIN2120–AA66) (Docket No. FAA–2011–0433)) received during adjournment of the Senate in the Office of the President of the Senate on February 21, 2012; to the Committee on Commerce, Science, and Transportation.

EC–5256. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class E Airspace; Portsmouth, OH'' ((RIN2120–AA66) (Docket No. FAA–2011–0850)) received during adjournment of the Senate in the Office of the President of the Senate on February 21, 2012; to the Committee on Commerce, Science, and Transportation.

EC–5257. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class E Airspace; Greenfield, IA'' ((RIN2120–AA66) (Docket No. FAA–2011–0846)) received during adjournment of the Senate in the Office of the President of the Senate on February 21, 2012; to the Committee on Commerce, Science, and Transportation.

EC–5258. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class E Airspace; Galbraith Lake, AK'' ((RIN2120–AA66) (Docket No. FAA–2011–0865)) received during adjournment of the Senate in the Office of the President of the Senate on February 21, 2012; to the Committee on Commerce, Science, and Transportation.

EC–5259. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class E Airspace; Rockingham, NC'' ((RIN2120–AA66) (Docket No. FAA–2011–1146)) received during adjournment of the Senate in the Office of the President of the Senate on February 21, 2012; to the Committee on Commerce, Science, and Transportation.

EC–5260. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class E Airspace; Kwigillingok, AK'' ((RIN2120–AA66) (Docket No. FAA–2011–0881)) received during adjournment of the Senate in the Office of the President of the Senate on February 21, 2012; to the Committee on Commerce, Science, and Transportation.

## PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–66. A concurrent resolution adopted by the Senate of the State of North Dakota respectfully applies for an amendments convention to the Constitution of the United States to be called for the purpose of proposing an amendment that provides that an increase in the federal debt requires approval from a majority of the legislatures of the separate states; to the Committee on the Judiciary.

SENATE CONCURRENT RESOLUTION NO. 4007

A concurrent resolution providing for the application for an amendments convention to the Constitution of the United States to be called for the purpose of proposing an amendment that provides that an increase in the federal debt requires approval from a majority of the legislatures of the separate states.

WHEREAS, Article V of the Constitution of the United States provides authority for a convention to be called by the Congress of the United States for the purpose of proposing amendments to the Constitution of the United States upon application of two-thirds of the legislatures of the several states—an amendments convention; and

WHEREAS, the North Dakota Legislative Assembly favors the proposal and ratification of an amendment to the Constitution of the United States that provides that an increase in the federal debt requires approval from a majority of the legislatures of the separate states; Now, therefore, be it

*Resolved by the Senate of North Dakota, the House of Representatives Concurring Therein:* That the Sixty-second Legislative Assembly of the state of North Dakota respectfully applies for an amendments convention to the Constitution of the United States to be called for the purpose of proposing an amendment that provides that an increase in the federal debt requires approval from a majority of the legislatures of the separate states; and be it further

*Resolved,* that the amendments convention contemplated by this application must be focused entirely upon and exclusively limited to the subject matter of proposing for ratification an amendment to the Constitution of the United States providing that an increase in the federal debt requires approval from a majority of the legislatures of the separate states; and be it further

*Resolved,* that this application constitutes a continuing application in accordance with Article V of the Constitution of the United States until at least two-thirds of the legislatures of the several states have made application for an equivalently limited amendments convention; and be it further

*Resolved,* that the Secretary of State forward copies of this resolution to the President of the United States Senate, to the Speaker of the United States House of Representatives, to each member of the North Dakota Congressional Delegation, and to the presiding officers of each house of the several state legislatures, requesting their cooperation in applying for the amendments convention limited to the subject matter contemplated by this application.

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POM–67. A resolution adopted by the Legislature of Rockland County, New York, requesting that the United States Congress pass bill H.R. 1084 and S. 587—The Fracturing Responsibility and Awareness of Chemicals (FRAC) Act; to the Committee on Environment and Public Works.

## 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. CONRAD (for himself, Mr. WICKER, Ms. KLOBUCHAR, Mr. JOHNSON of South Dakota, Mr. COCHRAN, Mr. INHOFE, Ms. LANDRIEU, Mr. TESTER, Mr. CRAPO, Mr. RISCH, Mr. MORAN, Mr. UDALL of New Mexico, and Mr. BAUCUS):

S. 2166. A bill to amend the Safe Drinking Water Act to reauthorize technical assistance to small public water systems, and for other purposes; to the Committee on Environment and Public Works.

By Mr. MERKLEY:

S. 2167. A bill to increase the employment of Americans by requiring State workforce agencies to certify that employers are actively recruiting Americans and that Americans are not qualified or available to fill the positions that the employer wants to fill with H–2B nonimmigrants; to the Committee on the Judiciary.

By Mr. BLUMENTHAL (for himself, Mr. DURBIN, and Mr. HARKIN):

S. 2168. A bill to amend the National Labor Relations Act to modify the definition of supervisor; to the Committee on Health, Education, Labor, and Pensions.

By Mr. MCCONNELL (for himself and Mr. PAUL):

S. 2169. A bill to require the Director of the Bureau of Prisons to be appointed by and with the advice and consent of the Senate; to the Committee on the Judiciary.

By Mr. AKAKA (for himself, Mr. LIEBERMAN, Mr. LEVIN, and Mr. LEE):

S. 2170. A bill to amend the provisions of title 5, United States Code, which are commonly referred to as the ''Hatch Act'' to eliminate the provision preventing certain State and local employees from seeking elective office, clarify the application of certain provisions to the District of Columbia, and modify the penalties which may be imposed for certain violations under subchapter III of chapter 73 of that title; to the Committee on Homeland Security and Governmental Affairs.

By Mr. PRYOR (for himself and Mr. BLUNT):

S. 2171. A bill to enhance the promotion of exports of United States goods and services, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Ms. SNOWE (for herself, Mrs. GILLIBRAND, Ms. LANDRIEU, Mr. BENNET, Mrs. SHAHEEN, Ms. MIKULSKI, and Ms. MURKOWSKI):

S. 2172. A bill to remove the limit on the anticipated award price for contracts awarded under the procurement program for women-owned small business concerns, and for other purposes; to the Committee on Small Business and Entrepreneurship.

By Mr. DEMINT (for himself, Mr. COBURN, Mr. HATCH, Mr. LEE, Mr. PAUL, Mr. TOOMEY, Mr. VITTER, and Mr. RISCH):

S. 2173. A bill to preserve and protect the free choice of individual employees to form, join, or assist labor organizations, or to refrain from such activities; read the first time.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. LAUTENBERG (for himself, Mr. MENENDEZ, Mr. CARDIN, Mr. LEVIN, and Mr. COONS):

S. Res. 390. A resolution honoring the life and legacy of the Honorable Donald M. Payne; considered and agreed to.

ADDITIONAL COSPONSORS

S. 1002

At the request of Mr. SCHUMER, the name of the Senator from Oklahoma (Mr. COBURN) was added as a cosponsor of S. 1002, a bill to prohibit theft of medical products, and for other purposes.

S. 1301

At the request of Mr. LEAHY, the names of the Senator from Washington (Ms. CANTWELL) and the Senator from New Jersey (Mr. MENENDEZ) were added as cosponsors of S. 1301, a bill to authorize appropriations for fiscal years 2012 through 2015 for the Trafficking Victims Protection Act of 2000, to enhance measures to combat trafficking in persons, and for other purposes.

S. 1425

At the request of Mr. DEMINT, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 1425, a bill to amend the National Labor Relations Act to ensure fairness in election procedures with respect to collective bargaining representatives.

S. 1440

At the request of Mr. ALEXANDER, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 1440, a bill to reduce preterm labor and delivery and the risk of pregnancy-related deaths and complications due to pregnancy, and to reduce infant mortality caused by prematurity.

S. 1544

At the request of Mr. TESTER, the name of the Senator from North Carolina (Mrs. HAGAN) was added as a cosponsor of S. 1544, a bill to amend the Securities Act of 1933 to require the Securities and Exchange Commission to exempt a certain class of securities from such Act.

S. 1591

At the request of Mrs. GILLIBRAND, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 1591, a bill to award a Congressional Gold Medal to Raoul Wallenberg, in recognition of his achievements and heroic actions during the Holocaust.

S. 1598

At the request of Mr. MANCHIN, his name was added as a cosponsor of S. 1598, a bill to amend the Commodity Exchange Act to prevent excessive speculation in commodity markets and excessive speculative position limits on energy contracts, and for other purposes.

S. 1770

At the request of Mrs. GILLIBRAND, the name of the Senator from New Jersey (Mr. MENENDEZ) 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. 1935

At the request of Mrs. HAGAN, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 1935, a bill to require the Secretary of the Treasury to mint coins in recognition and celebration of the 75th anniversary of the establishment of the March of Dimes Foundation.

S. 1970

At the request of Mr. MERKLEY, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 1970, a bill to amend the securities laws to provide for registration exemptions for certain crowdfunded securities, and for other purposes.

S. 2090

At the request of Mr. AKAKA, the name of the Senator from Arizona (Mr. KYL) was added as a cosponsor of S. 2090, a bill to amend the Indian Law Enforcement Reform Act to extend the period of time provided to the Indian Law and Order Commission to produce a required report, and for other purposes.

S. 2112

At the request of Mr. BEGICH, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 2112, a bill to amend title 10, United States Code, to authorize space-available travel on military aircraft for members of the reserve components, a member or former member of a reserve component who is eligible for retired pay but for age, widows and widowers of retired members, and dependents.

S. 2125

At the request of Mr. WYDEN, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 2125, a bill to amend title XVIII of the Social Security Act to modify the designation of accreditation organizations for orthotics and prosthetics, to apply accreditation and licensure requirements to suppliers of such devices and items for purposes of payment under the Medicare program, and to modify the payment rules for such devices and items under such program to account for practitioner qualifications and complexity of care.

S. 2128

At the request of Mr. TESTER, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 2128, a bill to amend the Balanced Budget and Emergency Deficit Control Act of 1985 to clarify that all veterans programs are exempt from sequestration, and for other purposes.

S. 2142

At the request of Mr. CASEY, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of 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.

S. 2150

At the request of Ms. SNOWE, the names of the Senator from Idaho (Mr. CRAPO), the Senator from Nebraska (Mr. JOHANNS), the Senator from South Dakota (Mr. THUNE) and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of S. 2150, a bill to amend title XVI of the Social Security Act to clarify that the value of certain funeral and burial arrangements are not to be considered available resources under the supplemental security income program.

S. RES. 380

At the request of Mr. GRAHAM, the names of the Senator from South Carolina (Mr. DEMINT), the Senator from Kentucky (Mr. MCCONNELL) and the Senator from Mississippi (Mr. COCHRAN) 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.

S. RES. 385

At the request of Mr. VITTER, the names of the Senator from New Jersey (Mr. MENENDEZ), the Senator from North Carolina (Mr. BURR) and the Senator from Arkansas (Mr. BOOZMAN) were added as cosponsors of S. Res. 385, a resolution condemning the Government of Iran for its continued persecution, imprisonment, and sentencing of Youcef Nadarkhani on the charge of apostasy.

S. RES. 386

At the request of Mr. BLUMENTHAL, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. Res. 386, a resolution calling for free and fair elections in Iran, and for other purposes.

AMENDMENT NO. 1739

At the request of Mrs. MURRAY, the names of the Senator from Minnesota (Ms. KLOBUCHAR) and the Senator from Colorado (Mr. UDALL) 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. 1769

At the request of Mr. DEMINT, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of amendment No. 1769 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. 1789

At the request of Mr. DEMINT, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of amendment No. 1789 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. 1804

At the request of Mr. HARKIN, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of amendment No. 1804 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. MCCONNELL (for himself and Mr. PAUL):

S. 2169. A bill to require the Director of the Bureau of Prisons to be appointed by and with the advice and consent of the Senate; to the Committee on the Judiciary.

Mr. MCCONNELL. 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. 2169

*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 ''Federal Prisons Accountability Act of 2012''.

**SEC. 2. FINDINGS.**

Congress finds the following:

(1) The Director of the Bureau of Prisons leads a law enforcement component of the Department of Justice with a budget that exceeds $6,500,000,000 for fiscal year 2012.

(2) With the exception of the Federal Bureau of Investigation, the Bureau of Prisons has the largest operating budget of any unit within the Department of Justice.

(3) The Director of the Bureau of Prisons oversees and is responsible for the welfare of more than 216,000 Federal inmates in 117 facilities.

(4) The Director of the Bureau of Prisons supervises more than 37,000 employees, many of whom operate in hazardous environments that involve regular interaction with violent offenders.

(5) The Director of the Bureau of Prisons also serves as the chief operating officer for Federal Prisons Industries, a wholly owned government enterprise of 98 prison factories that directly competes against the private sector, including small businesses, for Government contracts.

(6) Within the Department of Justice, in addition to those officials who oversee litigating components, the Director of the Bureau of Alcohol, Tobacco, Firearms, and Explosives, the Director of the Bureau of Justice Assistance, the Director of the Bureau of Justice Statistics, the Director of the Community Relations Service, the Director of the Federal Bureau of Investigation, the Director of the National Institute of Justice, the Director of the Office for Victims of Crime, the Director of the Office on Violence Against Women, the Administrator of the Drug Enforcement Administration, the Deputy Administrator of the Drug Enforcement Administration, the Administrator of the Office of Juvenile Justice and Delinquency Prevention, the Director of the United States Marshals Service, 94 United States Marshals, the Inspector General of the Department of Justice, and the Special Counsel for Immigration Related Unfair Employment Practices, are all appointed by the President by and with the advice and consent of the Senate.

(7) Despite the significant budget of the Bureau of Prisons and the vast number of people under the responsibility of the Director of the Bureau of Prisons, the Director is not appointed by and with the advice and consent of the Senate.

**SEC. 3. DIRECTOR OF THE BUREAU OF PRISONS.**

(a) IN GENERAL.—Section 4041 of title 18, United States Code, is amended by striking ''appointed by and serving directly under the Attorney General.'' and inserting the following: ''who shall be appointed by the President by and with the advice and consent of the Senate. The Director shall serve directly under the Attorney General.''.

(b) INCUMBENT.—Notwithstanding the amendment made by subsection (a), the individual serving as the Director of the Bureau of Prisons on the date of enactment of this Act may serve as the Director of the Bureau of Prisons until the date that is 3 months after the date of enactment of this Act.

(c) RULE OF CONSTRUCTION.—Nothing in this Act shall be construed to limit the ability of the President to appoint the individual serving as the Director of the Bureau of Prisons on the date of enactment of this Act to the position of the Director of the Bureau of Prisons in accordance with section 4041 of title 18, United States Code, as amended by subsection (a).

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By Mr. AKAKA (for himself, Mr. LIEBERMAN, Mr. LEVIN, and Mr. LEE):

S. 2170. A bill to amend the provisions of title 5, United States Code, which are commonly referred to as the ''Hatch Act'' to eliminate the provision preventing certain State and local employees from seeking elective office, clarify the application of certain provisions to the District of Columbia, and modify the penalties which may be imposed for certain violations under subchapter III of chapter 73 of that title; to the Committee on Homeland Security and Governmental Affairs.

Mr. AKAKA. Mr. President, I rise today to introduce the Hatch Act Modernization Act of 2012. I am pleased that Senators LIEBERMAN, LEVIN, and LEE have joined as cosponors.

The Hatch Act restricts political activity of Federal employees, District of Columbia employees, and certain other state and local employees. Originally enacted in 1939, the Hatch Act has not been amended since 1993.

The Hatch Act plays two very important roles. First, it ensures that the government works for American citizens regardless of the political party controlling the White House or Congress. Second, the Hatch Act protects Federal employees in the workplace. Specifically, the Hatch Act restricts Federal employees' partisan political action in order to protect them for being coerced to participate in political activities in the workplace. This is essential to the merit-based system that currently exists.

In 2007, I chaired a hearing of the Senate Subcommittee of Oversight of Government Management, the Federal Workforce, and the District of Columbia, which examined whether enhancements or clarifications to the Hatch Act were necessary. Since that time, I have considered what changes to the law would be appropriate, while being mindful that the Hatch Act represents a careful balance intended to shield employees from pressure to use federal time and money for partisan gain, while also protecting employees' personal freedoms of choice and expression.

The legislation I am introducing today makes common sense changes to the Hatch Act. First, it would grant State and local employees the freedom to run for partisan elective office. Under current law, state and local employees are permitted to run for nonpartisan elective office, but are prohibited from running for partisan elective office. This can lead to confusing and inconsistent rules in different locations, depending on whether a particular elective office is categorized as partisan or non-partisan. This change will also save the government money, as the Office of Special Counsel would not be required to spend valuable time and resources investigating the hundreds of complaints it receives each year on this issue.

The legislation would also modify the Hatch Act's draconian penalty provisions. The Hatch Act currently provides for a presumed penalty of termination for any violation of the law, regardless of its severity. Under the law, it is possible that a federal employee could lose his or her job for inadvertently sending an email at work containing improper political content or hanging a picture on his or her wall during a campaign season. My bill would amend these provisions of the Hatch Act to allow the Merit Systems Protection Board, which adjudicates Hatch Act complaints in the federal government, to impose a range of penalties, from termination to a reprimand, depending on the nature of the offense involved.

Finally, the legislation would ensure that employees of the District of Columbia are subject to the same restrictions on political activity that currently apply to all other state and local employees. Under present law, District of Columbia employees are subject to the Hatch Act provisions that apply to federal employees, rather than those that apply to employees of States and localities.

I urge my colleagues to support this important legislation.

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. 2170

*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 ''Hatch Act Modernization Act of 2012''.

**SEC. 2. PERMITTING STATE AND LOCAL EMPLOYEES TO BE CANDIDATES FOR ELECTIVE OFFICE.**

(a) IN GENERAL.—Section 1502(a) of title 5, United States Code, is amended—

(1) in paragraph (1), by adding ''or'' after the semicolon;

(2) in paragraph (2), by striking ''purposes; or'' and inserting ''purposes.''; and

(3) by striking paragraph (3).

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) REFERENCE TO STATE AND LOCAL OFFICIALS.—Section 1502 of title 5, United States Code, is amended by striking subsection (c).

(2) NONPARTISAN CANDIDACIES.—

(A) IN GENERAL.—Section 1503 of title 5, United States Code, is repealed.

(B) TABLE OF SECTIONS.—The table of sections for chapter 15 of title 5, United States Code, is amended by striking the item relating to section 1503.

**SEC. 3. APPLICABILITY OF PROVISIONS RELATING TO STATE AND LOCAL EMPLOYEES.**

(a) STATE OR LOCAL AGENCY.—Section 1501(2) of title 5, United States Code, is amended by inserting '', or the District of Columbia, or an agency or department thereof'' before the semicolon.

(b) STATE OR LOCAL OFFICER OR EMPLOYEE.—Section 1501(4) of title 5, United States Code, is amended by striking subparagraph (B) and inserting the following:

''(B) an individual employed by an educational or research institution, establishment, agency, or system which is supported in whole or in part by—

''(i) a State or political subdivision thereof;

''(ii) the District of Columbia; or

''(iii) a recognized religious, philanthropic, or cultural organization.''.

(c) MERIT SYSTEMS PROTECTION BOARD ORDERS.—Section 1506(a)(2) of title 5, United States Code, is amended by inserting ''(or in the case of the District of Columbia, in the District of Columbia)'' after ''the same State''.

(d) PROVISIONS RELATING TO FEDERAL EMPLOYEES MADE INAPPLICABLE.—Section 7322(1) of title 5, United States Code, is amended—

(1) in subparagraph (A), by adding ''or'' at the end;

(2) in subparagraph (B), by striking ''or'' at the end;

(3) by striking subparagraph (C); and

(4) by striking ''services;'' and inserting ''services or an individual employed or holding office in the government of the District of Columbia;''.

**SEC. 4. HATCH ACT PENALTIES FOR FEDERAL EMPLOYEES.**

Chapter 73 of title 5, United States Code, is amended by striking section 7326 and inserting the following:

**''§ 7326. Penalties**

''An employee or individual who violates section 7323 or 7324 shall be subject to removal, reduction in grade, debarment from Federal employment for a period not to exceed 5 years, suspension, reprimand, or an assessment of a civil penalty not to exceed $1,000.''.

**SEC. 5. EFFECTIVE DATE.**

(a) IN GENERAL.—This Act and the amendments made by this Act shall take effect 30 days after the date of enactment of this Act.

(b) APPLICABILITY RULE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendment made by section 4 shall apply with respect to any violation occurring before, on, or after the effective date of this Act.

(2) EXCEPTION.—The amendment made by section 4 shall not apply with respect to an alleged violation if, before the effective date of this Act—

(A) the Special Counsel has presented a complaint for disciplinary action, under section 1215 of title 5, United States Code, with respect to the alleged violation; or

(B) the employee alleged to have committed the violation has entered into a signed settlement agreement with the Special Counsel with respect to the alleged violation.

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By Ms. SNOWE (for herself, Mrs. GILLIBRAND, Ms. LANDRIEU, Mr. BENNET, Mrs. SHAHEEN, Ms. MIKULSKI, and Ms. MURKOWSKI):

S. 2172. A bill to remove the limit on the anticipated award price for contracts awarded under the procurement program for women-owned small business concerns, and for other purposes; to the Committee on Small Business and Entrepreneurship.

Ms. SNOWE. Mr. President, I rise today, at the onset of Women's History Month, along with my colleagues Senators GILLIBRAND, LANDRIEU, BENNET, SHAHEEN, MIKULSKI, and MURKOWSKI to introduce the Fairness in Women-Owned Small Business Contracting Act. The purpose of the bill is to remove inequities that exist in the women-owned small business contracting program, when compared to other socio-economic programs.

As former Chair and now Ranking Member of the Senate Committee on Small Business and Entrepreneurship, I have long championed women entrepreneurship and have urged both past and present Administrations to implement the woman-owned small business, WOSB, Federal contracting program, which was enacted into law 10 years ago. On March 4, 2010, the Small Business Administration, SBA, finally proposed a workable rule to implement the women's procurement program. I am pleased to report that today there is a functional WOSB contracting program, however, the program lacks the critical elements that the SBA's 8(a), historically underutilized business zones, and the service-disabled veteran-owned government contracting programs include.

To remedy this, our bipartisan bill will help provide tools women need to compete fairly in the Federal contracting arena by allowing for receipt of non-competitive contracts, when circumstances allow. Moreover, the legislation would eliminate a restriction on the dollar amount of a contract that a WOSB can compete for, thus putting them on a level playing field with the other socio-economic contracting programs.

Women-owned small businesses have yet to receive their fair share of the Federal marketplace. In fact, our government has never achieved its goal of five percent of contracts going to WOSBs, achieving only 4.04 percent in fiscal year 2010. Our bill would greatly assist Federal agencies in achieving the small business goaling requirement for WOSBs.

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. 2172

*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 ''Fairness in Women-Owned Small Business Contracting Act of 2012''.

**SEC. 2. PROCUREMENT PROGRAM FOR WOMEN-OWNED SMALL BUSINESS CONCERNS.**

Section 8(m) of the Small Business Act (15 U.S.C. 637(m)) is amended—

(1) in paragraph (2)—

(A) in subparagraph (A), by striking ''who are economically disadvantaged'';

(B) in subparagraph (C), by striking ''paragraph (3)'' and inserting ''paragraph (4)'';

(C) by striking subparagraph (D); and

(D) by redesignating subparagraphs (E) and (F) as subparagraphs (D) and (E), respectively; and

(2) by adding at the end the following:

''(7) SOLE SOURCE CONTRACTS.—A contracting officer may award a sole source contract under this subsection to a small business concern owned and controlled by women under the same conditions as a sole source contract may be awarded to a qualified HUBZone small business concern under section 31(b)(2)(A).''.

**SEC. 3. STUDY AND REPORT ON REPRESENTATION OF WOMEN.**

Section 29 of the Small Business Act (15 U.S.C. 656) is amended by adding at the end the following:

''(o) STUDY AND REPORT ON REPRESENTATION OF WOMEN.—

''(1) STUDY.—The Administrator shall periodically conduct a study to identify any United States industry, as defined under the North American Industry Classification System, in which women are underrepresented.

''(2) REPORT.—Not later than 5 years after the date of enactment of this subsection, and every 5 years thereafter, the Administrator shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report on the results of each study under paragraph (1) conducted during the 5-year period ending on the date of the report.''.

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## SUBMITTED RESOLUTIONS

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### SENATE RESOLUTION 390—HONORING THE LIFE AND LEGACY OF THE HONORABLE DONALD M. PAYNE

Mr. LAUTENBERG (for himself, Mr. MENENDEZ, Mr. CARDIN, Mr. LEVIN, and Mr. COONS) submitted the following resolution; which was considered and agreed to:

S. RES. 390

Whereas the Honorable Donald M. Payne was born in Newark, New Jersey on July 16, 1934, graduated from Barringer High School in Newark and Seton Hall University in South Orange, New Jersey, and pursued graduate studies at Springfield College in Massachusetts;

Whereas the Honorable Donald M. Payne was an educator in the Newark and Passaic, New Jersey public schools and was an executive at Prudential Financial and at Urban Data Systems Inc;

Whereas the Honorable Donald M. Payne became the first African American national president of the YMCA in 1970 and served as Chairman of the World Refugee and Rehabilitation Committee of the YMCA from 1973 to 1981;

Whereas the Honorable Donald M. Payne served 3 terms on the Essex County Board of Chosen Freeholders and 3 terms on the Newark Municipal Council;

Whereas, in 1988, the Honorable Donald M. Payne became the first African American elected to the United States House of Representatives from the State of New Jersey;

Whereas the people of New Jersey overwhelmingly reelected the Honorable Donald M. Payne 11 times, most recently in 2010, when the Honorable Donald M. Payne was elected to represent the Tenth Congressional District of New Jersey for a 12th term;

Whereas the Honorable Donald M. Payne was a tireless advocate for his constituents, bringing significant economic development to Essex, Hudson, and Union Counties in New Jersey;

Whereas, as a senior member of the Committee on Education and the Workforce of the House of Representatives, the Honorable Donald M. Payne was a leading advocate for public schools, college affordability, and workplace protections;

Whereas, as a senior member of the Committee on Foreign Affairs of the House of Representatives, the Chairman and Ranking Member of the Subcommittee on Africa, Global Health, and Human Rights, and a member of the Subcommittee on the Western Hemisphere, the Honorable Donald M. Payne led efforts to restore democracy and human rights around the world, including in Northern Ireland and Sudan;

Whereas the Honorable Donald M. Payne was a leader in the field of global health, cofounding the Malaria Caucus, and helping to secure passage of a bill authorizing $50,000,000 for the prevention and treatment of HIV/AIDS, tuberculosis, and malaria;

Whereas the Honorable Donald M. Payne served as Chairman of the Congressional Black Caucus Foundation and previously as Chairman of the Congressional Black Caucus;

Whereas, in March 2012, the United States Agency for International Development launched the Donald M. Payne Fellowship Program to attract outstanding young people to careers in international development;

Whereas the Honorable Donald M. Payne served on the boards of directors of the National Endowment for Democracy, TransAfrica, the Discovery Channel Global Education Partnership, the Congressional Award Foundation, the Boys and Girls Clubs of Newark, the Newark Day Center, and the Newark YMCA;

Whereas the Honorable Donald M. Payne was the recipient of numerous honors and awards, including honorary doctorates from multiple universities;

Whereas the Honorable Donald M. Payne passed away on March 6, 2012, and is survived by 3 children, 4 grandchildren, and 1 great-grandchild; and

Whereas the Honorable Donald M. Payne's long history of service will have an enduring impact on people in New Jersey, across the United States, and around the world: Now, therefore, be it

*Resolved*, That the Senate—

(1) expresses profound sorrow at the death of the Honorable Donald M. Payne, United States Representative for the Tenth Congressional District of New Jersey;

(2) conveys the condolences of the Senate to the family of the Honorable Donald M. Payne; and

(3) respectfully requests that the Secretary of the Senate transmit a copy of this resolution to the House of Representatives and the family of the Honorable Donald M. Payne.

## AMENDMENTS SUBMITTED AND PROPOSED

SA 1809. Mr. GRASSLEY 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.

SA 1810. Mr. CORKER submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1811. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1812. Ms. STABENOW submitted an amendment intended to be proposed by her to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1813. Mr. WYDEN submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1814. Mr. MERKLEY (for himself, Mr. TOOMEY, and Mr. BLUNT) submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1815. Mr. BROWN of Ohio (for himself and Mr. MERKLEY) submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1816. Mrs. BOXER submitted an amendment intended to be proposed to amendment SA 1761 proposed by Mr. REID to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1817. Mr. WYDEN submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1818. Mr. LEVIN (for himself and Mr. CONRAD) submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1819. Mr. BROWN of Ohio (for himself and Mr. MERKLEY) submitted an amendment intended to be proposed to amendment SA 1761 proposed by Mr. REID to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1820. Mr. WYDEN (for himself and Mr. HOEVEN) submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1821. Mr. CARDIN (for himself and Mr. BLUNT) submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1822. Mr. NELSON of Florida (for himself, Mrs. SHAHEEN, and Ms. LANDRIEU) submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1823. Mr. REID (for Mr. HARKIN (for himself, Mr. BURR, Mr. ENZI, Mr. CASEY, Mr. LIEBERMAN, and Ms. COLLINS)) proposed an amendment to the bill S. 1855, to amend the Public Health Service Act to reauthorize various programs under the Pandemic and All-Hazards Preparedness Act.

## TEXT OF AMENDMENTS

**SA 1809.** Mr. GRASSLEY 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:

At the end, add the following:

**TITLE V—BANKRUPTCY VENUE REFORM**

**SEC. 501. SHORT TITLE.**

This title may be cited as the ''Chapter 11 Bankruptcy Venue Reform Act of 2012''.

**SEC. 502. AMENDMENTS.**

Section 1408 of title 28, United States Code, is amended—

(1) by inserting ''(a)'' before ''Except'',

(2) by inserting ''and subsection (b) of this section'' after ''this title'', and

(3) by adding at the end the following:

''(b) A case under chapter 11 of title 11 in which the person that is the subject of the case is a corporation may be commenced only in the district court for the district—

''(1) in which the principal place of business in the United States, or principal assets in the United States, of such corporation have been located for 1 year immediately preceding such commencement, or for a longer portion of such 1-year period than the principal place of business in the United States, or principal assets in the United States, of such corporation were located in any other district; or

''(2) in which there is pending a case under chapter 11 of title 11 concerning an affiliate of such corporation, if the affiliate in such pending case directly or indirectly owns, controls, or holds with power to vote more than 50 percent of the outstanding voting securities of such corporation.''.

**SEC. 503. EFFECTIVE DATE; APPLICATION OF AMENDMENTS.**

(a) EFFECTIVE DATE.—Except as provided in subsection (b), this title and the amendments made by this title shall take effect on the date of enactment of this Act.

(b) APPLICATION OF AMENDMENTS.—The amendments made by this title shall apply only with respect to cases commenced under title 11 of the United States Code on or after the date of enactment of this Act.

**SA 1810.** Mr. CORKER 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:

At the end of subtitle E of title I of division A, add the following:

**SEC. _____. LIMITATION ON EXPENDITURES.**

Notwithstanding any other provision of law, if the Secretary determines for any fiscal year that the estimated governmental receipts required to carry out transportation programs and projects under this Act and amendments made by this Act (as projected by the Secretary of the Treasury) does not produce a positive balance 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.

**SA 1811.** Mr. BINGAMAN 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 _____, between lines _____ and _____, insert the following:

**SEC. ____. APPROVAL OF THE AGREEMENT BETWEEN THE UNITED STATES AND THE REPUBLIC OF PALAU.**

(a) DEFINITIONS.—In this section:

(1) AGREEMENT.—The term ''Agreement'' means the Agreement and appendices signed by the United States and the Republic of Palau on September 3, 2010.

(2) COMPACT OF FREE ASSOCIATION.—The term ''Compact of Free Association'' means the Compact of Free Association between the Government of the United States of America and the Government of Palau (48 U.S.C. 1931 note; Public Law 99–658).

(b) RESULTS OF COMPACT REVIEW.—

(1) IN GENERAL.—Title I of Public Law 99–658 (48 U.S.C. 1931 et seq.) is amended by adding at the end the following:

**"SEC. 105. RESULTS OF COMPACT REVIEW.**

"(a) IN GENERAL.—The Agreement and appendices signed by the United States and the Republic of Palau on September 3, 2010 (referred to in this section as the 'Agreement'), in connection with section 432 of the Compact of Free Association between the Government of the United States of America and the Government of Palau (48 U.S.C. 1931 note; Public Law 99–658) (referred to in this section as the 'Compact of Free Association'), are approved—

"(1) except for the extension of Article X of the Agreement Regarding Federal Programs and Services, and Concluded Pursuant to Article II of Title Two and Section 232 of the Compact of Free Association; and

"(2) subject to the provisions of this section.

"(b) WITHHOLDING OF FUNDS.—If the Agreement becomes effective during fiscal year 2012, and if during the period beginning on September 30, 2011, and ending on the effective date of the Agreement, the Republic of Palau withdraws an amount greater than $5,000,000 from the trust fund established under section 211(f) of the Compact of Free Association, amounts payable under sections 1, 2(a), 3, and 4(a) of the Agreement shall be withheld from the Republic of Palau until the date on which the Republic of Palau reimburses the trust fund for the amount withdrawn that exceeds $5,000,000.

"(c) FUNDING FOR CERTAIN PROVISIONS UNDER SECTION 105 OF COMPACT OF FREE ASSOCIATION.—On the date of enactment of this section, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary of the Interior such sums as are necessary for the Secretary of the Interior to implement sections 1, 2(a), 3, 4(a), and 5 of the Agreement, which sums shall remain available until expended without any further appropriation.

"(d) AUTHORIZATIONS OF APPROPRIATIONS.—There are authorized to be appropriated—

"(1) to the Secretary of the Interior to subsidize postal services provided by the United States Postal Service to the Republic of Palau, the Republic of the Marshall Islands, and the Federated States of Micronesia $1,500,000 for each of fiscal years 2012 through 2024, to remain available until expended; and

"(2) to the head of each Federal entity described in paragraphs (1), (3), and (4) of section 221(a) of the Compact of Free Association (including the successor of each Federal entity) to carry out the responsibilities of the Federal entity under section 221(a) of the Compact of Free Association such sums as are necessary, to remain available until expended.".

(2) OFFSET.—Section 3 of the Act of June 30, 1954 (68 Stat. 330, 82 Stat. 1213, chapter 423), is repealed.

(c) PAYMENT SCHEDULE; WITHHOLDING OF FUNDS; FUNDING.—

(1) INFRASTRUCTURE MAINTENANCE FUND.—Subsection (a) of section 2 of the Agreement shall be construed as though the subsection reads as follows:

"(a) The Government of the United States shall provide a grant of $2,000,000 for fiscal year 2012, a grant of $4,000,000 for fiscal year 2013, and a grant of $2,000,000 annually from the beginning of fiscal year 2014 through fiscal year 2024 to create a trust fund (the 'Infrastructure Maintenance Fund') to be used for the routine and periodic maintenance of major capital improvement projects financed by funds provided by the United States. The Government of the Republic of Palau will match the contributions made by the United States by making contributions of $150,000 to the Infrastructure Maintenance Fund on a quarterly basis for fiscal year 2012, by making contributions of $300,000 to the Infrastructure Maintenance Fund on a quarterly basis for fiscal year 2013, and contributions of $150,000 to the Infrastructure Maintenance Fund on a quarterly basis from the beginning of fiscal year 2014 through fiscal year 2024. Implementation of this subsection shall be carried out in accordance with the provisions of Appendix A to this Agreement.".

(2) FISCAL CONSOLIDATION FUND.—Section 3 of the Agreement shall be construed as though the section reads as follows:

**"SEC. 3. FISCAL CONSOLIDATION FUND.**

"In addition to $411,000 already provided in 2012, the Government of the United States shall provide the Government of Palau $4,589,000 in fiscal year 2012 and $5,000,000 in fiscal year 2013 for deposit in an interest bearing account to be used to reduce government payment arrears of Palau. Implementation of this section shall be carried out in accordance with the provisions of Appendix B to this Agreement.".

(3) DIRECT ECONOMIC ASSISTANCE.—Subsections (a) and (b) of section 4 of the Agreement shall be construed as though the subsections read as follows:

"(a) In addition to the economic assistance of $13,147,000 provided to the Government of Palau by the Government of the United States in each of fiscal years 2010, 2011, and 2012, and unless otherwise specified in this Agreement or in an Appendix to this Agreement, the Government of the United States shall provide the Government of Palau $81,750,000 in economic assistance as follows: $12,500,000 in fiscal year 2013; $12,000,000 in fiscal year 2014; $11,500,000 in fiscal year 2015; $10,000,000 in fiscal year 2016; $8,500,000 in fiscal year 2017; $7,250,000 in fiscal year 2018; $6,000,000 in fiscal year 2019; $5,000,000 in fiscal year 2020; $4,000,000 in fiscal year 2021; $3,000,000 in fiscal year 2022; and $2,000,000 in fiscal year 2023. Of the $13,147,000 in economic assistance already provided to the Government of Palau in 2012, $12,706,000 is for economic assistance while the remaining $411,000 is for the Fiscal Consolidation Fund. The funds provided in any fiscal year under this subsection for economic assistance shall be provided in 4 quarterly payments (30 percent in the first quarter, 30 percent in the second quarter, 20 percent in the third quarter, and 20 percent in the fourth quarter) unless otherwise specified in this Agreement or in an Appendix to this Agreement.

"(b) Notwithstanding the provisions of Compact section 211(f) and the Agreement Between the Government of the United States and the Government of Palau Regarding Economic Assistance Concluded Pursuant to Section 211(f) of the Compact of Free Association, with respect to fiscal year 2011 the Government of Palau did not exceed a $5,000,000 distribution from the Section 211(f) Fund and, with respect to fiscal years 2012 through fiscal year 2023 and except as otherwise agreed by the Government of the United States and the Government of Palau, the Government of Palau agrees not to exceed the following distributions from the Section 211(f) Fund: $5,000,000 annually beginning in fiscal year 2012 through fiscal year 2013; $5,250,000 in fiscal year 2014; $5,500,000 in fiscal year 2015; $6,750,000 in fiscal year 2016; $8,000,000 in fiscal year 2017; $9,000,000 in fiscal year 2018; $10,000,000 in fiscal year 2019; $10,500,000 in fiscal year 2020; $11,000,000 in fiscal year 2021; $12,000,000 in fiscal year 2022; and $13,000,000 in fiscal year 2023.".

(4) INFRASTRUCTURE PROJECTS.—Section 5 of the Agreement shall be construed as though the section reads as follows:

**"SEC. 5. INFRASTRUCTURE PROJECTS.**

"The Government of the United States shall provide grants totaling $40,000,000 to the Government of Palau as follows: $8,000,000 annually in fiscal years 2012 through fiscal year 2014; $6,000,000 in fiscal year 2015; and $5,000,000 annually in fiscal years 2016 and 2017; towards 1 or more mutually agreed infrastructure projects in accordance with the provisions of Appendix C to this Agreement.".

(d) CONTINUING PROGRAMS AND LAWS.—Section 105(f)(1)(B)(ix) of the Compact of Free Association Amendments Act of 2003 (48 U.S.C. 192ld(f)(1)(B)(ix)) is amended by striking "2009" and inserting "2024".

(e) PASSPORT REQUIREMENT.—Section 141 of Article IV of Title One of the Compact of Free Association shall be construed and applied as if it read as follows:

**"SEC. 141. PASSPORT REQUIREMENT.**

"(a) Any person in the following categories may be admitted to, lawfully engage in occupations, and establish residence as a nonimmigrant in the United States and its territories and possessions without regard to paragraphs (5) or (7)(B)(i)(II) of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(5) or (a)(7)(B)(i)(II)), provided that the passport presented to satisfy section 212(a)(7)(B)(i)(I) of such Act is a valid unexpired machine-readable passport that satisfies the internationally accepted standard for machine readability—

"(1) a person who, on September 30, 1994, was a citizen of the Trust Territory of the Pacific Islands, as defined in title 53 of the Trust Territory Code in force on January 1, 1979, and has become and remains a citizen of Palau;

"(2) a person who acquires the citizenship of Palau, at birth, on or after the effective date of the Constitution of Palau; or

"(3) a naturalized citizen of Palau, who has been an actual resident of Palau for not less than five years after attaining such naturalization and who holds a certificate of actual residence.

"(b) Such persons shall be considered to have the permission of the Secretary of Homeland Security of the United States to accept employment in the United States.

"(c) The right of such persons to establish habitual residence in a territory or possession of the United States may, however, be subjected to non-discriminatory limitations provided for—

"(1) in statutes or regulations of the United States; or

"(2) in those statutes or regulations of the territory or possession concerned which are authorized by the laws of the United States.

"(d) Section 141(a) does not confer on a citizen of Palau the right to establish the residence necessary for naturalization under the Immigration and Nationality Act, or to petition for benefits for alien relatives under that Act. Section 141(a), however, shall not prevent a citizen of Palau from otherwise acquiring such rights or lawful permanent resident alien status in the United States.".

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**SA 1812.** Ms. STABENOW 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 end of division D, insert the following:

**SEC. _____. EXTENSION OF CREDIT FOR ENERGY-EFFICIENT EXISTING HOMES.**

(a) IN GENERAL.—Paragraph (2) of section 25C(g) of the Internal Revenue Code of 1986 is amended by striking "December 31, 2011" and inserting "December 31, 2012".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2011.

**SEC. _____. EXTENSION OF CREDIT FOR CERTAIN PLUG-IN ELECTRIC VEHICLES.**

(a) IN GENERAL.—Subsection (f) of section 30 of the Internal Revenue Code of 1986 is amended by striking ''December 31, 2011'' and inserting ''December 31, 2012''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to vehicles acquired after December 31, 2011.

**SEC. _____. EXTENSION OF CREDIT FOR ALTERNATIVE FUEL VEHICLE REFUELING PROPERTY.**

(a) EXTENSION.—Paragraph (2) of section 30C(g) of the Internal Revenue Code of 1986 is amended by striking ''December 31, 2011.'' and inserting ''December 31, 2012''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2011.

**SEC. _____. EXTENSION OF CELLULOSIC BIOFUEL PRODUCER CREDIT.**

(a) IN GENERAL.—Subparagraph (H) of section 40(b)(6) of the Internal Revenue Code of 1986 is amended to read as follows:

''(H) APPLICATION OF PARAGRAPH.—

''(i) IN GENERAL.—This paragraph shall apply with respect to qualified cellulosic biofuel production after December 31, 2008, and before January 1, 2014.

''(ii) NO CARRYOVER TO CERTAIN YEARS AFTER EXPIRATION.—If this paragraph ceases to apply for any period by reason of clause (i), rules similar to the rules of subsection (e)(2) shall apply.''.

(b) CONFORMING AMENDMENT.—

(1) IN GENERAL.—Paragraph (2) of section 40(e) of the Internal Revenue Code of 1986 is amended by striking ''or subsection (b)(6)(H)''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall take effect as if included in section 15321(b) of the Heartland, Habitat, and Horticulture Act of 2008.

**SEC. _____. ALGAE TREATED AS A QUALIFIED FEEDSTOCK FOR PURPOSES OF THE CELLULOSIC BIOFUEL PRODUCER CREDIT, ETC.**

(a) IN GENERAL.—Subclause (I) of section 40(b)(6)(E)(i) of the Internal Revenue Code of 1986 is amended to read as follows:

''(I) is derived by, or from, qualified feedstocks, and''.

(b) QUALIFIED FEEDSTOCK; SPECIAL RULES FOR ALGAE.—Paragraph (6) of section 40(b) of the Internal Revenue Code of 1986 is amended by redesignating subparagraphs (F), (G), and (H), as amended by this Act, as subparagraphs (H), (I), and (J), respectively, and by inserting after subparagraph (E) the following new subparagraphs:

''(F) QUALIFIED FEEDSTOCK.—For purposes of this paragraph, the term 'qualified feedstock' means—

''(i) any lignocellulosic or hemicellulosic matter that is available on a renewable or recurring basis, and

''(ii) any cultivated algae, cyanobacteria, or lemna.

''(G) SPECIAL RULES FOR ALGAE.—In the case of fuel which is derived by, or from, feedstock described in subparagraph (F)(ii) and which is sold by the taxpayer to another person for refining by such other person into a fuel which meets the requirements of subparagraph (E)(i)(II) and the refined fuel is not excluded under subparagraph (E)(iii)—

''(i) such sale shall be treated as described in subparagraph (C)(i),

''(ii) such fuel shall be treated as meeting the requirements of subparagraph (E)(i)(II) and as not being excluded under subparagraph (E)(iii) in the hands of such taxpayer, and

''(iii) except as provided in this subparagraph, such fuel (and any fuel derived from such fuel) shall not be taken into account under subparagraph (C) with respect to the taxpayer or any other person.''.

(c) ALGAE TREATED AS A QUALIFIED FEEDSTOCK FOR PURPOSES OF BONUS DEPRECIATION FOR BIOFUEL PLANT PROPERTY.—

(1) IN GENERAL.—Subparagraph (A) of section 168(l)(2) of the Internal Revenue Code of 1986 is amended by striking ''solely to produce cellulosic biofuel'' and inserting ''solely to produce second generation biofuel (as defined in section 40(b)(6)(E))''.

(2) CONFORMING AMENDMENTS.—Subsection (l) of section 168 of such Code is amended—

(A) by striking ''cellulosic biofuel'' each place it appears in the text thereof and inserting ''second generation biofuel'',

(B) by striking paragraph (3) and redesignating paragraphs (4) through (8) as paragraphs (3) through (7), respectively,

(C) by striking ''CELLULOSIC'' in the heading of such subsection and inserting ''SECOND GENERATION'', and

(D) by striking ''CELLULOSIC'' in the heading of paragraph (2) and inserting ''SECOND GENERATION''.

(d) CONFORMING AMENDMENTS.—

(1) Section 40 of the Internal Revenue Code of 1986, as amended by subsection (b), is amended—

(A) by striking ''cellulosic biofuel'' each place it appears in the text thereof and inserting ''second generation biofuel'',

(B) by striking ''CELLULOSIC'' in the headings of subsections (b)(6), (b)(6)(E), and (d)(3)(D) and inserting ''SECOND GENERATION'', and

(C) by striking ''CELLULOSIC'' in the headings of subsections (b)(6)(C), (b)(6)(D), (b)(6)(H), (d)(6), and (e)(3) and inserting ''SECOND GENERATION''.

(2) Clause (ii) of section 40(b)(6)(E) of such Code is amended by striking ''Such term shall not'' and inserting ''The term 'second generation biofuel' shall not''.

(3) Paragraph (1) of section 4101(a) of such Code is amended by striking ''cellulosic biofuel'' and inserting ''second generation biofuel''.

(e) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to fuels sold or used after the date of the enactment of this Act.

(2) APPLICATION TO BONUS DEPRECIATION.—The amendments made by subsection (c) shall apply to property placed in service after the date of the enactment of this Act.

**SEC. _____. EXTENSION OF INCENTIVES FOR BIODIESEL AND RENEWABLE DIESEL.**

(a) CREDITS FOR BIODIESEL AND RENEWABLE DIESEL USED AS FUEL.—Subsection (g) of section 40A of the Internal Revenue Code of 1986 is amended by striking ''December 31, 2011'' and inserting ''December 31, 2012''.

(b) EXCISE TAX CREDITS AND OUTLAY PAYMENTS FOR BIODIESEL AND RENEWABLE DIESEL FUEL MIXTURES.—

(1) Paragraph (6) of section 6426(c) of the Internal Revenue Code of 1986 is amended by striking ''December 31, 2011'' and inserting ''December 31, 2012''.

(2) Subparagraph (B) of section 6427(e)(6) of such Code is amended by striking ''December 31, 2011'' and inserting ''December 31, 2012''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to fuel sold or used after December 31, 2011.

**SEC. _____. EXTENSION OF PRODUCTION CREDIT FOR REFINED COAL.**

(a) IN GENERAL.—Subparagraph (B) of section 45(d)(8) of the Internal Revenue Code of 1986 is amended by striking ''January 1, 2012'' and inserting ''January 1, 2013''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to facilities placed in service after December 31, 2011.

**SEC. _____. EXTENSION OF PRODUCTION CREDIT.**

(a) IN GENERAL.—Section 45(d) of the Internal Revenue Code of 1986 is amended by striking ''January 1, 2014'' each place it appears in paragraphs (2), (3), (4), (6), (7), (9), and (11) and inserting ''January 1, 2015''.

(b) WIND FACILITIES.—Paragraph (1) of section 45(d) of the Internal Revenue Code of 1986 is amended by striking ''January 1, 2013'' and inserting ''January 1, 2014''.

(c) INCREASED CREDIT AMOUNT FOR INDIAN COAL FACILITIES PLACED IN SERVICE BEFORE 2009.—Subparagraph (A) of section 45(e)(10) of the Internal Revenue Code of 1986 is amended by striking ''7-year period'' each place it appears and inserting ''8-year period''.

(d) CONFORMING AMENDMENTS.—Subsection (e) of section 1603 of division B of the American Recovery and Reinvestment Act of 2009 is amended—

(1) by striking ''January 1, 2013'' in paragraph (1) and inserting ''January 1, 2014'', and

(2) by striking ''January 1, 2014'' in paragraph (2) and inserting ''January 1, 2015''.

(e) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to facilities placed in service after December 31, 2012.

(2) INDIAN COAL.—The amendment made by subsection (c) shall take effect on the date of the enactment of this Act.

**SEC. _____. EXTENSION OF CREDIT FOR ENERGY-EFFICIENT NEW HOMES.**

(a) IN GENERAL.—Subsection (g) of section 45L of the Internal Revenue Code of 1986 is amended by striking ''December 31, 2011'' and inserting ''December 31, 2012''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to homes acquired after December 31, 2011.

**SEC. _____. EXTENSION OF CREDIT FOR ENERGY-EFFICIENT APPLIANCES.**

(a) IN GENERAL.—Section 45M(b) of the Internal Revenue Code of 1986 is amended by striking ''2011'' each place it appears other than in the provisions specified in subsection (b), and inserting ''2011 or 2012''.

(b) PROVISIONS SPECIFIED.—The provisions of section 45M(b) of the Internal Revenue Code of 1986 specified in this subsection are subparagraph (C) of paragraph (1) and subparagraph (E) of paragraph (2).

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to appliances produced after December 31, 2011.

**SEC. _____. EXTENSION OF ELECTION OF INVESTMENT TAX CREDIT IN LIEU OF PRODUCTION CREDIT.**

(a) IN GENERAL.—Clause (ii) of section 48(a)(5)(C) of the Internal Revenue Code of 1986 is amended by striking ''or 2013'' and inserting ''2013, or 2014''.

(b) WIND FACILITIES.—Clause (i) of section 48(a)(5)(C) of the Internal Revenue Code of 1986 is amended by striking ''Any qualified facility'' and all that follows and inserting ''Any facility which is—

''(I) a qualified facility (within the meaning of section 45) described in paragraph (1) of section 45(d) if such facility is placed in service in 2009, 2010, 2011, 2012, or 2013, or

''(II) a qualifying offshore wind facility, if such facility is placed in service in 2012, 2013, or 2014.''.

(c) QUALIFYING OFFSHORE WIND FACILITY.—Paragraph (5) of section 48(a) of the Internal Revenue Code of 1986 is amended by adding at the end the following new subparagraph:

''(E) QUALIFYING OFFSHORE WIND FACILITY.—For purposes of this paragraph—

''(i) IN GENERAL.—The term 'qualifying offshore wind facility' means an offshore facility using wind to produce electricity.

''(ii) OFFSHORE FACILITY.—The term 'offshore facility' means any facility located in the inland navigable waters of the United States, including the Great Lakes, or in the coastal waters of the United States, including the territorial seas of the United States,

the exclusive economic zone of the United States, and the Outer Continental Shelf of the United States. For purposes of the preceding sentence, the term 'United States' has the meaning given in section 638(1).''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to facilities placed in service after December 31, 2011.

**SEC. _____. EXPANSION OF QUALIFYING ADVANCED ENERGY PROJECT CREDIT.**

(a) IN GENERAL.—Subparagraph (B) of section 48C(d)(1) of the Internal Revenue Code of 1986 is amended by striking ''$2,300,000,000'' and inserting ''$4,600,000,000''.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date of the enactment of this Act.

**SEC. _____. EXTENSION OF SPECIAL ALLOWANCE FOR CELLULOSIC BIOFUEL PLANT PROPERTY.**

(a) IN GENERAL.—Subparagraph (D) of section 168(l)(2) of the Internal Revenue Code of 1986 is amended by striking ''January 1, 2013'' and inserting ''January 1, 2014''.

(b) CONFORMING AMENDMENT.—Paragraph (4) of section 168(l) of the Internal Revenue Code of 1986, as redesignated by this Act, is amended—

(1) by striking ''and'' at the end of subparagraph (A),

(2) by redesignating subparagraph (B) as subparagraph (C), and

(3) by inserting after subparagraph (A) the following new subparagraph:

''(B) by substituting 'January 1, 2014' for 'January 1, 2013' in clause (i) thereof, and''.

**SEC. _____. EXTENSION OF SUSPENSION OF LIMITATION ON PERCENTAGE DEPLETION FOR OIL AND GAS FROM MARGINAL WELLS.**

(a) IN GENERAL.—Clause (ii) of section 613A(c)(6)(H) of the Internal Revenue Code of 1986 is amended by striking ''January 1, 2012'' and inserting ''January 1, 2013''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2011.

**SEC. _____. EXTENSION OF ALTERNATIVE FUELS EXCISE TAX CREDITS.**

(a) IN GENERAL.—Sections 6426(d)(5), 6426(e)(3), and 6427(e)(6)(C) of the Internal Revenue Code of 1986 are each amended by striking ''December 31, 2011'' and inserting ''December 31, 2012''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to fuel sold or used after December 31, 2011.

**SEC. _____. EXTENSION OF GRANTS FOR SPECIFIED ENERGY PROPERTY IN LIEU OF TAX CREDITS.**

(a) IN GENERAL.—Subsection (a) of section 1603 of division B of the American Recovery and Reinvestment Act of 2009, as amended by section 707 of the Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010, is amended—

(1) by striking ''or 2011'' in paragraph (1) and inserting ''2011, or 2012'', and

(2) in paragraph (2)—

(A) by striking ''after 2011'' and inserting ''after 2012'', and

(B) by striking ''or 2011'' and inserting ''2011, or 2012''.

(b) CONFORMING AMENDMENT.—Subsection (j) of section 1603 of division B of such Act, as so amended, is amended by striking ''2012'' and inserting ''2013''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after December 31, 2011.

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**SA 1813.** Mr. WYDEN 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:

At the end of subtitle E of title I of division A, add the following:

**SEC. ___. KEYSTONE XL PIPELINE.**

(a) ADMINISTRATION.—

(1) IN GENERAL.—Except as otherwise specifically provided in this section, nothing in this section affects any applicable Federal requirements in connection with the Keystone XL pipeline (including facilities for the import of crude oil and other hydrocarbons at the United States-Canada Border at Phillips County, Montana).

(2) EXPEDITIOUS ANALYSES AND PERMIT DECISIONS.—In evaluating any new permit applications that may be submitted related to the Keystone XL pipeline and facilities described in paragraph (1) or in carrying out the activities described in this section, the President or a designee of the President shall—

(A) act as expeditiously as practicable and, to the maximum extent practicable and consistent with current law, use existing analyses relating to those pipeline and facilities, including the environmental impact statement issued by the Department of State regarding the Keystone XL pipeline on August 26, 2011; and

(B) issue a decision on any permit application not later than 90 days after the date on which all analyses and other actions required by current law and applicable Executive Orders are completed.

(b) PROHIBITION ON EXPORTS.—

(1) IN GENERAL.—Subject to paragraph (2), no crude oil transported by the Keystone XL pipeline or facilities described in subsection (a)(1), or petroleum products derived from the crude oil, may be exported from the United States.

(2) WAIVERS.—The President may grant a waiver from the application of paragraph (1) if the President—

(A) determines that the waiver is necessary as the result of—

(i) national security; or

(ii) a natural or manmade disaster; or

(B) makes an express finding that the exports described in paragraph (1)—

(i) will not diminish the total quantity or quality of petroleum available in the United States; and

(ii) are in the national interest of the United States.

(c) USE OF UNITED STATES IRON, STEEL, AND MANUFACTURED GOODS.—

(1) IN GENERAL.—Subject to paragraphs (2) through (4), the construction, connection, operation, or maintenance of the Keystone XL pipeline and facilities described in subsection (a)(1) shall not be permitted unless all of the iron, steel, and manufactured goods used for the pipeline and facilities are produced in the United States.

(2) NONAPPLICATION.—Paragraph (1) shall not apply if the President or a delegate finds that—

(A) applying paragraph (1) would be inconsistent with the public interest;

(B) iron, steel, and the applicable manufactured goods are not produced in the United States in sufficient and reasonably available quantities with a satisfactory quality; or

(C) inclusion of iron, steel, and manufactured goods produced in the United States will increase the cost of the overall pipeline and facilities by more than 25 percent.

(3) RATIONALE.—If the President or a delegate determines that it is necessary to waive the application of paragraph (1) based on a finding under paragraph (2), the President or delegate shall publish in the Federal Register a detailed written justification for the waiver.

(4) INTERNATIONAL AGREEMENTS.—This subsection shall be applied in a manner consistent with United States obligations under international agreements.

**SA 1814.** Mr. MERKLEY (for himself, Mr. TOOMEY, and Mr. BLUNT) 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:

At the end of subtitle E of title I of division A, add the following:

**SEC. ___. EXEMPTIONS FROM REQUIREMENTS FOR CERTAIN FARM VEHICLES.**

(a) FEDERAL REQUIREMENTS.—A covered farm vehicle, including the individual operating that vehicle, shall be exempt from the following:

(1) Any requirement relating to commercial driver's licenses established under chapter 313 of title 49, United States Code.

(2) Any requirement relating to medical certificates established under—

(A) subchapter III of chapter 311 of title 49, United States Code; or

(B) chapter 313 of title 49, United States Code.

(3) Any requirement relating to hours of service established under—

(A) subchapter III of chapter 311 of title 49, United States Code; or

(B) chapter 315 of title 49, United States Code.

(4) Any requirement relating to vehicle inspection, repair, and maintenance established under—

(A) subchapter III of chapter 311 of title 49, United States Code; or

(B) chapter 315 of title 49, United States Code.

(b) STATE REQUIREMENTS.—

(1) IN GENERAL.—Federal transportation funding to a State may not be terminated, limited, or otherwise interfered with as a result of the State exempting a covered farm vehicle, including the individual operating that vehicle, from any State requirement relating to the operation of that vehicle.

(2) EXCEPTION.—Paragraph (1) does not apply with respect to a covered farm vehicle transporting hazardous materials that require a placard.

(3) STATE REQUIREMENTS.—Notwithstanding section (a) or any other provision of law, a State may enact and enforce safety requirements related to covered farm vehicles.

(c) COVERED FARM VEHICLE DEFINED.—

(1) IN GENERAL.—In this section, the term ''covered farm vehicle'' means a motor vehicle (including an articulated motor vehicle)—

(A) that—

(i) is traveling in the State in which the vehicle is registered or another State;

(ii) is operated by—

(I) a farm owner or operator;

(II) a ranch owner or operator; or

(III) an employee or family member of an individual specified in subclause (I) or (II);

(iii) is transporting to or from a farm or ranch—

(I) agricultural commodities;

(II) livestock; or

(III) machinery or supplies;

(iv) except as provided in paragraph (2), is not used in the operations of a for-hire motor carrier; and

(v) is equipped with a special license plate or other designation by the State in which the vehicle is registered to allow for identification of the vehicle as a farm vehicle by law enforcement personnel; and

(B) that has a gross vehicle weight rating or gross vehicle weight, whichever is greater, that is—

(i) 26,001 pounds or less; or

(ii) greater than 26,001 pounds and traveling within the State or within 150 air miles

of the farm or ranch with respect to which the vehicle is being operated.

(2) INCLUSION.—In this section, the term ''covered farm vehicle'' includes a motor vehicle that meets the requirements of paragraph (1) (other than paragraph (1)(A)(iv)) and is—

(A) operated pursuant to a crop share farm lease agreement;

(B) owned by a tenant with respect to that agreement; and

(C) transporting the landlord's portion of the crops under that agreement.

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**SA 1815.** Mr. BROWN of Ohio (for himself and Mr. MERKLEY) 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 1314, after the matter following line 18, insert the following:

**SEC. 330____. BUY AMERICA WAIVER REQUIREMENTS.**

(a) NOTICE AND COMMENT OPPORTUNITIES.—

(1) IN GENERAL.—If the Secretary receives a request for a waiver under section 313(b) of title 23, United States Code, or under section 24305(f)(4) or 24405(a)(2) of title 49, United States Code, the Secretary shall provide notice of, and an opportunity for public comment on, the request not later than 15 days before making a finding based on such request.

(2) NOTICE REQUIREMENTS.—Each notice provided under paragraph (1)—

(A) shall include the information available to the Secretary concerning the request, including the requestor's justification for such request; and

(B) shall be provided electronically, including on the official public Internet website of the Department.

(3) PUBLICATION OF DETAILED JUSTIFICATION.—If the Secretary issues a waiver pursuant to the authority granted under a provision referenced in paragraph (1), the Secretary shall publish, in the Federal Register, a detailed justification for the waiver that—

(A) addresses the public comments received under paragraph (1); and

(B) is published before the waiver takes effect.

(b) CONSISTENCY WITH INTERNATIONAL AGREEMENTS.—This section shall be applied in a manner that is consistent with United States obligations under relevant international agreements.

(c) REVIEW OF NATIONWIDE WAIVERS.—Not later than 1 year after the date of the enactment of the Moving Ahead for Progress in the 21st Century Act, and at least once every 5 years thereafter, the Secretary shall review each standing nationwide waiver issued pursuant to the authority granted under any of the provisions referenced in paragraph (1) to determine whether continuing such waiver is necessary.

(d) BUY AMERICA REPORTING.—Section 308 of title 49, United States Code, is amended by inserting after subsection (c) the following:

''(d) Not later than February 1, 2013, and annually thereafter, the Secretary shall submit a report to Congress that—

''(1) specifies each highway, public transportation, or railroad project for which the Secretary issued a waiver from a Buy America requirement pursuant to the authority granted under section 313(b) of title 23, United States Code, or under section 24305(f)(4) or 24405(a)(2) of title 49, United States Code, during the preceding calendar year;

''(2) identifies the country of origin and product specifications for the steel, iron, or manufactured goods acquired pursuant to each of the waivers specified under paragraph (1); and

''(3) summarizes the monetary value of contracts awarded pursuant to each such waiver.''.

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**SA 1816.** Mrs. BOXER submitted an amendment intended to be proposed to amendment SA 1761 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:

At the end of subtitle E of title I of division A, add the following:

**SEC. 15____. SENSE OF SENATE CONCERNING EXPEDITIOUS COMPLETION OF ENVIRONMENTAL REVIEWS, APPROVALS, LICENSING, AND PERMIT REQUIREMENTS.**

It is the sense of the Senate that Federal agencies should—

(1) ensure that all applicable environmental reviews, approvals, licensing, and permit requirements under Federal law are completed on an expeditious basis following any disaster or emergency declared under Federal law, including—

(A) a major disaster declared by the President under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170); and

(B) an emergency declared by the President under section 501 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5191); and

(2) use the shortest existing applicable process under Federal law to complete each review, approval, licensing, and permit requirement described in paragraph (1) following a disaster or emergency described in that paragraph.

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**SA 1817.** Mr. WYDEN 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:

At the end of subtitle E of title I of division A, add the following:

**SEC. ____. KEYSTONE XL PIPELINE.**

(a) ADMINISTRATION.—

(1) IN GENERAL.—Except as otherwise specifically provided in this section, nothing in this section affects any applicable Federal requirements in connection with the Keystone XL pipeline (including facilities for the import of crude oil and other hydrocarbons at the United States-Canada Border at Phillips County, Montana).

(2) EXPEDITIOUS ANALYSES AND PERMIT DECISIONS.—In evaluating any new permit applications that may be submitted related to the Keystone XL pipeline and facilities described in paragraph (1) or in carrying out the activities described in this section, the President or a designee of the President shall—

(A) act as expeditiously as practicable and, to the maximum extent practicable and consistent with current law, use existing analyses relating to those pipeline and facilities, including the environmental impact statement issued by the Department of State regarding the Keystone XL pipeline on August 26, 2011; and

(B) issue a decision on any permit application not later than 90 days after the date on which all analyses and other actions required by current law and applicable Executive Orders are completed.

(b) PROHIBITION ON EXPORTS.—

(1) IN GENERAL.—Subject to paragraph (2), no crude oil produced in Canada and transported by the Keystone XL pipeline or facilities described in subsection (a)(1), or petroleum products derived from the crude oil, may be exported from the United States.

(2) WAIVERS.—The President may grant a waiver from the application of paragraph (1) if the President—

(A) determines that the waiver is necessary as the result of—

(i) national security; or

(ii) a natural or manmade disaster; or

(B) makes an express finding that the exports described in paragraph (1)—

(i) will not diminish the total quantity or quality of petroleum available in the United States; and

(ii) are in the national interest of the United States.

(c) USE OF UNITED STATES IRON, STEEL, AND MANUFACTURED GOODS.—

(1) IN GENERAL.—Subject to paragraphs (2) through (4), the construction, connection, operation, or maintenance of the Keystone XL pipeline and facilities described in subsection (a)(1) shall not be permitted unless all of the iron, steel, and manufactured goods used for the pipeline and facilities are produced in the United States.

(2) NONAPPLICATION.—Paragraph (1) shall not apply if the President or a delegate finds that—

(A) applying paragraph (1) would be inconsistent with the public interest;

(B) iron, steel, and the applicable manufactured goods are not produced in the United States in sufficient and reasonably available quantities with a satisfactory quality; or

(C) inclusion of iron, steel, and manufactured goods produced in the United States will increase the cost of the overall pipeline and facilities by more than 25 percent.

(3) RATIONALE.—If the President or a delegate determines that it is necessary to waive the application of paragraph (1) based on a finding under paragraph (2), the President or delegate shall publish in the Federal Register a detailed written justification for the waiver.

(4) INTERNATIONAL AGREEMENTS.—This subsection shall be applied in a manner consistent with United States obligations under international agreements.

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**SA 1818.** Mr. LEVIN (for himself and Mr. CONRAD) 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:

At the end, add the following:

**TITLE _____—STOP TAX HAVEN ABUSE**

**SEC. _____. AUTHORIZING SPECIAL MEASURES AGAINST FOREIGN JURISDICTIONS, FINANCIAL INSTITUTIONS, AND OTHERS THAT SIGNIFICANTLY IMPEDE UNITED STATES TAX ENFORCEMENT.**

Section 5318A of title 31, United States Code, is amended—

(1) by striking the section heading and inserting the following:

**''§ 5318A. Special measures for jurisdictions, financial institutions, or international transactions that are of primary money laundering concern or significantly impede United States tax enforcement'';**

(2) in subsection (a), by striking the subsection heading and inserting the following:

''(a) SPECIAL MEASURES TO COUNTER MONEY LAUNDERING AND EFFORTS TO SIGNIFICANTLY IMPEDE UNITED STATES TAX ENFORCEMENT.—'';

(3) in subsection (c)—

(A) by striking the subsection heading and inserting the following:

''(c) CONSULTATIONS AND INFORMATION TO BE CONSIDERED IN FINDING JURISDICTIONS, INSTITUTIONS, TYPES OF ACCOUNTS, OR TRANSACTIONS TO BE OF PRIMARY MONEY LAUNDERING CONCERN OR TO BE SIGNIFICANTLY IMPEDING UNITED STATES TAX ENFORCEMENT.—''; and

(B) by inserting at the end of paragraph (2) thereof the following new subparagraph:

''(C) OTHER CONSIDERATIONS.—The fact that a jurisdiction or financial institution is cooperating with the United States on implementing the requirements specified in chapter 4 of the Internal Revenue Code of 1986 may be favorably considered in evaluating whether such jurisdiction or financial institution is significantly impeding United States tax enforcement.'';

(4) in subsection (a)(1), by inserting ''or is significantly impeding United States tax enforcement'' after ''primary money laundering concern'';

(5) in subsection (a)(4)—

(A) in subparagraph (A)—

(i) by inserting ''in matters involving money laundering,'' before ''shall consult''; and

(ii) by striking ''and'' at the end;

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

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

''(B) in matters involving United States tax enforcement, shall consult with the Commissioner of the Internal Revenue, the Secretary of State, the Attorney General of the United States, and in the sole discretion of the Secretary, such other agencies and interested parties as the Secretary may find to be appropriate; and'';

(6) in each of paragraphs (1)(A), (2), (3), and (4) of subsection (b), by inserting ''or to be significantly impeding United States tax enforcement'' after ''primary money laundering concern'' each place that term appears;

(7) in subsection (b), by striking paragraph (5) and inserting the following:

''(5) PROHIBITIONS OR CONDITIONS ON OPENING OR MAINTAINING CERTAIN CORRESPONDENT OR PAYABLE-THROUGH ACCOUNTS OR AUTHORIZING CERTAIN PAYMENT CARDS.—If the Secretary finds a jurisdiction outside of the United States, 1 or more financial institutions operating outside of the United States, or 1 or more classes of transactions within or involving a jurisdiction outside of the United States to be of primary money laundering concern or to be significantly impeding United States tax enforcement, the Secretary, in consultation with the Secretary of State, the Attorney General of the United States, and the Chairman of the Board of Governors of the Federal Reserve System, may prohibit, or impose conditions upon—

''(A) the opening or maintaining in the United States of a correspondent account or payable-through account; or

''(B) the authorization, approval, or use in the United States of a credit card, charge card, debit card, or similar credit or debit financial instrument by any domestic financial institution, financial agency, or credit card company or association, for or on behalf of a foreign banking institution, if such correspondent account, payable-through account, credit card, charge card, debit card, or similar credit or debit financial instrument, involves any such jurisdiction or institution, or if any such transaction may be conducted through such correspondent account, payable-through account, credit card, charge card, debit card, or similar credit or debit financial instrument.''; and

(8) in subsection (c)(1), by inserting ''or is significantly impeding United States tax enforcement'' after ''primary money laundering concern'';

(9) in subsection (c)(2)(A)—

(A) in clause (ii), by striking ''bank secrecy or special regulatory advantages'' and inserting ''bank, tax, corporate, trust, or financial secrecy or regulatory advantages'';

(B) in clause (iii), by striking ''supervisory and counter-money'' and inserting ''supervisory, international tax enforcement, and counter-money'';

(C) in clause (v), by striking ''banking or secrecy'' and inserting ''banking, tax, or secrecy''; and

(D) in clause (vi), by inserting '', tax treaty, or tax information exchange agreement'' after ''treaty'';

(10) in subsection (c)(2)(B)—

(A) in clause (i), by inserting ''or tax evasion'' after ''money laundering''; and

(B) in clause (iii), by inserting '', tax evasion,'' after ''money laundering''; and

(11) in subsection (d), by inserting ''involving money laundering, and shall notify, in writing, the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives of any such action involving United States tax enforcement'' after ''such action''.

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**SA 1819.** Mr. BROWN of Ohio (for himself and Mr. MERKLEY) submitted an amendment intended to be proposed to amendment SA 1761 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 490, between lines 3 and 4, insert the following:

**SEC. 1528. BUY AMERICA PROVISIONS.**

Section 313 of title 23, United States Code, is amended by adding at the end the following:

''(g) APPLICATION TO HIGHWAY PROGRAMS.—The requirements under this section shall apply to all contracts eligible for assistance under this chapter for a project carried out within the scope of the applicable finding, determination, or decision under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), regardless of the funding source of such contracts, if at least 1 contract for the project is funded with amounts made available to carry out this title.''.

On page 900, between lines 9 and 10, insert the following:

''(10) APPLICATION TO TRANSIT PROGRAMS.—The requirements under this subsection shall apply to all contracts eligible for assistance under this chapter for a project carried out within the scope of the applicable finding, determination, or decision under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), regardless of the funding source of such contracts, if at least 1 contract for the project is funded with amounts made available to carry out this chapter.

On page 904, between lines 6 and 7, insert the following:

On page 1314, after the matter following line 18, insert the following:

**SEC. 330___. BUY AMERICA WAIVER REQUIREMENTS.**

(a) NOTICE AND COMMENT OPPORTUNITIES.—

(1) IN GENERAL.—If the Secretary receives a request for a waiver under section 313(b) of title 23, United States Code, or under section 24305(f)(4) or 24405(a)(2) of title 49, United States Code, the Secretary shall provide notice of, and an opportunity for public comment on, the request not later than 15 days before making a finding based on such request.

(2) NOTICE REQUIREMENTS.—Each notice provided under paragraph (1)—

(A) shall include the information available to the Secretary concerning the request, including the requestor's justification for such request; and

(B) shall be provided electronically, including on the official public Internet website of the Department.

(3) PUBLICATION OF DETAILED JUSTIFICATION.—If the Secretary issues a waiver pursuant to the authority granted under a provision referenced in paragraph (1), the Secretary shall publish, in the Federal Register, a detailed justification for the waiver that—

(A) addresses the public comments received under paragraph (1); and

(B) is published before the waiver takes effect.

(b) CONSISTENCY WITH INTERNATIONAL AGREEMENTS.—This section shall be applied in a manner that is consistent with United States obligations under relevant international agreements.

(c) REVIEW OF NATIONWIDE WAIVERS.—Not later than 1 year after the date of the enactment of the Moving Ahead for Progress in the 21st Century Act, and at least once every 5 years thereafter, the Secretary shall review each standing nationwide waiver issued pursuant to the authority granted under any of the provisions referenced in paragraph (1) to determine whether continuing such waiver is necessary.

(d) BUY AMERICA REPORTING.—Section 308 of title 49, United States Code, is amended by inserting after subsection (c) the following:

''(d) Not later than February 1, 2013, and annually thereafter, the Secretary shall submit a report to Congress that—

''(1) specifies each highway, public transportation, or railroad project for which the Secretary issued a waiver from a Buy America requirement pursuant to the authority granted under section 313(b) of title 23, United States Code, or under section 24305(f)(4) or 24405(a)(2) of title 49, United States Code, during the preceding calendar year;

''(2) identifies the country of origin and product specifications for the steel, iron, or manufactured goods acquired pursuant to each of the waivers specified under paragraph (1); and

''(3) summarizes the monetary value of contracts awarded pursuant to each such waiver.''.

On page 1449, between lines 11 and 12, insert the following:

**SEC. 36210. AMTRAK.**

Section 24305(f) of title 49, United States Code, is amended by adding at the end the following:

''(5) The requirements under this subsection shall apply to all contracts eligible for assistance under this chapter for a project carried out within the scope of the applicable finding, determination, or decision under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), regardless of the funding source of such contracts, if at least 1 contract for the project is funded with amounts made available to carry out this chapter.''.

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**SA 1820.** Mr. WYDEN (for himself and Mr. HOEVEN) 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:

At the appropriate place, insert the following:

**SEC. _____. CREDIT TO HOLDERS OF TRIP BONDS.**

(a) SHORT TITLE.—This section may be cited as the ''Transportation and Regional Infrastructure Project Bonds Act of 2012'' or ''TRIP Bonds Act''.

(b) IN GENERAL.—Subpart I of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new section:

**"SEC. 54G. TRIP BONDS.**

''(a) TRIP BOND.—For purposes of this subpart, the term 'TRIP bond' means any bond issued as part of an issue if—

''(1) 100 percent of the available project proceeds of such issue are to be used for expenditures incurred after the date of the enactment of this section for 1 or more qualified projects pursuant to an allocation of such proceeds to such project or projects by a State infrastructure bank,

''(2) the bond is issued by a State infrastructure bank and is in registered form (within the meaning of section 149(a)),

''(3) the State infrastructure bank designates such bond for purposes of this section,

''(4) the term of each bond which is part of such issue does not exceed 30 years,

''(5) the issue meets the requirements of subsection (e),

''(6) the State infrastructure bank certifies that the State meets the State contribution requirement of subsection (h) with respect to such project, as in effect on the date of issuance, and

''(7) the State infrastructure bank certifies the State meets the requirement described in subsection (i).

''(b) QUALIFIED PROJECT.—For purposes of this section—

''(1) IN GENERAL.—The term 'qualified project' means the capital improvements to any transportation infrastructure project of any governmental unit or other person, including roads, bridges, rail and transit systems, ports, and inland waterways proposed and approved by a State infrastructure bank, but does not include costs of operations or maintenance with respect to such project.

''(2) CERTAIN PROJECTS.—Such term also includes any flood damage risk reduction project with a completed Report of the Chief of Engineers, with the proceeds of issued bonds available for a State to provide to the United States Army Corps of Engineers (under section 5 of the Act entitled 'An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes,' approved June 22, 1936 (33 U.S.C. 701h)) funds in excess of any required non-Federal cost share for such project.

''(c) APPLICABLE CREDIT RATE.—In lieu of section 54A(b)(3), for purposes of section 54A(b)(2), the applicable credit rate with respect to an issue under this section is the rate equal to an average market yield (as of the day before the date of sale of the issue) on outstanding long-term corporate debt obligations (determined in such manner as the Secretary prescribes).

''(d) LIMITATION ON AMOUNT OF BONDS DESIGNATED.—

''(1) IN GENERAL.—The maximum aggregate face amount of bonds which may be designated under subsection (a) by any State infrastructure bank shall not exceed the TRIP bond limitation amount allocated to such bank under paragraph (3).

''(2) NATIONAL LIMITATION AMOUNT.—There is a TRIP bond limitation amount for each calendar year. Such limitation amount is—

''(A) $2,000,000,000 for 2013,

''(B) $3,000,000,000 for 2014,

''(C) $5,000,000,000 for 2015, and

''(D) except as provided in paragraph (4), zero thereafter.

''(3) ALLOCATIONS TO STATES.—The TRIP bond limitation amount for each calendar year shall be allocated by the Secretary among the States such that each State is allocated 2 percent of such amount.

''(4) CARRYOVER OF UNUSED ISSUANCE LIMITATION.—If for any calendar year the TRIP bond limitation amount under paragraph (2) exceeds the amount of TRIP bonds issued during such year, such excess shall be carried forward to 1 or more succeeding calendar years as an addition to the TRIP bond limitation amount under paragraph (2) for such succeeding calendar year and until used by issuance of TRIP bonds.

''(e) SPECIAL RULES RELATING TO EXPENDITURES.—

''(1) IN GENERAL.—An issue shall be treated as meeting the requirements of this subsection if, as of the date of issuance, the State infrastructure bank reasonably expects—

''(A) at least 100 percent of the available project proceeds of such issue are to be spent for 1 or more qualified projects within the 5-year expenditure period beginning on such date,

''(B) to incur a binding commitment with a third party within the 12-month period beginning on such date—

''(i) to spend at least 10 percent of the proceeds of such issue, or

''(ii) to commence construction with respect to any qualified project or combination of qualified projects the costs of which account for at least 10 percent of the proceeds of such issue, and

''(C) to proceed with due diligence to complete such projects and to spend the proceeds of such issue.

''(2) RULES REGARDING CONTINUING COMPLIANCE AFTER 5-YEAR DETERMINATION.—To the extent that less than 100 percent of the available project proceeds of such issue are expended by the close of the 5-year expenditure period beginning on the date of issuance, the State infrastructure bank shall redeem all of the nonqualified bonds within 90 days after the end of such period. For purposes of this paragraph, the amount of the nonqualified bonds required to be redeemed shall be determined in the same manner as under section 142.

''(f) RECAPTURE OF PORTION OF CREDIT WHERE CESSATION OF COMPLIANCE.—If any bond which when issued purported to be a TRIP bond ceases to be such a bond, the State infrastructure bank shall pay to the United States (at the time required by the Secretary) an amount equal to the sum of—

''(1) the aggregate of the credits allowable under section 54A with respect to such bond (determined without regard to section 54A(c)) for taxable years ending during the calendar year in which such cessation occurs and each succeeding calendar year ending with the calendar year in which such bond is redeemed by the bank, and

''(2) interest at the underpayment rate under section 6621 on the amount determined under paragraph (1) for each calendar year for the period beginning on the first day of such calendar year.

''(g) TRIP BONDS TRUST ACCOUNTS.—

''(1) IN GENERAL.—The following amounts shall be held in a TRIP Bonds Trust Account by each State infrastructure bank:

''(A) The proceeds from the sale of all bonds issued by such bank under this section.

''(B) The investment earnings on proceeds from the sale of such bonds.

''(C) 2 percent of the amount described in paragraph (2).

''(D) The amounts described in subsection (h).

''(E) Any earnings on any amounts described in subparagraph (A), (B), (C), or (D).

''(2) APPROPRIATION OF REVENUES.—There is hereby transferred to each TRIP Bonds Trust Account an amount equal to 2 percent of the lesser of—

''(A) the revenues resulting from the imposition of fees pursuant to section 13031 of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c) for fiscal years beginning after September 30, 2021, or

''(B) $10,000,000,000.

''(3) USE OF FUNDS.—Amounts in each TRIP Bonds Trust Account may be used only to pay costs of qualified projects and redeem TRIP bonds, except that amounts withdrawn from the TRIP Bonds Trust Account to pay costs of qualified projects may not exceed the proceeds from the sale of TRIP bonds described in subsection (a)(1).

''(4) USE OF REMAINING FUNDS IN TRIP BONDS TRUST ACCOUNT.—Upon the redemption of all TRIP bonds issued by the State infrastructure bank under this section, any remaining amounts in the TRIP Bonds Trust Account held by such bank shall be available to pay the costs of any qualified project in such State.

''(5) APPLICABILITY OF FEDERAL LAW.—The requirements of any Federal law, including titles 23, 40, and 49 of the United States Code, which would otherwise apply to projects to which the United States is a party or to funds made available under such law and projects assisted with those funds shall apply to—

''(A) funds made available under each TRIP Bonds Trust Account for similar qualified projects, other than contributions required under subsection (h), and

''(B) similar qualified projects assisted through the use of such funds.

''(6) INVESTMENT.—Subject to subsections (e) and (f), it shall be the duty of the State infrastructure bank to invest in investment grade obligations such portion of the TRIP Bonds Trust Account held by such Bank as is not, in the judgment of such bank, required to meet current withdrawals. To the maximum extent practicable, investments should be made in securities that support infrastructure investment at the State and local level.

''(h) STATE CONTRIBUTION REQUIREMENTS.—

''(1) IN GENERAL.—For purposes of subsection (a)(6), the State contribution requirement of this subsection is met with respect to any qualified project if the State infrastructure bank has received for deposit into the TRIP Bonds Trust Account held by such bank from 1 or more States, not later than the date of issuance of the bond, the first of 10 equal annual installments constituting one-tenth of the contributions of not less than 20 percent (or such smaller percentage for such State as determined under section 120(b) of title 23, United States Code) of the cost of the qualified project.

''(2) STATE CONTRIBUTIONS MAY NOT INCLUDE FEDERAL FUNDS.—For purposes of this subsection, State contributions shall not be derived, directly or indirectly, from Federal funds, including any transfers from the Highway Trust Fund under section 9503.

''(3) REQUIREMENTS IN LIEU OF ANY OTHER MATCHING CONTRIBUTION REQUIREMENTS.—For purposes of subsection (g)(5), the State contribution requirement of this subsection shall be in lieu of any other State matching contribution requirement under any other Federal law.

''(i) UTILIZATION OF UPDATED CONSTRUCTION TECHNOLOGY FOR QUALIFIED PROJECTS.—For purposes of subsection (a)(7), the requirement of this subsection is met if the appropriate State agency relating to the qualified project is utilizing updated construction technologies.

''(j) OTHER DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

''(1) STATE INFRASTRUCTURE BANK.—

''(A) IN GENERAL.—The term 'State infrastructure bank' means a State infrastructure bank established under section 610 of title 23,

United States Code, and includes a joint venture among 2 or more State infrastructure banks. Such term also includes, during the period beginning on the date of the enactment of this section and ending on the last day of the first Federal fiscal year that begins after such date of enactment, with respect to any State that has not established a State infrastructure bank prior to such date of enactment, the State Department of Transportation of such State.

''(B) SPECIAL AUTHORITY.—Notwithstanding any other provision of law, a State infrastructure bank shall be authorized to perform any of the functions necessary to carry out the purposes of this section, including the making of direct grants to qualified projects from available project proceeds of TRIP bonds issued by such bank.

''(2) CREDITS MAY BE TRANSFERRED.—Nothing in any law or rule of law shall be construed to limit the transferability of the credit or bond allowed by this section through sale and repurchase agreements.

''(3) PROHIBITION ON USE OF HIGHWAY TRUST FUND.—Notwithstanding any other provision of law, no funds derived from the Highway Trust Fund established under section 9503 shall be used to pay for credits under this section.''.

(c) CONFORMING AMENDMENTS.—

(1) Paragraph (1) of section 54A(d) of the Internal Revenue Code of 1986 is amended—

(A) by striking ''or'' at the end of subparagraph (D),

(B) by inserting ''or'' at the end of subparagraph (E),

(C) by inserting after subparagraph (E) the following new subparagraph:

''(F) a TRIP bond,'', and

(D) by inserting ''(paragraphs (3), (4), and (6), in the case of a TRIP bond)'' after ''and (6)''.

(2) Subparagraph (C) of section 54A(d)(2) of such Code is amended by striking ''and'' at the end of clause (iv), by striking the period at the end of clause (v) and inserting '', and'', and by adding at the end the following new clause:

''(vi) in the case of a TRIP bond, a purpose specified in section 54G(a)(1).''.

(d) CLERICAL AMENDMENT.—The table of sections for subpart I of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

''Sec. 54G. TRIP bonds.''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to bonds issued after December 31, 2012.

(f) EXTENSION OF CUSTOMS USER FEES.—Section 13031(j)(3) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(j)(3)) is amended by adding at the end the following:

''(E)(i) Notwithstanding subparagraph (A), fees may be charged under paragraphs (9) and (10) of subsection (a) during the period beginning on October 1, 2021, and ending on October 1, 2023.

''(ii) Notwithstanding subparagraph (B)(i), fees may be charged under paragraphs (1) through (8) of subsection (a) during the period beginning on October 1, 2021, and ending on October 1, 2023.''.

(g) REDUCTION IN NATIONAL LIMITATION ON AMOUNT OF QUALIFIED ENERGY CONSERVATION BONDS DESIGNATED.—Subsection (d) of section 54D of the Internal Revenue Code of 1986 is amended by striking ''$3,200,000,000'' and inserting ''$1,200,000,000''.

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**SA 1821.** Mr. CARDIN (for himself and Mr. BLUNT) 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:

At the end of title II of division D, insert the following:

**SEC. _____. MODIFICATION AND EXTENSION OF ALTERNATIVE FUEL CREDIT.**

(a) ALTERNATIVE FUEL CREDIT.—Paragraph (5) of section 6426(d) of the Internal Revenue Code of 1986 is amended by inserting '', and December 31, 2016, in the case of any sale or use involving liquefied petroleum gas'' after ''hydrogen''.

(b) ALTERNATIVE FUEL MIXTURE CREDIT.—Paragraph (3) of section 6426(e) of the Internal Revenue Code of 1986 is amended by inserting '', and December 31, 2016, in the case of any sale or use involving liquefied petroleum gas'' after ''hydrogen''.

(c) PAYMENTS RELATING TO ALTERNATIVE FUEL AND ALTERNATIVE FUEL MIXTURES.—Paragraph (6) of section 6427(e) of the Internal Revenue Code of 1986 is amended—

(1) in subparagraph (C)—

(A) by striking ''subparagraph (D)'' in subparagraph (C) and inserting ''subparagraphs (D) and (E)'', and

(B) by striking ''and'' at the end thereof,

(2) by striking the period at the end of subparagraph (D) and inserting '', and'', and

(3) by adding at the end the following:

''(E) any alternative fuel or alternative fuel mixture (as so defined) involving liquefied petroleum gas sold or used after December 31, 2016.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to liquefied petroleum gas sold or used after the date of the enactment of this Act.

**SEC. _____. EXTENSION AND MODIFICATION OF NEW QUALIFIED ALTERNATIVE FUEL MOTOR VEHICLE CREDIT.**

(a) IN GENERAL.—Paragraph (4) of section 30B(k) of the Internal Revenue Code of 1986 is amended by inserting ''(December 31, 2016, in the case of a vehicle powered by liquefied petroleum gas)'' before the period at the end.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after the date of the enactment of this Act.

**SEC. _____. EXTENSION OF ALTERNATIVE FUEL VEHICLE REFUELING PROPERTY CREDIT.**

(a) IN GENERAL.—Subsection (g) of section 30C of the Internal Revenue Code of 1986 is amended by striking ''and'' at the end of paragraph (1), by redesignating paragraph (2) as paragraph (3), and by inserting after paragraph (1) the following new paragraph:

''(2) in the case of property relating to liquefied petroleum gas, after December 31, 2016, and''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act.

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**SA 1822.** Mr. NELSON of Florida (for himself, Mrs. SHAHEEN, and Ms. LANDRIEU) 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:

At the end of title I of division A, add the following:

**Subtitle F—Gulf Coast Restoration**

**SEC. 1601. SHORT TITLE.**

This subtitle may be cited as the ''Resources and Ecosystems Sustainability, Tourist Opportunities, and Revived Economies of the Gulf Coast States Act of 2012''.

**SEC. 1602. GULF COAST RESTORATION TRUST FUND.**

(a) ESTABLISHMENT.—There is established in the Treasury of the United States a trust fund to be known as the ''Gulf Coast Restoration Trust Fund'' (referred to in this section as the ''Trust Fund''), consisting of such amounts as are deposited in the Trust Fund under this subtitle or any other provision of law.

(b) TRANSFERS.—The Secretary of the Treasury shall deposit in the Trust Fund an amount equal to 80 percent of all administrative and civil penalties paid by responsible parties after the date of enactment of this Act in connection with the explosion on, and sinking of, the mobile offshore drilling unit Deepwater Horizon pursuant to a court order, negotiated settlement, or other instrument in accordance with section 311 of the Federal Water Pollution Control Act (33 U.S.C. 1321).

(c) EXPENDITURES.—Amounts in the Trust Fund, including interest earned on advances to the Trust Fund and proceeds from investment under subsection (d), shall—

(1) be available for expenditure, without further appropriation, solely for the purpose and eligible activities of this subtitle; and

(2) remain available until expended, without fiscal year limitation.

(d) INVESTMENT.—Amounts in the Trust Fund shall be invested in accordance with section 9702 of title 31, United States Code, and any interest on, and proceeds from, any such investment shall be available for expenditure in accordance with this subtitle and the amendments made by this subtitle.

(e) ADMINISTRATION.—Not later than 180 days after the date of enactment of this Act, after providing notice and an opportunity for public comment, the Secretary of the Treasury, in consultation with the Secretary of the Interior and the Secretary of Commerce, shall establish such procedures as the Secretary determines to be necessary to deposit amounts in, and expend amounts from, the Trust Fund pursuant to this subtitle, including—

(1) procedures to assess whether the programs and activities carried out under this subtitle and the amendments made by this subtitle achieve compliance with applicable requirements, including procedures by which the Secretary of the Treasury may determine whether an expenditure by a Gulf Coast State or coastal political subdivision (as those terms are defined in section 311 of the Federal Water Pollution Control Act (33 U.S.C. 1321)) pursuant to such a program or activity achieves compliance;

(2) auditing requirements to ensure that amounts in the Trust Fund are expended as intended; and

(3) procedures for identification and allocation of funds available to the Secretary under other provisions of law that may be necessary to pay the administrative expenses directly attributable to the management of the Trust Fund.

**SEC. 1603. GULF COAST NATURAL RESOURCES RESTORATION AND ECONOMIC RECOVERY.**

Section 311 of the Federal Water Pollution Control Act (33 U.S.C. 1321) is amended—

(1) in subsection (a)—

(A) in paragraph (25)(B), by striking ''and'' at the end;

(B) in paragraph (26)(D), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

''(27) the term 'Chairperson' means the Chairperson of the Council;

''(28) the term 'coastal political subdivision' means any local political jurisdiction that is immediately below the State level of government, including a county, parish, or

borough, with a coastline that is contiguous with any portion of the United States Gulf of Mexico;

''(29) the term 'Comprehensive Plan' means the comprehensive plan developed by the Council pursuant to subsection (t);

''(30) the term 'Council' means the Gulf Coast Ecosystem Restoration Council established pursuant to subsection (t);

''(31) the term 'Deepwater Horizon oil spill' means the blowout and explosion of the mobile offshore drilling unit Deepwater Horizon that occurred on April 20, 2010, and resulting hydrocarbon releases into the environment;

''(32) the term 'Gulf Coast ecosystem' means—

''(A) in the Gulf Coast States, the coastal zones (as that term is defined in section 304 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1453), except that, in this section, the term 'coastal zones' includes land within the coastal zones that is held in trust by, or the use of which is by law subject solely to the discretion of, the Federal Government or officers or agents of the Federal Government) that border the Gulf of Mexico;

''(B) any adjacent land, water, and watersheds, that are within 25 miles of the coastal zones described in subparagraph (A) of the Gulf Coast States; and

''(C) all Federal waters in the Gulf of Mexico;

''(33) the term 'Gulf Coast State' means any of the States of Alabama, Florida, Louisiana, Mississippi, and Texas; and

''(34) the term 'Trust Fund' means the Gulf Coast Restoration Trust Fund established pursuant to section 1602 of the Resources and Ecosystems Sustainability, Tourist Opportunities, and Revived Economies of the Gulf Coast States Act of 2012.'';

(2) in subsection (s), by inserting ''except as provided in subsection (t)'' before the period at the end; and

(3) by adding at the end the following:

''(t) GULF COAST RESTORATION AND RECOVERY.—

''(1) STATE ALLOCATION AND EXPENDITURES.—

''(A) IN GENERAL.—Of the total amounts made available in any fiscal year from the Trust Fund, 35 percent shall be available, in accordance with the requirements of this section, to the Gulf Coast States in equal shares for expenditure for ecological and economic restoration of the Gulf Coast ecosystem in accordance with this subsection.

''(B) USE OF FUNDS.—

''(i) ELIGIBLE ACTIVITIES.—Amounts provided to the Gulf States under this subsection may only be used to carry out 1 or more of the following activities:

''(I) Coastal restoration projects and activities, including conservation and coastal land acquisition.

''(II) Mitigation of damage to, and restoration of, fish, wildlife, or natural resources.

''(III) Implementation of a federally approved marine, coastal, or comprehensive conservation management plan, including fisheries monitoring.

''(IV) Programs to promote tourism in a Gulf Coast State, including recreational fishing.

''(V) Programs to promote the consumption of seafood produced from the Gulf Coast ecosystem.

''(VI) Programs to promote education regarding the natural resources of the Gulf Coast ecosystem.

''(VII) Planning assistance.

''(VIII) Workforce development and job creation.

''(IX) Improvements to or upon State parks located in coastal areas affected by the Deepwater Horizon oil spill.

''(X) Mitigation of the ecological and economic impact of outer Continental Shelf activities and the impacts of the Deepwater Horizon oil spill or promotion of the long-term ecological or economic recovery of the Gulf Coast ecosystem through the funding of infrastructure projects.

''(XI) Coastal flood protection and infrastructure directly affected by coastal wetland losses, beach erosion, or the impacts of the Deepwater Horizon oil spill.

''(XII) Administrative costs of complying with this subsection.

''(ii) LIMITATION.—

''(I) IN GENERAL.—Of the amounts received by a Gulf State under this subsection not more than 3 percent may be used for administrative costs eligible under clause (i)(XII).

''(II) PROHIBITION ON USE FOR IMPORTED SEAFOOD.—None of the funds made available under this subsection shall be used for any program to support or promote imported seafood or any seafood product that is not harvested from the Gulf Coast ecosystem.

''(C) COASTAL POLITICAL SUBDIVISIONS.—

''(i) IN GENERAL.—In the case of a State where the coastal zone includes the entire State—

''(I) 75 percent of funding shall be provided to the 8 disproportionally affected counties impacted by the Deepwater Horizon Oil Spill; and

''(II) 25 percent shall be provided to nondisproportionately impacted counties within the State.

''(ii) FLORIDA.—

''(I) DISPROPORTIONALLY AFFECTED COUNTIES.—Of the total amounts made available to counties in the State of Florida under clause (i)(I)—

''(aa) 10 percent shall be distributed equally among the 8 disproportionately affected counties; and

''(bb) 90 percent shall be distributed to the 8 disproportionately affected counties in accordance with the following weighted formula:

''(AA) 30 percent based on the weighted average of the county shoreline oiled.

''(BB) 30 percent based on the weighted average of the county per capita sales tax collections estimated for the fiscal year ending September 30, 2012.

''(CC) 20 percent based on the weighted average of the population of the county.

''(DD) 20 percent based on the inverse proportion of the weighted average distance from the Deepwater Horizon oil rig to each of the nearest and farthest points of the shoreline.

''(II) NONDISPROPORTIONATELY IMPACTED COUNTIES.—The total amounts made available to coastal political subdivisions in the State of Florida under clause (i)(II) shall be distributed according to the following weighted formula:

''(aa) 34 percent based on the weighted average of the population of the county.

''(bb) 33 percent based on the weighted average of the county per capita sales tax collections estimated for the fiscal year ending September 30, 2012.

''(cc) 33 percent based on the inverse proportion of the weighted average distance from the Deepwater Horizon oil rig to each of the nearest and farthest points of the shoreline.

''(iii) LOUISIANA.—Of the total amounts made available to the State of Louisiana under this paragraph:

''(I) 70 percent shall be provided directly to the State in accordance with this subsection.

''(II) 30 percent shall be provided directly to parishes in the coastal zone (as defined in section 304 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1453)) of the State of Louisiana according to the following weighted formula:

''(aa) 40 percent based on the weighted average of miles of the parish shoreline oiled.

''(bb) 40 percent based on the weighted average of the population of the parish.

''(cc) 20 percent based on the weighted average of the land mass of the parish.

''(iv) CONDITIONS.—

''(I) LAND USE PLAN.—As a condition of receiving amounts allocated under clause (iii), the chief executive of the eligible parish shall certify to the Governor of the State that the parish has completed a comprehensive land use plan.

''(II) OTHER CONDITIONS.—A coastal political subdivision receiving funding under this subsection shall meet all of the conditions in subparagraph (D).

''(D) CONDITIONS.—As a condition of receiving amounts from the Trust Fund, a Gulf Coast State, including the entities described in subparagraph (E), or a coastal political subdivision shall—

''(i) agree to meet such conditions, including audit requirements, as the Secretary of the Treasury determines necessary to ensure that amounts disbursed from the Trust Fund will be used in accordance with this subsection;

''(ii) certify in such form and in such manner as the Secretary of the Treasury determines necessary that the project or program for which the Gulf Coast State or coastal political subdivision is requesting amounts—

''(I) is designed to restore and protect the natural resources, ecosystems, fisheries, marine and wildlife habitats, beaches, coastal wetlands, or economy of the Gulf Coast;

''(II) carries out 1 or more of the activities described in subparagraph (B)(i);

''(III) was selected based on meaningful input from the public, including broad-based participation from individuals, businesses, and nonprofit organizations; and

''(IV) in the case of a natural resource protection or restoration project, is based on the best available science;

''(iii) certify that the project or program and the awarding of a contract for the expenditure of amounts received under this subsection are consistent with the standard procurement rules and regulations governing a comparable project or program in that State, including all applicable competitive bidding and audit requirements; and

''(iv) develop and submit a multiyear implementation plan for use of those funds.

''(E) APPROVAL BY STATE ENTITY, TASK FORCE, OR AGENCY.—The following Gulf Coast State entities, task forces, or agencies shall carry out the duties of a Gulf Coast State pursuant to this paragraph:

''(i) ALABAMA.—

''(I) IN GENERAL.—In the State of Alabama, the Alabama Gulf Coast Recovery Council, which shall be comprised of only the following:

''(aa) The Governor of Alabama, who shall also serve as Chairperson and preside over the meetings of the Alabama Gulf Coast Recovery Council.

''(bb) The Director of the Alabama State Port Authority, who shall also serve as Vice Chairperson and preside over the meetings of the Alabama Gulf Coast Recovery Council in the absence of the Chairperson.

''(cc) The Chairman of the Baldwin County Commission.

''(dd) The President of the Mobile County Commission.

''(ee) The Mayor of the city of Bayou La Batre.

''(ff) The Mayor of the town of Dauphin Island.

''(gg) The Mayor of the city of Fairhope.

''(hh) The Mayor of the city of Gulf Shores.

''(ii) The Mayor of the city of Mobile.

''(jj) The Mayor of the city of Orange Beach.

''(II) VOTE.—Each member of the Alabama Gulf Coast Recovery Council shall be entitled to 1 vote.

''(III) MAJORITY VOTE.—All decisions of the Alabama Gulf Coast Recovery Council shall be made by majority vote.

''(ii) LOUISIANA.—In the State of Louisiana, the Coastal Protection and Restoration Authority of Louisiana.

''(iii) MISSISSIPPI.—In the State of Mississippi, the Mississippi Department of Environmental Quality.

''(F) COMPLIANCE WITH ELIGIBLE ACTIVITIES.—If the Secretary of the Treasury determines that an expenditure by a Gulf Coast State or coastal political subdivision of amounts made available under this subsection does not meet 1 of the activities described in subparagraph (B)(i), the Secretary shall make no additional amounts from the Trust Fund available to that Gulf Coast State or coastal political subdivision until such time as an amount equal to the amount expended for the unauthorized use—

''(i) has been deposited by the Gulf Coast State or coastal political subdivision in the Trust Fund; or

''(ii) has been authorized by the Secretary of the Treasury for expenditure by the Gulf Coast State or coastal political subdivision for a project or program that meets the requirements of this subsection.

''(G) COMPLIANCE WITH CONDITIONS.—If the Secretary of the Treasury determines that a Gulf Coast State or coastal political subdivision does not meet the requirements of this subsection, including the conditions of subparagraph (D), where applicable, the Secretary of the Treasury shall make no amounts from the Trust Fund available to that Gulf Coast State or coastal political subdivision until all conditions of this subsection are met.

''(H) PUBLIC INPUT.—In meeting any condition of this subsection, a Gulf Coast State may use an appropriate procedure for public consultation in that Gulf Coast State, including consulting with 1 or more established task forces or other entities, to develop recommendations for proposed projects and programs that would restore and protect the natural resources, ecosystems, fisheries, marine and wildlife habitats, beaches, coastal wetlands, and economy of the Gulf Coast.

''(I) PREVIOUSLY APPROVED PROJECTS AND PROGRAMS.—A Gulf Coast State or coastal political subdivision shall be considered to have met the conditions of subparagraph (D) for a specific project or program if, before the date of enactment of the Resources and Ecosystems Sustainability, Tourist Opportunities, and Revived Economies of the Gulf Coast States Act of 2012—

''(i) the Gulf Coast State or coastal political subdivision has established conditions for carrying out projects and programs that are substantively the same as the conditions described in subparagraph (D); and

''(ii) the applicable project or program carries out 1 or more of the activities described in subparagraph (B)(ii).

''(J) CONSULTATION WITH COUNCIL.—In carrying out this subsection, each Gulf Coast State shall seek the input of the Chairperson of the Council to identify large-scale projects that may be jointly supported by that Gulf Coast State and by the Council pursuant to the Comprehensive Plan with amounts provided under this subsection.

''(K) NON-FEDERAL MATCHING FUNDS.—

''(i) IN GENERAL.—A Gulf Coast State or coastal political subdivision may use, in whole or in part, amounts made available to that Gulf Coast State from the Trust Fund to satisfy the non-Federal share of the cost of any project or program authorized by Federal law that meets the eligible use requirements under subparagraph (B)(i).

''(ii) EFFECT ON OTHER FUNDS.—The use of funds made available from the Trust Fund to satisfy the non-Federal share of the cost of a project or program that meets the requirements of clause (i) shall not affect the priority in which other Federal funds are allocated or awarded.

''(L) LOCAL PREFERENCE.—In awarding contracts to carry out a project or program under this subsection, a Gulf Coast State or coastal political subdivision may give a preference to individuals and companies that reside in, are headquartered in, or are principally engaged in business in, a Gulf Coast State.

''(M) UNUSED FUNDS.—Any Funds not identified in an implementation plan by a State or coastal political subdivision in accordance with subparagraph (D)(iv) shall remain in the Trust Fund until such time as the State or coastal political subdivision to which the funds have been allocated develops and submits a plan identifying uses for those funds in accordance with subparagraph (D)(iv).

''(N) JUDICIAL REVIEW.—If the Secretary of the Treasury determines that a Gulf Coast State or coastal political subdivision does not meet the requirements of this subsection, including the conditions of subparagraph (D), the Gulf Coast State or coastal political subdivision may obtain expedited judicial review within 90 days of that decision in a district court of the United States, of appropriate jurisdiction and venue, that is located within the State seeking such review.

''(2) COUNCIL ESTABLISHMENT AND ALLOCATION.—

''(A) IN GENERAL.—Of the total amount made available in any fiscal year from the Trust Fund, 60 percent shall be disbursed to the Council to carry out the Comprehensive Plan.

''(B) COUNCIL EXPENDITURES.—

''(i) IN GENERAL.—In accordance with this paragraph, the Council shall expend funds made available from the Trust Fund to undertake projects and programs that would restore and protect the natural resources, ecosystems, fisheries, marine and wildlife habitats, beaches, coastal wetlands, and economy of the Gulf Coast.

''(ii) ALLOCATION AND EXPENDITURE PROCEDURES.—The Secretary of the Treasury shall develop such conditions, including audit requirements, as the Secretary of the Treasury determines necessary to ensure that amounts disbursed from the Trust Fund to the Council to implement the Comprehensive Plan will be used in accordance with this paragraph.

''(iii) ADMINISTRATIVE EXPENSES.—Of the amounts received by the Council under this subsection, not more than 3 percent may be used for administrative expenses, including staff.

''(C) GULF COAST ECOSYSTEM RESTORATION COUNCIL.—

''(i) ESTABLISHMENT.—There is established as an independent entity in the Federal Government a council to be known as the 'Gulf Coast Ecosystem Restoration Council'.

''(ii) MEMBERSHIP.—The Council shall consist of the following members, or in the case of a Federal agency, a designee at the level of the Assistant Secretary or the equivalent:

''(I) The Chair of the Council on Environmental Quality.

''(II) The Secretary of the Interior.

''(III) The Secretary of the Army.

''(IV) The Secretary of Commerce.

''(V) The Administrator of the Environmental Protection Agency.

''(VI) The Secretary of Agriculture.

''(VII) The head of the department in which the Coast Guard is operating.

''(VIII) The Governor of the State of Alabama.

''(IX) The Governor of the State of Florida.

''(X) The Governor of the State of Louisiana.

''(XI) The Governor of the State of Mississippi.

''(XII) The Governor of the State of Texas.

''(iii) ALTERNATE.—A Governor appointed to the Council by the President may designate an alternate to represent the Governor on the Council and vote on behalf of the Governor.

''(iv) CHAIRPERSON.—From among the Federal agency members of the Council, the representatives of States on the Council shall select, and the President shall appoint, 1 Federal member to serve as Chairperson of the Council.

''(v) PRESIDENTIAL APPOINTMENT.—All Council members shall be appointed by the President.

''(vi) COUNCIL ACTIONS.—

''(I) IN GENERAL.—Subject to subclause (IV), significant actions by the Council shall require the affirmative vote of the Federal Chairperson and a majority of the State members to be effective.

''(II) INCLUSIONS.—Significant actions include but are not limited to—

''(aa) approval of a Comprehensive Plan and future revisions to a Comprehensive Plan;

''(bb) approval of State plans pursuant to paragraph (3)(B)(iv); and

''(cc) approval of reports to Congress pursuant to clause (vii)(X).

''(III) QUORUM.—A quorum of State members shall be required to be present for the Council to take any significant action.

''(IV) AFFIRMATIVE VOTE REQUIREMENT DEEMED MET.—For approval of State plans pursuant to paragraph (3)(B)(iv), the certification by a State member of the Council that the plan satisfies all requirements of clauses (i) and (ii) of paragraphs (3)(B), when joined by an affirmative vote of the Federal Chairperson of the Council, is deemed to satisfy the requirements for affirmative votes under subclause (I).

''(V) PUBLIC TRANSPARENCY.—Appropriate actions of the Council, including votes on significant actions and associated deliberations, shall be made available to the public.

''(vii) DUTIES OF COUNCIL.—The Council shall—

''(I) develop the Comprehensive Plan, and future revisions to the Comprehensive Plan;

''(II) identify as soon as practicable the projects that—

''(aa) have been authorized prior to the date of enactment of this subsection but not yet commenced; and

''(bb) if implemented quickly, would restore and protect the natural resources, ecosystems, fisheries, marine and wildlife habitats, beaches, barrier islands, dunes, and coastal wetlands of the Gulf Coast ecosystem;

''(III) coordinate the development of consistent policies, strategies, plans, and activities by Federal agencies, State and local governments, and private sector entities for addressing the restoration and protection of the Gulf Coast ecosystem;

''(IV) establish such other advisory committee or committees as may be necessary to assist the Council, including a scientific advisory committee and a committee to advise the Council on public policy issues;

''(V) coordinate scientific and other research associated with restoration of the Gulf Coast ecosystem, including research, observation, and monitoring carried out pursuant to section 1604 of the Resources and Ecosystems Sustainability, Tourist Opportunities, and Revived Economies of the Gulf Coast States Act of 2012;

''(VI) seek to ensure that all policies, strategies, plans, and activities for addressing the restoration of the Gulf Coast ecosystem are based on the best available physical, ecological, and economic data;

''(VII) make recommendations to address the particular needs of especially economically and socially vulnerable populations;

''(VIII) develop standard terms to include in contracts for projects and programs awarded pursuant to the Comprehensive Plan that provide a preference to individuals and companies that reside in, are headquartered in, or are principally engaged in business in, a Gulf Coast State;

''(IX) prepare an integrated financial plan and recommendations for coordinated budget requests for the amounts proposed to be expended by the Federal agencies represented on the Council for projects and programs in the Gulf Coast States;

''(X) submit to Congress an annual report that—

''(aa) summarizes the policies, strategies, plans, and activities for addressing the restoration and protection of the Gulf Coast ecosystem;

''(bb) describes the projects and programs being implemented to restore and protect the Gulf Coast ecosystem; and

''(cc) makes such recommendations to Congress for modifications of existing laws as the Council determines necessary to implement the Comprehensive Plan; and

''(XI) submit to Congress a final report on the date on which all funds made available to the Council are expended.

''(viii) APPLICATION OF FEDERAL ADVISORY COMMITTEE ACT.—The Council, or any other advisory committee established under this subsection, shall not be considered an advisory committee under the Federal Advisory Committee Act (5 U.S.C. App.).

''(D) COMPREHENSIVE PLAN.—

''(i) PROPOSED PLAN.—

''(I) IN GENERAL.—Not later than 180 days after the date of enactment of the Resources and Ecosystems Sustainability, Tourist Opportunities, and Revived Economies of the Gulf Coast States Act of 2012, the Chairperson, on behalf of the Council, shall publish a proposed plan to restore and protect the natural resources, ecosystems, fisheries, marine and wildlife habitats, beaches, and coastal wetlands of the Gulf Coast ecosystem.

''(II) CONTENTS.—The proposed plan described in subclause (I) shall include and incorporate the findings and information prepared by the President's Gulf Coast Restoration Task Force.

''(ii) PUBLICATION.—

''(I) INITIAL PLAN.—Not later than 1 year after date of enactment of the Resources and Ecosystems Sustainability, Tourist Opportunities, and Revived Economies of the Gulf Coast States Act of 2012 and after notice and opportunity for public comment, the Chairperson, on behalf of the Council and after approval by the Council, shall publish in the Federal Register the initial Comprehensive Plan to restore and protect the natural resources, ecosystems, fisheries, marine and wildlife habitats, beaches, and coastal wetlands of the Gulf Coast ecosystem.

''(II) COOPERATION WITH GULF COAST RESTORATION TASK FORCE.—The Council shall develop the initial Comprehensive Plan in close coordination with the President's Gulf Coast Restoration Task Force.

''(III) CONSIDERATIONS.—In developing the initial Comprehensive Plan and subsequent updates, the Council shall consider all relevant findings, reports, or research prepared or funded by a center of excellence or the Gulf Fisheries and Ecosystem Endowment established pursuant to the Gulf Coast Ecosystem Restoration Science, Monitoring, and Technology Program under section 1604 of the Resources and Ecosystems Sustainability, Tourist Opportunities, and Revived Economies of the Gulf Coast States Act of 2012.

''(IV) CONTENTS.—The initial Comprehensive Plan shall include—

''(aa) such provisions as are necessary to fully incorporate in the Comprehensive Plan the strategy, projects, and programs recommended by the President's Gulf Coast Restoration Task Force;

''(bb) a list of any project or program authorized prior to the date of enactment of this subsection but not yet commenced, the completion of which would further the purposes and goals of this subsection and of the Resources and Ecosystems Sustainability, Tourist Opportunities, and Revived Economies of the Gulf Coast States Act of 2012;

''(cc) a description of the manner in which amounts from the Trust Fund projected to be made available to the Council for the succeeding 10 years will be allocated; and

''(dd) subject to available funding in accordance with clause (iii), a prioritized list of specific projects and programs to be funded and carried out during the 3-year period immediately following the date of publication of the initial Comprehensive Plan, including a table that illustrates the distribution of projects and programs by Gulf Coast State.

''(V) PLAN UPDATES.—The Council shall update—

''(aa) the Comprehensive Plan every 5 years in a manner comparable to the manner established in this subsection for each 5-year period for which amounts are expected to be made available to the Gulf Coast States from the Trust Fund; and

''(bb) the 3-year list of projects and programs described in subclause (IV)(dd) annually.

''(iii) RESTORATION PRIORITIES.—Except for projects and programs described in subclause (IV)(bb), in selecting projects and programs to include on the 3-year list described in subclause (IV)(dd), based on the best available science, the Council shall give highest priority to projects that address 1 or more of the following criteria:

''(I) Projects that are projected to make the greatest contribution to restoring and protecting the natural resources, ecosystems, fisheries, marine and wildlife habitats, beaches, and coastal wetlands of the Gulf Coast ecosystem, without regard to geographic location.

''(II) Large-scale projects and programs that are projected to substantially contribute to restoring and protecting the natural resources, ecosystems, fisheries, marine and wildlife habitats, beaches, and coastal wetlands of the Gulf Coast ecosystem.

''(III) Projects contained in existing Gulf Coast State comprehensive plans for the restoration and protection of natural resources, ecosystems, fisheries, marine and wildlife habitats, beaches, and coastal wetlands of the Gulf Coast ecosystem.

''(IV) Projects that restore long-term resiliency of the natural resources, ecosystems, fisheries, marine and wildlife habitats, beaches, and coastal wetlands most impacted by the Deepwater Horizon oil spill.

''(E) IMPLEMENTATION.—

''(i) IN GENERAL.—The Council, acting through the member agencies and Gulf Coast States, shall expend funds made available from the Trust Fund to carry out projects and programs adopted in the Comprehensive Plan.

''(ii) ADMINISTRATIVE RESPONSIBILITY.—

''(I) IN GENERAL.—Primary authority and responsibility for each project and program included in the Comprehensive Plan shall be assigned by the Council to a Gulf Coast State represented on the Council or a Federal agency.

''(II) TRANSFER OF AMOUNTS.—Amounts necessary to carry out each project or program included in the Comprehensive Plan shall be transferred by the Secretary of the Treasury from the Trust Fund to that Federal agency or Gulf Coast State as the project or program is implemented, subject to such conditions as the Secretary of the Treasury, in consultation with the Secretary of the Interior and the Secretary of Commerce, established pursuant to section 1602 of the Resources and Ecosystems Sustainability, Tourist Opportunities, and Revived Economies of the Gulf Coast States Act of 2012.

''(iii) COST SHARING.—

''(I) IN GENERAL.—A Gulf Coast State or coastal political subdivision may use, in whole or in part, amounts made available to that Gulf Coast State or coastal political subdivision from the Trust Fund to satisfy the non-Federal share of the cost of carrying a project or program that—

''(aa) is authorized by other Federal law; and

''(bb) meets the criteria of subparagraph (D).

''(II) INCLUSION IN COMPREHENSIVE PLAN.—A project or program described in subclause (I) that meets the criteria for inclusion in the Comprehensive Plan described in subparagraph (D) shall be selected and adopted by the Council as part of the Comprehensive Plan in the manner described in subparagraph (D).

''(F) COORDINATION.—The Council and the Federal members of the Council may develop Memorandums of Understanding establishing integrated funding and implementation plans among the member agencies and authorities.

''(G) TERMINATION.—The Council shall terminate on the date on which the report described in subparagraph (C)(vii)(XI) is submitted to Congress.

''(3) OIL SPILL RESTORATION IMPACT ALLOCATION.—

''(A) IN GENERAL.—Except as provided in paragraph (4), of the total amount made available to the Council under paragraph (2) in any fiscal year from the Trust Fund, 50 percent shall be disbursed by the Council as follows:

''(i) FORMULA.—Subject to subparagraph (B), for each Gulf Coast State, the amount disbursed under this paragraph shall be based on a formula established by the Council by regulation that is based on a weighted average of the following criteria:

''(I) 40 percent based on the proportionate number of miles of shoreline in each Gulf Coast State that experienced oiling as of April 10, 2011, compared to the total number of miles of shoreline that experienced oiling as a result of the Deepwater Horizon oil spill.

''(II) 40 percent based on the inverse proportion of the average distance from the Deepwater Horizon oil rig to the nearest and farthest point of the shoreline that experienced oiling of each Gulf Coast State.

''(III) 20 percent based on the average population in the 2010 decennial census of coastal counties bordering the Gulf of Mexico within each Gulf Coast State.

''(ii) MINIMUM ALLOCATION.—The amount disbursed to a Gulf Coast State for each fiscal year under clause (i) shall be at least 5 percent of the total amounts made available under this paragraph.

''(B) APPROVAL OF PROJECTS AND PROGRAMS.—

''(i) IN GENERAL.—The Council shall disburse amounts to the respective Gulf Coast States in accordance with the formula developed under subparagraph (A) for projects, programs, and activities that will improve

the ecosystems or economy of the Gulf Coast, subject to the condition that each Gulf Coast State submits a plan for the expenditure of amounts disbursed under this paragraph which meet the following criteria:

''(I) All projects, programs, and activities included in that plan are eligible activities pursuant to paragraph (1)(B)(i).

''(II) The projects, programs, and activities included in that plan contribute to the overall economic and ecological recovery of the Gulf Coast.

''(III) The plan takes into consideration the Comprehensive Plan and is consistent with its goals and objectives, as described in paragraph (2)(B)(i).

''(ii) FUNDING.—

''(I) IN GENERAL.—Except as provided in subclause (II), the plan described in clause (i) may use not more than 25 percent of the funding made available for infrastructure projects eligible under subclauses (X) and (XI) of paragraph (1)(B)(i).

''(II) EXCEPTION.—The plan described in clause (i) may propose to use more than 25 percent of the funding made available for infrastructure projects eligible under subclauses (X) and (XI) of paragraph (1)(B)(i) if the plan certifies that—

''(aa) ecosystem restoration needs in the State will be addressed by the projects in the proposed plan; and

''(bb) additional investment in infrastructure is required to mitigate the impacts of the Deepwater Horizon Oil Spill to the ecosystem or economy.

''(iii) DEVELOPMENT.—The plan described in clause (i) shall be developed by—

''(I) in the State of Alabama, the Alabama Gulf Coast Recovery Council established under paragraph (1)(E)(i);

''(II) in the State of Florida, a consortia of local political subdivisions that includes at least 1 representative of each disproportionally affected county;

''(III) in the State of Louisiana, the Coastal Protection and Restoration Authority of Louisiana;

''(IV) in the State of Mississippi, the Office of the Governor or an appointee of the Office of the Governor; and

''(V) in the State of Texas, the Office of the Governor or an appointee of the Office of the Governor.

''(iv) APPROVAL.—Not later than 60 days after the date on which a plan is submitted under clause (i), the Council shall approve or disapprove the plan based on the conditions of clause (i).

''(C) DISAPPROVAL.—If the Council disapproves a plan pursuant to subparagraph (B)(iv), the Council shall—

''(i) provide the reasons for disapproval in writing; and

''(ii) consult with the State to address any identified deficiencies with the State plan.

''(D) FAILURE TO SUBMIT ADEQUATE PLAN.—If a State fails to submit an adequate plan under this subsection, any funds made available under this subsection shall remain in the Trust Fund until such date as a plan is submitted and approved pursuant to this subsection.

''(E) JUDICIAL REVIEW.—If the Council fails to approve or take action within 60 days on a plan described in subparagraph (B)(iv), the State may obtain expedited judicial review within 90 days of that decision in a district court of the United States, of appropriate jurisdiction and venue, that is located within the State seeking such review.

''(4) AUTHORIZATION OF INTEREST TRANSFERS.—

''(A) IN GENERAL.—Of the total amount made available in any fiscal year from the Trust Fund, an amount equal to the interest earned by the Trust Fund and proceeds from investments made by the Trust Fund in the preceding fiscal year—

''(i) 50 percent shall be transferred to the National Endowment for Oceans in subparagraph (B); and

''(ii) 50 percent shall be transferred to the Gulf of Mexico Research Endowment in subparagraph (C).

''(B) NATIONAL ENDOWMENT FOR THE OCEANS.—

''(i) ESTABLISHMENT.—

''(I) IN GENERAL.—There is established in the Treasury of the United States a trust fund to be known as the 'National Endowment for the Oceans', consisting of such amounts as may be appropriated or credited to the National Endowment for the Oceans.

''(II) INVESTMENT.—Amounts in the National Endowment for the Oceans shall be invested in accordance with section 9602 of the Internal Revenue Code of 1986, and any interest on, and proceeds from, any such investment shall be available for expenditure in accordance with this subparagraph.

''(ii) TRUSTEE.—The trustee for the National Endowment for the Oceans shall be the Secretary of Commerce.

''(iii) ALLOCATION OF FUNDS.—

''(I) IN GENERAL.—Each fiscal year, the Secretary shall allocate, at a minimum, an amount equal to the interest earned by the National Endowment for the Oceans in the preceding fiscal year, and may distribute an amount equal to up to 10 percent of the total amounts in the National Endowment for the Oceans—

''(aa) to allocate funding to coastal states (as defined in section 304 of the Marine Resources and Engineering Development Act of 1966 (16 U.S.C. 1453)) and affected Indian tribes;

''(bb) to make grants to regional ocean and coastal planning bodies; and

''(cc) to develop and implement a National Grant Program for Oceans and Coastal Waters.

''(II) PROGRAM ADJUSTMENTS.—Each fiscal year where the amount described in subparagraph (A)(i) does not exceed $100,000,000, the Secretary may elect to fund only the grant program established in subclause (I)(cc).

''(iv) ELIGIBLE ACTIVITIES.—Funds deposited in the National Endowment for the Oceans may be allocated by the Secretary only to fund grants for programs and activities intended to restore, protect, maintain, or understand living marine resources and their habitats and resources in ocean and coastal waters (as defined in section 304 of the Marine Resources and Engineering Development Act of 1966 (16 U.S.C. 1453)), including baseline scientific research, ocean observing, and other programs and activities carried out in coordination with Federal and State departments or agencies, that are consistent with Federal environmental laws and that avoid environmental degradation.

''(v) APPLICATION.—To be eligible to receive a grant under clause (iii)(I), an entity shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary determines to be appropriate.

''(vi) FUNDING FOR COASTAL STATES.—The Secretary shall allocate funding among States as follows:

''(I) 50 percent of the funds shall be allocated equally among coastal States.

''(II) 25 percent of the funds shall be allocated based on tidal shoreline miles.

''(III) 25 percent of the funds shall be allocated based on the coastal population density of a coastal State.

''(IV) No State shall be allocated more than 10 percent of the total amount of funds available for allocation among coastal States for any fiscal year.

''(V) No territory shall be allocated more than 1 percent of the total amount of funds available for allocation among coastal States for any fiscal year.

''(C) GULF OF MEXICO RESEARCH ENDOWMENT.—

''(i) IN GENERAL.—There is established in the Treasury of the United States a trust fund to be known as the 'Gulf of Mexico Research Endowment', to be administered by the Secretary of Commerce, solely for use in providing long-term funding in accordance with section 1604 of the Resources and Ecosystems Sustainability, Tourist Opportunities, and Revived Economies of the Gulf Coast States Act of 2012.

''(ii) INVESTMENT.—Amounts in the Gulf of Mexico Research Endowment shall be invested in accordance with section 9602 of the Internal Revenue Code of 1986, and, after adjustment for inflation so as to maintain the value of the principal, any interest on, and proceeds from, any such investment shall be available for expenditure and shall be allocated in equal portions to the Gulf Coast Ecosystem Restoration Science, Monitoring, and Technology Program and Fisheries Endowment established in section 1604 of the Resources and Ecosystems Sustainability, Tourist Opportunities, and Revived Economies of the Gulf Coast States Act of 2012.''.

**SEC. 1604. GULF COAST ECOSYSTEM RESTORATION SCIENCE, OBSERVATION, MONITORING, AND TECHNOLOGY PROGRAM.**

(a) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the National Oceanic and Atmospheric Administration.

(2) FISHERIES AND ECOSYSTEM ENDOWMENT.—The term ''Fisheries and Ecosystem Endowment'' means the endowment established by subsection (d).

(3) PROGRAM.—The term ''Program'' means the Gulf Coast Ecosystem Restoration Science, Observation, Monitoring, and Technology Program established by subsection (b).

(b) ESTABLISHMENT OF PROGRAM.—There is established within the National Oceanic and Atmospheric Administration a program to be known as the ''Gulf Coast Ecosystem Restoration Science, Observation, Monitoring, and Technology Program'', to be carried out by the Administrator.

(c) CENTERS OF EXCELLENCE.—

(1) IN GENERAL.—In carrying out the Program, the Administrator, in consultation with other Federal agencies with expertise in the discipline of a center of excellence, shall make grants in accordance with paragraph (2) to establish and operate 5 centers of excellence, 1 of which shall be located in each of the States of Alabama, Florida, Louisiana, Mississippi, and Texas.

(2) GRANTS.—

(A) IN GENERAL.—The Administrator shall use the amounts made available to carry out this section to award competitive grants to nongovernmental entities and consortia in the Gulf Coast region (including public and private institutions of higher education) for the establishment of centers of excellence as described in paragraph (1).

(B) APPLICATION.—To be eligible to receive a grant under this paragraph, an entity or consortium described in subparagraph (A) shall submit to the Administrator an application at such time, in such manner, and containing such information as the Administrator determines to be appropriate.

(C) PRIORITY.—In awarding grants under this paragraph, the Administrator shall give priority to entities and consortia that demonstrate the ability to establish the broadest cross-section of participants with interest and expertise in any discipline described in

paragraph (3) on which the proposal of the center of excellence will be focused.

(3) DISCIPLINES.—Each center of excellence shall focus on science, technology, and monitoring in at least 1 of the following disciplines:

(A) Coastal and deltaic sustainability, restoration and protection; including solutions and technology that allow citizens to live safely and sustainably in a coastal delta.

(B) Coastal fisheries and wildlife ecosystem research and monitoring.

(C) Offshore energy development, including research and technology to improve the sustainable and safe development of energy resources.

(D) Sustainable and resilient growth, economic and commercial development in the Gulf Coast.

(E) Comprehensive observation, monitoring, and mapping of the Gulf of Mexico.

(4) COORDINATION WITH OTHER PROGRAMS.—The Administrator shall develop a plan for the coordination of projects and activities between the Program and other existing Federal and State science and technology programs in the States of Alabama, Florida, Louisiana, Mississippi, and Texas, as well as between the centers of excellence.

(d) ESTABLISHMENT OF FISHERIES AND ECOSYSTEM ENDOWMENT.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Council shall establish a fishery and ecosystem endowment to ensure, to the maximum extent practicable, the long-term sustainability of the ecosystem, fish stocks, fish habitat and the recreational, commercial, and charter fishing industry in the Gulf of Mexico.

(2) EXPENDITURE OF FUNDS.—For each fiscal year, amounts made available to carry out this subsection may be expended for, with respect to the Gulf of Mexico—

(A) marine and estuarine research;

(B) marine and estuarine ecosystem monitoring and ocean observation;

(C) data collection and stock assessments;

(D) pilot programs for—

(i) fishery independent data; and

(ii) reduction of exploitation of spawning aggregations; and

(E) cooperative research.

(3) ADMINISTRATION AND IMPLEMENTATION.—The Fisheries and Ecosystem Endowment shall be administered by the Administrator of the National Oceanic and Atmospheric Administration, in consultation with the Director of the United States Fish and Wildlife Service, with guidance provided by the Regional Gulf of Mexico Fishery Management Council.

(4) SPECIES INCLUDED.—The Fisheries and Ecosystem Endowment will include all marine, estuarine, aquaculture, and fish and wildlife species in State and Federal waters of the Gulf of Mexico.

(5) RESEARCH PRIORITIES.—In distributing funding under this subsection, priority shall be given to integrated, long-term projects that—

(A) build on, or are coordinated with, related research activities; and

(B) address current or anticipated marine ecosystem, fishery, or wildlife management information needs.

(6) DUPLICATION AND COORDINATION.—In carrying out this subsection, the Administrator shall seek to avoid duplication of other research and monitoring activities and coordinate with existing research and monitoring programs, including the Integrated Coastal and Ocean Observation System Act of 2009 (33 U.S.C. 3601 et seq.).

(e) FUNDING.—

(1) IN GENERAL.—Except as provided in subsection (t)(4) of section 311 of the Federal Water Pollution Control Act (33 U.S.C. 1321), of the total amount made available for each fiscal year for the Gulf Coast Restoration Trust Fund established under section 1602, 5 percent shall be allocated in equal portions to the Program and Fisheries and Ecosystem Endowment established by this section.

(2) ADMINISTRATIVE EXPENSES.—Of the amounts received by the National Oceanic and Atmospheric Administration to carry out this section, not more than 3 percent may be used for administrative expenses.

**SEC. 1605. EFFECT.**

(a) IN GENERAL.—Nothing in this subtitle or any amendment made by this subtitle—

(1) supersedes or otherwise affects any provision of Federal law, including, in particular, laws providing recovery for injury to natural resources under the Oil Pollution Act of 1990 (33 U.S.C. 2701 et seq.) and laws for the protection of public health and the environment; or

(2) applies to any fine collected under section 311 of the Federal Water Pollution Control Act (33 U.S.C. 1321) for any incident other than the Deepwater Horizon oil spill.

(b) USE OF FUNDS.—Funds made available under this subtitle may be used only for eligible activities specifically authorized by this subtitle.

**Subtitle G—Land and Water Conservation Fund**

**SEC. 1701. LAND AND WATER CONSERVATION FUND.**

(a) AUTHORIZATION.—Section 2 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460*l*–5) is amended—

(1) in the matter preceding subsection (a), by striking ''September 30, 2015'' and inserting ''September 30, 2022''; and

(2) in subsection (c)(1), by striking ''through September 30, 2015'' and inserting ''September 30, 2022''.

(b) FUNDING.—Section 3 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l-6) is amended to read as follows:

**''SEC. 3. AVAILABILITY OF FUNDS.**

''(a) FUNDING.—

''(1) FISCAL YEARS 2013 AND 2014.—For each of fiscal years 2013 and 2014—

''(A) $700,000,000 of amounts covered into the fund under section 2 shall be available for expenditure, without further appropriation or fiscal year limitation, to carry out the purposes of this Act; and

''(B) the remainder of amounts covered into the fund shall be available subject to appropriations, which may be made without fiscal year limitation.

''(2) FISCAL YEARS 2015 THROUGH 2022.—For each of fiscal years 2015 through 2022, amounts covered into the fund under section 2 shall be available for expenditure to carry out the purposes of this Act subject to appropriations, which may be made without fiscal year limitation.

''(b) USES.—Amounts made available for obligation or expenditure from the fund may be obligated or expended only as provided in this Act.

''(c) WILLING SELLERS.—In using amounts made available under subsection (a)(1)(A), the Secretary shall only acquire land or interests in land by purchase, exchange, or donation from a willing seller.

''(d) ADDITIONAL AMOUNTS.—Amounts made available under subsection (a)(1)(A) shall be in addition to amounts made available to the fund under section 105 of the Gulf of Mexico Energy Security Act of 2006 (43 U.S.C. 1331 note; Public Law 109–432).

''(e) ALLOCATION AUTHORITY.—Appropriation Acts may provide for the allocation of amounts covered into the fund under section 2.''.

(c) ALLOCATION OF FUNDS.—Section 5 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460*l*–7) is amended—

(1) in the first sentence, by inserting ''or expenditures'' after ''appropriations'';

(2) in the second sentence—

(A) by inserting ''or expenditures'' after ''appropriations''; and

(B) by inserting before the period at the end the following: '', including the amounts to be allocated from the fund for Federal and State purposes''; and

(3) by striking ''Those appropriations from'' and all that follows through the end of the section.

(d) CONFORMING AMENDMENTS.—Section 6(b) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460*l*–8(b)) is amended—

(1) in the matter preceding paragraph (1), by inserting ''or expended'' after ''appropriated'';

(2) in paragraph (1)—

(A) by inserting ''or expenditures'' after ''appropriations''; and

(B) by striking ''; and'' and inserting a period; and

(3) in the first sentence of paragraph (2), by inserting ''or expenditure'' after ''appropriation''.

(e) PUBLIC ACCESS.—Section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l-9) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by inserting ''or expended'' after ''appropriated''; and

(B) in paragraph (3), by inserting ''or expenditures'' after ''such appropriations'';

(2) in subsection (b)—

(A) in the first sentence, by inserting ''or expenditures'' after ''Appropriations''; and

(B) in the proviso, by inserting ''or expenditures'' after ''appropriations'';

(3) in the first sentence of subsection (c)(1)—

(A) by inserting ''or expended'' after ''appropriated''; and

(B) by inserting ''or expenditures'' after ''appropriations''; and

(4) by adding at the end the following:

''(d) PUBLIC ACCESS.—Not less than 1.5 percent of the annual authorized funding amount shall be made available each year for projects that secure recreational public access to existing Federal public land for hunting, fishing, and other recreational purposes.''.

**Subtitle H—Offsets**

**SEC. 1801. DELAY IN APPLICATION OF WORLDWIDE INTEREST.**

(a) IN GENERAL.—Paragraphs (5)(D) and (6) of section 864(f) of the Internal Revenue Code of 1986 are each amended by striking ''December 31, 2020'' and inserting ''December 31, 2021.''

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

**SEC. 1802.**

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**SA 1823.** Mr. REID (for Mr. HARKIN (for himself, Mr. BURR, Mr. ENZI, Mr. CASEY, Mr. LIEBERMAN, and Ms. COLLINS)) proposed an amendment to the bill S. 1855, to amend the Public Health Service Act to reauthorize various programs under the Pandemic and All-Hazards Preparedness Act; as follows:

On page 80, line 18, insert ''medical and public health'' before ''needs of children''.

On page 80, lines 19 and 20, strike '', including public health emergencies''.

On page 82, between lines 5 and 6, insert the following:

''(G) the Administrator of the Federal Emergency Management Agency;''.

On page 82, line 6, strike ''(G) at least two'' and insert ''(H) at least two non-Federal''.

On page 82, line 9, strike ''(H)'' and insert ''(I)''.

On page 82, line 13, strike ''(I)'' and insert ''(J)''.

## AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. MERKLEY. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to meet during the session of the Senate on March 7, 2012, at 9:30 a.m. in room SH 216 of the Hart Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ARMED SERVICES

Mr. MERKLEY. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on March 7, 2012, at 9 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. MERKLEY. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on Wednesday, March 7, 2012, at 10 a.m. in room 253 of the Russell Senate Office Building.

The Committee will hold a hearing entitled, ''Priorities, Plans, and Progress of the Nation's Space Program.''

The PRESIDING OFFICER. Without objection, it is so ordered

COMMITTEE ON FINANCE

Mr. MERKLEY. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on March 7, 2012, at 10 a.m. in room 215 of the Dirksen Senate Office Building, to conduct a hearing entitled ''The President's 2012 Trade Agenda.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. MERKLEY. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate, on March 7, 2012, at 10 a.m., in room SD–226 of the Dirksen Senate Office Building, to conduct a hearing entitled ''Examining Lending Discrimination Practices and Foreclosure Abuses.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS' AFFAIRS

Mr. MERKLEY. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session on March 7, 2012, in room SD–50 of the Dirksen Senate Office Building beginning at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SPECIAL COMMITTEE ON AGING

Mr. MERKLEY. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet during the session of the Senate on March 7, 2012, at 2 p.m. in room 562 of the Dirksen Senate Office Building to conduct a hearing entitled ''Opportunities for Savings: Removing Obstacles for Small Business.''

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON OCEANS, ATMOSPHERE, FISHERIES, AND THE COAST GUARD

Mr. MERKLEY. Mr. President, I ask unanimous consent that the Subcommittee on Oceans, Atmosphere, Fisheries, and the Coast Guard of the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on March 7, 2012, at 2:30 p.m. in room 253 of the Russell Senate Office Building.

The Committee will hold a hearing entitled, ''The President's Fiscal Year 2013 Budget Proposals for the Coast Guard and the National Oceanic and Atmospheric Administration.''

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON WATER AND POWER

Mr. MERKLEY. Mr. President, I ask unanimous consent that the Subcommittee on Water and Power be authorized to meet during the session of the Senate on March 7, 2012, at 2:30 p.m., in room 366 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

## PRIVILEGES OF THE FLOOR

Mr. BINGAMAN. Mr. President, I ask unanimous consent that Hannah Breul, who is a detailee from the Department of Energy working on the staff of the Committee on Energy and Natural Resources this year, be granted floor privileges during today's session of the Senate.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. JOHNSON. Mr. President, I ask unanimous consent that Michael Johnson from my office be granted the privilege of the floor during today's session.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ENZI. Mr. President, I ask unanimous consent that James Ward from my office be granted floor privileges for the duration of today's session.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MERKLEY. Mr. President, I ask unanimous consent that my intern, B.J. Westlund, be granted privileges of the floor for the balance of today's session.

The PRESIDING OFFICER (Mr. MANCHIN). Without objection, it is so ordered.

## PANDEMIC AND ALL-HAZARDS PREPAREDNESS ACT REAUTHORIZATION OF 2011

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 263.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will state the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 1855) to amend the Public Health Service Act to reauthorize various programs under the Pandemic and All-Hazards Preparedness Act.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Health, Education, Labor, and Pensions, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

***SECTION 1. SHORT TITLE; TABLE OF CONTENTS.***

*(a) SHORT TITLE.—This Act may be cited as the ''Pandemic and All-Hazards Preparedness Act Reauthorization of 2011''.*

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

*Sec. 1. Short title; table of contents.*

*TITLE I—STRENGTHENING NATIONAL PREPAREDNESS AND RESPONSE FOR PUBLIC HEALTH EMERGENCIES*

*Sec. 101. National Health Security Strategy.*
*Sec. 102. Assistant Secretary for Preparedness and Response.*
*Sec. 103. National Advisory Committee on Children and Disasters.*
*Sec. 104. Modernization of the National Disaster Medical System.*
*Sec. 105. Continuing the role of the Department of Veterans Affairs.*

*TITLE II—OPTIMIZING STATE AND LOCAL ALL-HAZARDS PREPAREDNESS AND RESPONSE*

*Sec. 201. Improving State and local public health security.*
*Sec. 202. Hospital preparedness and medical surge capacity.*
*Sec. 203. Enhancing situational awareness and biosurveillance.*

*TITLE III—ENHANCING MEDICAL COUNTERMEASURE REVIEW*

*Sec. 301. Special protocol assessment.*
*Sec. 302. Authorization of medical products for use in emergencies.*
*Sec. 303. Definitions.*
*Sec. 304. Enhancing medical countermeasure activities.*
*Sec. 305. Regulatory management plans.*
*Sec. 306. Report.*
*Sec. 307. Pediatric medical countermeasures.*

*TITLE IV—ACCELERATING MEDICAL COUNTERMEASURE ADVANCED RESEARCH AND DEVELOPMENT*

*Sec. 401. BioShield.*
*Sec. 402. Biomedical Advanced Research and Development Authority.*
*Sec. 403. Strategic National Stockpile.*
*Sec. 404. National Biodefense Science Board.*

***TITLE I—STRENGTHENING NATIONAL PREPAREDNESS AND RESPONSE FOR PUBLIC HEALTH EMERGENCIES***

***SEC. 101. NATIONAL HEALTH SECURITY STRATEGY.***

*(a) IN GENERAL.—Section 2802 of the Public Health Service Act (42 U.S.C. 300hh–1) is amended—*

*(1) in subsection (a)(1), by striking ''2009'' and inserting ''2014''; and*

*(2) in subsection (b)—*

*(A) in paragraph (3)—*

*(i) in the matter preceding subparagraph (A)—*

*(I) by striking ''facilities), and trauma care'' and inserting ''facilities and which may include dental health facilities), and trauma care, critical care,''; and*

*(II) by inserting ''(including related availability, accessibility, and coordination)'' after ''public health emergencies'';*

*(ii) in subparagraph (A), by inserting ''and trauma'' after ''medical'';*

*(iii) in subparagraph (D), by inserting ''(which may include such dental health assets)'' after ''medical assets'';*

*(iv) by adding at the end the following:*

*''(F) Optimizing a coordinated and flexible approach to the medical surge capacity of hospitals, other healthcare facilities, and trauma care (which may include trauma centers) and emergency medical systems.'';*

*(B) in paragraph (4)—*

*(i) in subparagraph (A), by inserting '', including the unique needs and considerations of individuals with disabilities,'' after ''medical needs of at-risk individuals''; and*

*(ii) in subparagraph (B), by inserting ''the'' before ''purpose of this section''; and*

*(C) by adding at the end the following:*

*''(7) COUNTERMEASURES.—*

*''(A) Promoting strategic initiatives to advance countermeasures to diagnose, mitigate, prevent, or treat harm from any biological agent or toxin, chemical, radiological, or nuclear agent or agents, whether naturally occurring, unintentional, or deliberate.*

*''(B) For purposes of this paragraph the term 'countermeasures' has the same meaning as the terms 'qualified countermeasures' under section 319F–1, 'qualified pandemic and epidemic products' under section 319F–3, and 'security countermeasures' under section 319F–2.*

*''(8) MEDICAL AND PUBLIC HEALTH COMMUNITY RESILIENCY.—Strengthening the ability of States, local communities, and tribal communities to prepare for, respond to, and be resilient in the event of public health emergencies, whether naturally occurring, unintentional, or deliberate by—*

*''(A) optimizing alignment and integration of medical and public health preparedness and response planning and capabilities with and into routine daily activities; and*

*''(B) promoting familiarity with local medical and public health systems.''.*

*(b) AT-RISK INDIVIDUALS.—Section 2814 of the Public Health Service Act (42 U.S.C. 300hh–16) is amended—*

*(1) by striking paragraphs (5), (7), and (8);*

*(2) by redesignating paragraphs (1) through (4) as paragraphs (2) through (5), respectively;*

*(3) by inserting before paragraph (2) (as so redesignated), the following:*

*''(1) monitor emerging issues and concerns as they relate to medical and public health preparedness and response for at-risk individuals in the event of a public health emergency declared by the Secretary under section 319;'';*

*(4) in paragraph (2) (as so redesignated), by striking ''National Preparedness goal'' and inserting ''preparedness goals, as described in section 2802(b),''; and*

*(5) by inserting after paragraph (6), the following:*

*''(7) disseminate and, as appropriate, update novel and best practices of outreach to and care of at-risk individuals before, during, and following public health emergencies in as timely a manner as is practicable, including from the time a public health threat is identified; and*

*''(8) ensure that public health and medical information distributed by the Department of Health and Human Services during a public health emergency is delivered in a manner that takes into account the range of communication needs of the intended recipients, including at-risk individuals.''.*

***SEC. 102. ASSISTANT SECRETARY FOR PREPAREDNESS AND RESPONSE.***

*Section 2811 of the Public Health Service Act (42 U.S.C. 300hh–10) is amended—*

*(1) in subsection (b)(4), by adding at the end the following:*

*''(D) POLICY COORDINATION AND STRATEGIC DIRECTION.—Provide integrated policy coordination and strategic direction with respect to all matters related to Federal public health and medical preparedness and execution and deployment of the Federal response for public health emergencies and incidents covered by the National Response Plan developed pursuant to section 502(6) of the Homeland Security Act of 2002, or any successor plan, before, during, and following public health emergencies.'';*

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

*''(c) FUNCTIONS.—The Assistant Secretary for Preparedness and Response shall—*

*''(1) have authority over and responsibility for—*

*''(A) the National Disaster Medical System (in accordance with section 301 of the Pandemic and All-Hazards Preparedness Act);*

*''(B) the Hospital Preparedness Cooperative Agreement Program pursuant to section 319C–2;*

*''(C) the Medical Reserve Corps pursuant to section 2813;*

*''(D) the Emergency System for Advance Registration of Volunteer Health Professionals pursuant to section 319I; and*

*''(E) administering grants and related authorities related to trauma care under parts A through C of title XII, such authority to be transferred by the Secretary from the Administrator of the Health Resources and Services Administration to such Assistant Secretary;*

*''(2) exercise the responsibilities and authorities of the Secretary with respect to the coordination of—*

*''(A) the Public Health Emergency Preparedness Cooperative Agreement Program pursuant to section 319C–1;*

*''(B) the Strategic National Stockpile; and*

*''(C) the Cities Readiness Initiative;*

*''(3) align and coordinate medical and public health grants and cooperative agreements as applicable to preparedness and response activities authorized under this Act, to the extent possible, including program requirements, timelines, and measurable goals, and in coordination with the Secretary of Homeland Security, to—*

*''(A) optimize and streamline medical and public health preparedness capabilities and the ability of local communities to respond to public health emergencies;*

*''(B) minimize duplication of efforts with regard to medical and public health preparedness and response programs; and*

*''(C) gather and disseminate best practices among grant and cooperative agreement recipients, as appropriate;*

*''(4) carry out drills and operational exercises, in coordination with the Department of Homeland Security, the Department of Defense, the Department of Veterans Affairs, and other applicable Federal departments and agencies, as necessary and appropriate, to identify, inform, and address gaps in and policies related to all-hazards medical and public health preparedness, including exercises based on—*

*''(A) identified threats for which countermeasures are available and for which no countermeasures are available; and*

*''(B) unknown threats for which no countermeasures are available; and*

*''(5) assume other duties as determined appropriate by the Secretary.''; and*

*(3) by adding at the end the following:*

*''(d) NATIONAL SECURITY PRIORITY.—The Secretary, acting through the Assistant Secretary for Preparedness and Response, shall on a periodic basis conduct meetings, as applicable and appropriate, with the Assistant to the President for National Security Affairs to provide an update on, and discuss, medical and public health preparedness and response activities pursuant to this Act and the Federal Food, Drug, and Cosmetic Act, including progress on the development, approval, clearance, and licensure of medical countermeasures.*

*''(e) PUBLIC HEALTH EMERGENCY MEDICAL COUNTERMEASURES ENTERPRISE STRATEGY AND IMPLEMENTATION PLAN.—*

*''(1) IN GENERAL.—Not later than 180 days after the date of enactment of this subsection, and every other year thereafter, the Secretary, acting through the Assistant Secretary for Preparedness and Response and in consultation with the Director of the Biomedical Advanced Research and Development Authority, the Director of the National Institutes of Health, the Director of the Centers for Disease Control and Prevention, and the Commissioner of the Food and Drug Administration, shall develop and submit to the appropriate committees of Congress a coordinated strategy and accompanying implementation plan for medical countermeasures to address chemical, biological, radiological, and nuclear threats. Such strategy and plan shall be known as the 'Public Health Emergency Medical Countermeasures Enterprise Strategy and Implementation Plan'.*

*''(2) REQUIREMENTS.—The plan under paragraph (1) shall—*

*''(A) consider and reflect the full spectrum of medical countermeasure-related activities, including research, advanced research, development, procurement, stockpiling, deployment, and distribution;*

*''(B) identify and prioritize near-term, mid-term, and long-term priority qualified and security countermeasure (as defined in sections 319F–1 and 319F–2) needs and goals of the Federal Government according to chemical, biological, radiological, and nuclear threat or threats;*

*''(C) identify projected timelines, anticipated funding allocations, benchmarks, and milestones for each medical countermeasure priority under subparagraph (B), including projected needs with regard to replenishment of the Strategic National Stockpile;*

*''(D) be informed by the recommendations of the National Biodefense Science Board pursuant to section 319M;*

*''(E) report on advanced research and development awards and the date of the issuance of contract awards, including awards made through the special reserve fund (as defined in section 319F–2(c)(10));*

*''(F) identify progress made in meeting the goals, benchmarks, and milestones identified under subparagraph (C) in plans submitted subsequent to the initial plan;*

*''(G) identify the progress made in meeting the medical countermeasure priorities for at-risk individuals, (as defined in 2802(b)(4)(B)), as applicable under subparagraph (B), including with regard to the projected needs for related stockpiling and replenishment of the Strategic National Stockpile; and*

*''(H) be made publicly available.*

*''(3) GAO REPORT.—*

*''(A) IN GENERAL.—Not later than 1 year after the date on which a Public Health Emergency Medical Countermeasures Enterprise Strategy and Implementation Plan under this subsection is issued by the Secretary, the Government Accountability Office shall conduct an independent evaluation and submit to the appropriate committees of Congress a report concerning such strategy and implementation plan.*

*''(B) CONTENT.—The report described in subparagraph (A) shall review and assess—*

*''(i) the near-term, mid-term, and long-term medical countermeasure needs and identified priorities of the Federal Government pursuant to subparagraphs (A) and (B) of paragraph (2);*

*''(ii) the activities of the Department of Health and Human Services with respect to advanced research and development pursuant to section 319L; and*

*''(iii) the progress made toward meeting the goals, benchmarks, and milestones identified in the Public Health Emergency Medical Countermeasures Enterprise Strategy and Implementation Plan under this subsection.*

*''(f) INTERNAL MULTIYEAR PLANNING PROCESS.—The Secretary shall develop, and update on an annual basis, a coordinated 5-year budget plan based on the medical countermeasure priorities and goals described in subsection (e). Each such plan shall—*

''(1) include consideration of the entire medical countermeasures enterprise, including—

''(A) basic research, advanced research and development;

''(B) approval, clearance, licensure, and authorized uses of products; and

''(C) procurement, stockpiling, maintenance, and replenishment of all products in the Strategic National Stockpile;

''(2) include measurable outputs and outcomes to allow for the tracking of the progress made toward identified goals;

''(3) identify medical countermeasure lifecycle costs to inform planning, budgeting, and anticipated needs within the continuum of the medical countermeasure enterprise consistent with section 319F–2; and

''(4) be made available to the appropriate committees of Congress upon request.

''(g) INTERAGENCY COORDINATION PLAN.—Not later than 1 year after the date of enactment of this subsection, the Secretary, in coordination with the Secretary of Defense, shall submit to the appropriate committees of Congress a report concerning the manner in which the Department of Health and Human Services is coordinating with the Department of Defense regarding countermeasure activities to address chemical, biological, radiological, and nuclear threats. Such report shall include information with respect to—

''(1) the research, advanced research, development, procurement, stockpiling, and distribution of countermeasures to meet identified needs; and

''(2) the coordination of efforts between the Department of Health and Human Services and the Department of Defense to address countermeasure needs for various segments of the population.

''(h) PROTECTION OF NATIONAL SECURITY.—In carrying out subsections (e), (f), and (g), the Secretary shall ensure that information and items that could compromise national security are not disclosed.''.

**SEC. 103. NATIONAL ADVISORY COMMITTEE ON CHILDREN AND DISASTERS.**

Subtitle B of title XXVIII of the Public Health Service Act (42 U.S.C. 300hh et seq.) is amended by inserting after section 2811 the end the following:

**''SEC. 2811A. NATIONAL ADVISORY COMMITTEE ON CHILDREN AND DISASTERS.**

''(a) ESTABLISHMENT.—The Secretary, in consultation with the Secretary of Homeland Security, shall establish an advisory committee to be known as the 'National Advisory Committee on Children and Disasters' (referred to in this section as the 'Advisory Committee').

''(b) DUTIES.—The Advisory Committee shall—

''(1) provide advice and consultation with respect to the activities carried out pursuant to section 2814, as applicable and appropriate;

''(2) evaluate and provide input with respect to the needs of children as they relate to preparation for, response to, and recovery from all-hazards, including public health emergencies; and

''(3) provide advice and consultation to States and territories with respect to State emergency preparedness and response activities and children, including related drills and exercises pursuant to the preparedness goals under section 2802(b).

''(c) ADDITIONAL DUTIES.—The Advisory Committee may provide advice and recommendations to the Secretary with respect to children and the medical and public health grants and cooperative agreements as applicable to preparedness and response activities authorized under this title and title III.

''(d) MEMBERSHIP.—

''(1) IN GENERAL.—The Secretary, in consultation with such other Secretaries as may be appropriate, shall appoint not to exceed 15 members to the Advisory Committee. In appointing such members, the Secretary shall ensure that the total membership of the Advisory Committee is an odd number.

''(2) REQUIRED MEMBERS.—The Secretary, in consultation with such other Secretaries as may be appropriate, may appoint to the Advisory Committee under paragraph (1) such individuals as may be appropriate to perform the duties described in subsections (b) and (c), which may include—

''(A) the Assistant Secretary for Preparedness and Response;

''(B) the Director of the Biomedical Advanced Research and Development Authority;

''(C) the Director of the Centers for Disease Control and Prevention;

''(D) the Commissioner of Food and Drugs;

''(E) the Director of the National Institutes of Health;

''(F) the Assistant Secretary of the Administration for Children and Families;

''(G) at least two health care professionals with expertise in pediatric medical disaster planning, preparedness, response, or recovery;

''(H) at least two representatives from State, local, territories, or tribal agencies with expertise in pediatric disaster planning, preparedness, response, or recovery; and

''(I) representatives from such Federal agencies (such as the Department of Education and the Department of Homeland Security) as determined necessary to fulfill the duties of the Advisory Committee, as established under subsections (b) and (c).

''(e) MEETINGS.—The Advisory Committee shall meet not less than biannually.

''(f) SUNSET.—The Advisory Committee shall terminate on the date that is 5 years after the date of enactment of the Pandemic and All-Hazards Preparedness Act Reauthorization of 2011.''.

**SEC. 104. MODERNIZATION OF THE NATIONAL DISASTER MEDICAL SYSTEM.**

Section 2812 of the Public Health Service Act (42 U.S.C. 300hh–11) is amended—

(1) in subsection (a)(3)—

(A) in subparagraph (A), in clause (i) by inserting '', including at-risk individuals as applicable'' after ''victims of a public health emergency'';

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

(C) by inserting after subparagraph (B), the following:

''(C) CONSIDERATIONS FOR AT-RISK POPULATIONS.—The Secretary shall take steps to ensure that an appropriate specialized and focused range of public health and medical capabilities are represented in the National Disaster Medical System, which take into account the needs of at-risk individuals, in the event of a public health emergency.''.

''(D) ADMINISTRATION.—The Secretary may determine and pay claims for reimbursement for services under subparagraph (A) directly or through contracts that provide for payment in advance or by way of reimbursement.''; and

(2) in subsection (g), by striking ''such sums as may be necessary for each of the fiscal years 2007 through 2011'' and inserting ''$56,000,000 for each of fiscal years 2012 through 2016''.

**SEC. 105. CONTINUING THE ROLE OF THE DEPARTMENT OF VETERANS AFFAIRS.**

Section 8117(g) of title 38, United States Code, is amended by striking ''such sums as may be necessary to carry out this section for each of fiscal years 2007 through 2011'' and inserting ''$156,500,000 for each of fiscal years 2012 through 2016 to carry out this section''.

## TITLE II—OPTIMIZING STATE AND LOCAL ALL-HAZARDS PREPAREDNESS AND RESPONSE

**SEC. 201. IMPROVING STATE AND LOCAL PUBLIC HEALTH SECURITY.**

(a) COOPERATIVE AGREEMENTS.—Section 319C–1 of the Public Health Service Act (42 U.S.C. 247d–3a) is amended—

(1) in subsection (b)(2)—

(A) in subparagraph (A)—

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

''(i) a description of the activities such entity will carry out under the agreement to meet the goals identified under section 2802, including with respect to chemical, biological, radiological, or nuclear threats, whether naturally occurring, unintentional, or deliberate;

''(ii) a description of the activities such entity will carry out with respect to pandemic influenza, as a component of the activities carried out under clause (i), and consistent with the requirements of paragraphs (2) and (5) of subsection (g);'';

(ii) in clause (iv), by striking ''and'' at the end; and

(iii) by adding at the end the following:

''(vi) a description of how, as appropriate, the entity may partner with relevant public and private stakeholders in public health emergency preparedness and response;

''(vii) a description of how the entity, as applicable and appropriate, will coordinate with State emergency preparedness and response plans in public health emergency preparedness, including State educational agencies (as defined in section 9101(41) of the Elementary and Secondary Education Act of 1965) and State child care lead agencies (as defined in section 658D of the Child Care and Development Block Grant Act); and

''(viii) in the case of entities that operate on the United States-Mexico border or the United States-Canada border, a description of the activities such entity will carry out under the agreement that are specific to the border area including disease detection, identification, and investigation, and preparedness and response activities related to emerging diseases and infectious disease outbreaks whether naturally-occurring or due to bioterrorism, consistent with the requirements of this section;''; and

(B) in subparagraph (C), by inserting '', including addressing the needs of at-risk individuals,'' after ''capabilities of such entity'';

(2) in subsection (g)—

(A) in paragraph (1), by striking subparagraph (A) and inserting the following:

''(A) include outcome goals representing operational achievements of the National Preparedness Goals developed under section 2802(b) with respect to all-hazards, including chemical, biological, radiological, or nuclear threats; and''; and

(B) in paragraph (2)(A), by adding at the end the following: ''The Secretary shall periodically update, as necessary and appropriate, such pandemic influenza plan criteria and shall require the integration of such criteria into the benchmarks and standards described in paragraph (1).'';

(3) in subsection (i)—

(A) in paragraph (1)(A)—

(i) by striking ''$824,000,000 for fiscal year 2007'' and inserting ''$632,900,000 for fiscal year 2012''; and

(ii) by striking ''such sums as may be necessary for each of fiscal years 2008 through 2011'' and inserting ''$632,900,000 for each of fiscal years 2013 through 2016''; and

(B) by adding at the end the following:

''(7) AVAILABILITY OF COOPERATIVE AGREEMENT FUNDS.—

''(A) IN GENERAL.—Amounts provided to an eligible entity under a cooperative agreement under subsection (a) for a fiscal year and remaining unobligated at the end of such year shall remain available to such entity for the next fiscal year for the purposes for which such funds were provided.

''(B) FUNDS CONTINGENT ON ACHIEVING BENCHMARKS.—The continued availability of funds under subparagraph (A) with respect to an entity shall be contingent upon such entity achieving the benchmarks and submitting the pandemic influenza plan as described in subsection (g).''; and

(4) in subsection (j), by striking paragraph (3).

(b) VACCINE TRACKING AND DISTRIBUTION.—Section 319A(e) of the Public Health Service Act

(42 U.S.C. 247d–1(e)) is amended by striking ''such sums for each of fiscal years 2007 through 2011'' and inserting ''$30,800,000 for each of fiscal years 2012 through 2016''.

(c) GAO REPORT.—Section 319C-1 of the Public Health Service Act (42 U.S.C. 247d–3a) is amended by adding at the end the following:

''(l) GAO REPORT.—

''(1) IN GENERAL.—Not later than 1 year after the date of enactment of the Pandemic and All-Hazards Preparedness Act Reauthorization of 2011, the Government Accountability Office shall conduct an independent evaluation, and submit to the appropriate committees of Congress a report, concerning Federal programs at the Department of Health and Human Services that support medical and public health preparedness and response programs at the State and local levels.

''(2) CONTENT.—The report described in paragraph (1) shall review and assess—

''(A) the extent to which grant and cooperative agreement requirements and goals have been met by recipients;

''(B) the extent to which such grants and cooperative agreements have supported medical and public health preparedness and response goals pursuant to section 2802(b), as appropriate and applicable;

''(C) whether recipients or the Department of Health and Human Services have identified any factors that may impede a recipient's ability to achieve programmatic goals and requirements; and

''(D) instances in which funds may not have been used appropriately, in accordance with grant and cooperative agreement requirements, and actions taken to address inappropriate expenditures.''.

**SEC. 202. HOSPITAL PREPAREDNESS AND MEDICAL SURGE CAPACITY.**

(a) ALL-HAZARDS PUBLIC HEALTH AND MEDICAL RESPONSE CURRICULA AND TRAINING.—Section 319F(a)(5)(B) of the Public Health Service Act (42 U.S.C. 247d–6(a)(5)(B)) is amended by striking ''public health or medical'' and inserting ''public health, medical, or dental''.

(b) ENCOURAGING HEALTH PROFESSIONAL VOLUNTEERS.—

(1) EMERGENCY SYSTEM FOR ADVANCE REGISTRATION OF VOLUNTEER HEALTH PROFESSIONALS.—Section 319I(k) of the Public Health Service Act (42 U.S.C. 247d–7b(k)) is amended by striking ''$2,000,000 for fiscal year 2002, and such sums as may be necessary for each of the fiscal years 2003 through 2011'' and inserting ''$5,900,000 for each of fiscal years 2012 through 2016''.

(2) VOLUNTEERS.—Section 2813 of the Public Health Service Act (42 U.S.C. 300hh–15) is amended—

(A) in subsection (d)(2), by adding at the end the following: ''Such training exercises shall, as appropriate and applicable, incorporate the needs of at-risk individuals in the event of a public health emergency.''; and

(B) in subsection (i), by striking ''$22,000,000 for fiscal year 2007, and such sums as may be necessary for each of fiscal years 2008 through 2011'' and inserting ''$11,900,000 for each of fiscal years 2012 through 2016''.

(c) PARTNERSHIPS FOR STATE AND REGIONAL PREPAREDNESS TO IMPROVE SURGE CAPACITY.—Section 319C–2 of the Public Health Service Act (42 U.S.C. 247d–3b) is amended—

(1) in subsection (b)(1)(A)(ii), by striking ''centers, primary'' and inserting ''centers, community health centers, primary'';

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

''(c) USE OF FUNDS.—An award under subsection (a) shall be expended for activities to achieve the preparedness goals described under paragraphs (1), (3), (4), (5), and (6) of section 2802(b) with respect to all-hazards, including chemical, biological, radiological, or nuclear threats.'';

(3) by striking subsection (g) and inserting the following:

''(g) COORDINATION.—

''(1) LOCAL RESPONSE CAPABILITIES.—An eligible entity shall, to the extent practicable, ensure that activities carried out under an award under subsection (a) are coordinated with activities of relevant local Metropolitan Medical Response Systems, local Medical Reserve Corps, the local Cities Readiness Initiative, and local emergency plans.

''(2) NATIONAL COLLABORATION.—Partnerships consisting of one or more eligible entities under this section may, to the extent practicable, collaborate with other partnerships consisting of one or more eligible entities under this section for purposes of national coordination and collaboration with respect to activities to achieve the preparedness goals described under paragraphs (1), (3), (4), (5), and (6) of section 2802(b).''; and

(4) in subsection (j)—

(A) in paragraph (1), by striking ''$474,000,000 for fiscal year 2007, and such sums as may be necessary for each of fiscal years 2008 through 2011'' and inserting ''$378,000,000 for each of fiscal years 2012 through 2016''; and

(B) by adding at the end the following:

''(4) AVAILABILITY OF COOPERATIVE AGREEMENT FUNDS.—

''(A) IN GENERAL.—Amounts provided to an eligible entity under a cooperative agreement under subsection (a) for a fiscal year and remaining unobligated at the end of such year shall remain available to such entity for the next fiscal year for the purposes for which such funds were provided.

''(B) FUNDS CONTINGENT ON ACHIEVING BENCHMARKS.—The continued availability of funds under subparagraph (A) with respect to an entity shall be contingent upon such entity achieving the benchmarks and submitting the pandemic influenza plan as required under subsection (i).''.

**SEC. 203. ENHANCING SITUATIONAL AWARENESS AND BIOSURVEILLANCE.**

Section 319D of the Public Health Service Act (42 U.S.C. 247d–4) is amended—

(1) in subsection (b)—

(A) in paragraph (1)(B), by inserting ''poison control centers,'' after ''hospitals,'';

(B) in paragraph (2), by inserting before the period the following: '', allowing for coordination to maximize all-hazards medical and public health preparedness and response and to minimize duplication of effort''; and

(C) in paragraph (3), by inserting before the period the following: ''and update such standards as necessary'';

(2) in subsection (d)—

(A) in the subsection heading, by striking ''PUBLIC HEALTH SITUATIONAL AWARENESS'' and inserting ''MODERNIZING PUBLIC HEALTH SITUATIONAL AWARENESS AND BIOSURVEILLANCE'';

(B) in paragraph (1)—

(i) by striking ''Pandemic and All-Hazards Preparedness Act'' and inserting ''Pandemic and All-Hazards Preparedness Act Reauthorization of 2011''; and

(ii) by inserting '', novel emerging threats,'' after ''disease outbreaks'';

(C) by striking paragraph (2) and inserting the following:

''(2) STRATEGY AND IMPLEMENTATION PLAN.—Not later than 180 days after the date of enactment of the Pandemic and All-Hazards Preparedness Act Reauthorization of 2011, the Secretary shall submit to the appropriate committees of Congress, a coordinated strategy and an accompanying implementation plan that identifies and demonstrates the measurable steps the Secretary will carry out to—

''(A) develop, implement, and evaluate the network described in paragraph (1), utilizing the elements described in paragraph (3); and

''(B) modernize and enhance biosurveillance activities.'';

(D) in paragraph (3)(D), by inserting ''community health centers, health centers'' after ''poison control,'';

(E) in paragraph (5), by striking subparagraph (A) and inserting the following:

''(A) utilize applicable interoperability standards as determined by the Secretary, and in consultation with the Office of the National Coordinator for Health Information Technology, through a joint public and private sector process;''; and

(F) by adding at the end the following:

''(6) CONSULTATION WITH THE NATIONAL BIODEFENSE SCIENCE BOARD.—In carrying out this section consistent with section 319M, the National Biodefense Science Board shall provide expert advice and guidance, including recommendations, regarding the measurable steps the Secretary should take to modernize and enhance biosurveillance activities pursuant to the efforts of the Department of Health and Humans Services to ensure comprehensive, real-time all-hazards biosurveillance capabilities. In complying with the preceding sentence, the National Biodefense Science Board shall—

''(A) identify the steps necessary to achieve a national biosurveillance system for human health, with international connectivity, where appropriate, that is predicated on State, regional, and community level capabilities and creates a networked system to allow for two-way information flow between and among Federal, State, and local government public health authorities and clinical health care providers;

''(B) identify any duplicative surveillance programs under the authority of the Secretary, or changes that are necessary to existing programs, in order to enhance and modernize such activities, minimize duplication, strengthen and streamline such activities under the authority of the Secretary, and achieve real-time and appropriate data that relate to disease activity, both human and zoonotic; and

''(C) coordinate with applicable existing advisory committees of the Director of the Centers for Disease Control and Prevention, including such advisory committees consisting of representatives from State, local, and tribal public health authorities and appropriate public and private sector health care entities and academic institutions, in order to provide guidance on public health surveillance activities.'';

(3) in subsection (e)(5), by striking ''4 years after the date of enactment of the Pandemic and All-Hazards Preparedness Act'' and inserting ''3 years after the date of enactment of the Pandemic and All-Hazards Preparedness Act Reauthorization of 2011'';

(4) in subsection (g), by striking ''such sums as may be necessary in each of fiscal years 2007 through 2011'' and inserting ''$160,121,000 for each of fiscal years 2012 through 2016''; and

(5) by adding at the end the following:

''(h) DEFINITION.—For purposes of this section the term 'biosurveillance' means the process of gathering near real-time, biological data that relates to disease activity and threats to human or zoonotic health, in order to achieve early warning and identification of such health threats, early detection and prompt ongoing tracking of health events, and overall situational awareness of disease activity.''.

## TITLE III—ENHANCING MEDICAL COUNTERMEASURE REVIEW

**SEC. 301. SPECIAL PROTOCOL ASSESSMENT.**

Section 505(b)(5)(B) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(b)(5)(B)) is amended by striking ''size of clinical trials intended'' and all that follows through ''. The sponsor or applicant'' and inserting the following: ''size—

''(i)(I) of clinical trials intended to form the primary basis of an effectiveness claim; or

''(II) in the case where human efficacy studies are not ethical or feasible, of animal and any associated clinical trials which, in combination, are intended to form the primary basis of an effectiveness claim; or

''(ii) with respect to an application for approval of a biological product under section

*351(k) of the Public Health Service Act, of any necessary clinical study or studies.*

*The sponsor or applicant''.*

***SEC. 302. AUTHORIZATION FOR MEDICAL PRODUCTS FOR USE IN EMERGENCIES.***

*(a) IN GENERAL.—Section 564 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360bbb–3) is amended—*

*(1) in subsection (a)—*

*(A) in paragraph (1), by striking ''sections 505, 510(k), and 515 of this Act'' and inserting ''any provision of this Act'';*

*(B) in paragraph (2)(A), by striking ''under a provision of law referred to in such paragraph'' and inserting ''under a provision of law in section 505, 510(k), or 515 of this Act or section 351 of the Public Health Service Act''; and*

*(C) in paragraph (3), by striking ''a provision of law referred to in such paragraph'' and inserting ''a provision of law referred to in paragraph (2)(A)'';*

*(2) in subsection (b)—*

*(A) in the subsection heading, by striking ''EMERGENCY'' and inserting ''EMERGENCY OR THREAT JUSTIFYING EMERGENCY AUTHORIZED USE'';*

*(B) in paragraph (1)—*

*(i) in the matter preceding subparagraph (A), by striking ''may declare an emergency'' and inserting ''may make a declaration that the circumstances exist'';*

*(ii) in subparagraph (A), by striking ''specified'';*

*(iii) in subparagraph (B)—*

*(I) by striking ''specified''; and*

*(II) by striking ''; or'' and inserting a semicolon;*

*(iv) by amending subparagraph (C) to read as follows:*

*''(C) a determination by the Secretary that there is a public health emergency, or a significant potential for a public health emergency, that affects, or has a significant potential to affect, national security or the health and security of United States citizens abroad, and that involves a biological, chemical, radiological, or nuclear agent or agents, or a disease or condition that may be attributable to such agent or agents; or''; and*

*(v) by adding at the end the following:*

*''(D) the identification of a material threat pursuant to section 319F–2 of the Public Health Service Act sufficient to affect national security or the health and security of United States citizens living abroad.'';*

*(C) in paragraph (2)(A)—*

*(i) by amending clause (ii) to read as follows:*

*''(ii) a change in the approval status of the product such that the circumstances described in subsection (a)(2) have ceased to exist.'';*

*(ii) by striking subparagraph (B); and*

*(iii) by redesignating subparagraph (C) as subparagraph (B);*

*(D) in paragraph (4), by striking ''advance notice of termination, and renewal under this subsection.'' and inserting '', and advance notice of termination under this subsection. The Secretary shall make any renewal under this subsection available on the Internet Web site of the Food and Drug Administration.''; and*

*(E) by adding at the end the following:*

*''(5) EXPLANATION BY SECRETARY.—If an authorization under this section with respect to an unapproved product has been in effect for more than 1 year, the Secretary shall provide in writing to the sponsor of such product, an explanation of the scientific, regulatory, or other obstacles to approval, licensure, or clearance of such product, including specific actions to be taken by the Secretary and the sponsor to overcome such obstacles.'';*

*(3) in subsection (c)—*

*(A) in the matter preceding paragraph (1)—*

*(i) by inserting ''the Assistant Secretary for Preparedness and Response,'' after ''consultation with'';*

*(ii) by striking ''Health and'' and inserting ''Health, and''; and*

*(iii) by striking ''circumstances of the emergency involved'' and inserting ''applicable circumstances described in subsection (b)(1)'';*

*(B) in paragraph (1), by striking ''specified'' and inserting ''referred to''; and*

*(C) in paragraph (2)(B), by inserting '', taking into consideration the material threat posed by the agent or agents identified in a declaration under subsection (b)(1)(D), if applicable'' after ''risks of the product'';*

*(4) in subsection (d)(3), by inserting '', to the extent practicable given the circumstances of the emergency,'' after ''including'';*

*(5) in subsection (e)—*

*(A) in paragraph (1)(A), by striking ''circumstances of the emergency'' and inserting ''applicable circumstances described in subsection (b)(1)'';*

*(B) in paragraph (2)—*

*(i) in subparagraph (A)—*

*(I) by striking ''manufacturer of the product'' and inserting ''person'';*

*(II) by striking ''circumstances of the emergency'' and inserting ''applicable circumstances described in subsection (b)(1)''; and*

*(III) by inserting at the end before the period ''or in paragraph (1)(B)'';*

*(ii) in subparagraph (B)(i), by inserting before the period at the end '', except as provided in section 564A with respect to authorized changes to the product expiration date''; and*

*(iii) by amending subparagraph (C) to read as follows:*

*''(C) In establishing conditions under this paragraph with respect to the distribution and administration of the product for the unapproved use, the Secretary shall not impose conditions that would restrict distribution or administration of the product when done solely for the approved use.''; and*

*(C) by amending paragraph (3) to read as follows:*

*''(3) GOOD MANUFACTURING PRACTICE; PRESCRIPTION.—With respect to the emergency use of a product for which an authorization under this section is issued (whether an unapproved product or an unapproved use of an approved product), the Secretary may waive or limit, to the extent appropriate given the applicable circumstances described in subsection (b)(1)—*

*''(A) requirements regarding current good manufacturing practice otherwise applicable to the manufacture, processing, packing, or holding of products subject to regulation under this Act, including such requirements established under section 501 or 520(f)(1), and including relevant conditions prescribed with respect to the product by an order under section 520(f)(2);*

*''(B) requirements established under section 503(b); and*

*''(C) requirements established under section 520(e).'';*

*(6) in subsection (g)—*

*(A) in the subsection heading, by inserting ''REVIEW AND'' before ''REVOCATION'';*

*(B) in paragraph (1), by inserting after the period at the end the following: ''As part of such review, the Secretary shall regularly review the progress made with respect to the approval, licensure, or clearance of—*

*''(A) an unapproved product for which an authorization was issued under this section; or*

*''(B) an unapproved use of an approved product for which an authorization was issued under this section.''; and*

*(C) by amending paragraph (2) to read as follows:*

*''(2) REVISION AND REVOCATION.—The Secretary may revise or revoke an authorization under this section if—*

*''(A) the circumstances described under subsection (b)(1) no longer exist;*

*''(B) the criteria under subsection (c) for issuance of such authorization are no longer met; or*

*''(C) other circumstances make such revision or revocation appropriate to protect the public health or safety.'';*

*(7) in subsection (h)(1), by adding after the period at the end the following: ''The Secretary shall make any revisions to an authorization under this section available on the Internet Web site of the Food and Drug Administration.''; and*

*(8) by adding at the end of subsection (j) the following:*

*''(4) Nothing in this section shall be construed as authorizing a delay in the review or other consideration by the Food and Drug Administration of any application pending before the Administration for a countermeasure or product referred to in subsection (a).''.*

*(b) EMERGENCY USE OF MEDICAL PRODUCTS.—Subchapter E of chapter V of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360bbb et seq.) is amended by inserting after section 564 the following:*

***''SEC. 564A. EMERGENCY USE OF MEDICAL PRODUCTS.***

*''(a) DEFINITIONS.—In this section:*

*''(1) ELIGIBLE PRODUCT.—The term 'eligible product' means a product that—*

*''(A) is approved or cleared under this chapter or licensed under section 351 of the Public Health Service Act;*

*''(B)(i) is intended for use to prevent, diagnose, or treat a disease or condition involving a biological, chemical, radiological, or nuclear agent or agents, including a product intended to be used to prevent or treat pandemic influenza; or*

*''(ii) is intended for use to prevent, diagnose, or treat a serious or life-threatening disease or condition caused by a product described in clause (i); and*

*''(C) is intended for use during the circumstances under which—*

*''(i) a determination described in subparagraph (A), (B), or (C) of section 564(b)(1) has been made by the Secretary of Homeland Security, the Secretary of Defense, or the Secretary, respectively; or*

*''(ii) the identification of a material threat described in subparagraph (D) of section 564(b)(1) has been made pursuant to section 319F–2 of the Public Health Service Act.*

*''(2) PRODUCT.—The term 'product' means a drug, device, or biological product.*

*''(b) EXTENSION OF EXPIRATION DATE.—*

*''(1) AUTHORITY TO EXTEND EXPIRATION DATE.—The Secretary may extend the expiration date of an eligible product in accordance with this subsection.*

*''(2) EXPIRATION DATE.—For purposes of this subsection, the term 'expiration date' means the date established through appropriate stability testing required by the regulations issued by the Secretary to ensure that the product meets applicable standards of identity, strength, quality, and purity at the time of use.*

*''(3) EFFECT OF EXTENSION.—Notwithstanding any other provision of this Act or the Public Health Service Act, if the expiration date of an eligible product is extended in accordance with this section, the introduction or delivery for introduction into interstate commerce of such product after the expiration date provided by the manufacturer and within the duration of such extension shall not be deemed to render the product—*

*''(A) an unapproved product; or*

*''(B) adulterated or misbranded under this Act.*

*''(4) DETERMINATIONS BY SECRETARY.—Before extending the expiration date of an eligible product under this subsection, the Secretary shall determine—*

*''(A) that extension of the expiration date will help protect public health;*

*''(B) that any extension of expiration is supported by scientific evaluation that is conducted or accepted by the Secretary;*

*''(C) what changes to the product labeling, if any, are required or permitted, including whether and how any additional labeling communicating the extension of the expiration date*

*may alter or obscure the labeling provided by the manufacturer; and*

*''(D) that any other conditions that the Secretary deems appropriate have been met.*

*''(5) SCOPE OF EXTENSION.—With respect to each extension of an expiration date granted under this subsection, the Secretary shall determine—*

*''(A) the batch, lot, or unit to which such extension shall apply;*

*''(B) the duration of such extension; and*

*''(C) any conditions to effectuate such extension that are necessary and appropriate to protect public health or safety.*

*''(c) CURRENT GOOD MANUFACTURING PRACTICE.—*

*''(1) IN GENERAL.—The Secretary may, when the circumstances of a domestic, military, or public health emergency or material threat described in subsection (a)(1)(C) so warrant, authorize, with respect to an eligible product, deviations from current good manufacturing practice requirements otherwise applicable to the manufacture, processing, packing, or holding of products subject to regulation under this Act, including requirements under section 501 or 520(f)(1) or applicable conditions prescribed with respect to the eligible product by an order under section 520(f)(2).*

*''(2) EFFECT.—Notwithstanding any other provision of this Act or the Public Health Service Act, an eligible product shall not be considered an unapproved product and shall not be deemed adulterated or misbranded under this Act because, with respect to such product, the Secretary has authorized deviations from current good manufacturing practices under paragraph (1).*

*''(d) EMERGENCY USE INSTRUCTIONS.—*

*''(1) IN GENERAL.—The Secretary, acting through an appropriate official within the Department of Health and Human Services, may create and issue emergency use instructions to inform health care providers or individuals to whom an eligible product is to be administered concerning such product's approved, licensed, or cleared conditions of use.*

*''(2) EFFECT.—Notwithstanding any other provisions of this Act or the Public Health Service Act, a product shall not be considered an unapproved product and shall not be deemed adulterated or misbranded under this Act because of the issuance of emergency use instructions under paragraph (1) with respect to such product or the introduction or delivery for introduction of such product into interstate commerce accompanied by such instructions—*

*''(A) during an emergency response to an actual emergency that is the basis for a determination described in subsection (a)(1)(C)(i); or*

*''(B) by a government entity (including a Federal, State, local, and tribal government entity), or a person acting on behalf of such a government entity, in preparation for an emergency response.''.*

*(c) RISK EVALUATION AND MITIGATION STRATEGIES.—Section 505–1 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355–1), is amended—*

*(1) in subsection (f), by striking paragraph (7); and*

*(2) by adding at the end the following:*

*''(k) WAIVER IN PUBLIC HEALTH EMERGENCIES.—The Secretary may waive any requirement of this section with respect to a qualified countermeasure (as defined in section 319F–1(a)(2) of the Public Health Service Act) to which a requirement under this section has been applied, if the Secretary determines that such waiver is required to mitigate the effects of, or reduce the severity of, the circumstances under which—*

*''(1) a determination described in subparagraph (A), (B), or (C) of section 564(b)(1) has been made by the Secretary of Homeland Security, the Secretary of Defense, or the Secretary, respectively; or*

*''(2) the identification of a material threat described in subparagraph (D) of section 564(b)(1) has been made pursuant to section 319F–2 of the Public Health Service Act.''.*

*(d) PRODUCTS HELD FOR EMERGENCY USE.—The Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) is amended by inserting after section 564A, as added by subsection (b), the following:*

***''SEC. 564B. PRODUCTS HELD FOR EMERGENCY USE.***

*''It is not a violation of any section of this Act or of the Public Health Service Act for a government entity (including a Federal, State, local, and tribal government entity), or a person acting on behalf of such a government entity, to introduce into interstate commerce a product (as defined in section 564(a)(4)) intended for emergency use, if that product—*

*''(1) is intended to be held and not used; and*

*''(2) is held and not used, unless and until that product—*

*''(A) is approved, cleared, or licensed under section 505, 510(k), or 515 of this Act or section 351 of the Public Health Service Act;*

*''(B) is authorized for investigational use under section 505 or 520 of this Act or section 351 of the Public Health Service Act; or*

*''(C) is authorized for use under section 564.''.*

***SEC. 303. DEFINITIONS.***

*Section 565 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360bbb–4) is amended by striking ''The Secretary, in consultation'' and inserting the following:*

*''(a) DEFINITIONS.—In this section—*

*''(1) the term 'countermeasure' means a qualified countermeasure, a security countermeasure, and a qualified pandemic or epidemic product;*

*''(2) the term 'qualified countermeasure' has the meaning given such term in section 319F–1 of the Public Health Service Act;*

*''(3) the term 'security countermeasure' has the meaning given such term in section 319F–2 of such Act; and*

*''(4) the term 'qualified pandemic or epidemic product' means a product that meets the definition given such term in section 319F–3 of the Public Health Service Act and—*

*''(A) that has been identified by the Department of Health and Human Services or the Department of Defense as receiving funding directly related to addressing chemical, biological, radiological or nuclear threats, including pandemic influenza; or*

*''(B) is included under this paragraph pursuant to a determination by the Secretary.*

*''(b) GENERAL DUTIES.—The Secretary, in consultation''.*

***SEC. 304. ENHANCING MEDICAL COUNTERMEASURE ACTIVITIES.***

*Section 565 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360bbb–4), as amended by section 303, is further amended—*

*(1) in the section heading, by striking ''**technical assistance**'' and inserting ''countermeasure development, review, and technical assistance'';*

*(2) in subsection (b), by striking the subsection heading and all that follows through ''shall establish'' and inserting the following:*

*''(b) GENERAL DUTIES.—In order to accelerate the development, stockpiling, approval, licensure, and clearance of qualified countermeasures, security countermeasures, and qualified pandemic or epidemic products, the Secretary, in consultation with the Assistant Secretary for Preparedness and Response, shall—*

*''(1) ensure the appropriate involvement of Food and Drug Administration personnel in interagency activities related to countermeasure advanced research and development, consistent with sections 319F, 319F–1, 319F–2, 319F–3, and 319L of the Public Health Service Act;*

*''(2) ensure the appropriate involvement and consultation of Food and Drug Administration personnel in any flexible manufacturing activities carried out under section 319L of the Public Health Service Act, including with respect to meeting regulatory requirements set forth in this Act;*

*''(3) promote countermeasure expertise within the Food and Drug Administration by—*

*''(A) ensuring that Food and Drug Administration personnel involved in reviewing countermeasures for approval, licensure, or clearance are informed by the Assistant Secretary for Preparedness and Response on the material threat assessment conducted under section 319F–2 of the Public Health Service Act for the agent or agents for which the countermeasure under review is intended;*

*''(B) training Food and Drug Administration personnel regarding review of countermeasures for approval, licensure, or clearance;*

*''(C) holding public meetings at least twice annually to encourage the exchange of scientific ideas; and*

*''(D) establishing protocols to ensure that countermeasure reviewers have sufficient training or experience with countermeasures;*

*''(4) maintain teams, composed of Food and Drug Administration personnel with expertise on countermeasures, including specific countermeasures, populations with special clinical needs (including children and pregnant women that may use countermeasures, as applicable and appropriate), classes or groups of countermeasures, or other countermeasure-related technologies and capabilities, that shall—*

*''(A) consult with countermeasure experts, including countermeasure sponsors and applicants, to identify and help resolve scientific issues related to the approval, licensure, or clearance of countermeasures, through workshops or public meetings;*

*''(B) improve and advance the science relating to the development of new tools, standards, and approaches to assessing and evaluating countermeasures—*

*''(i) in order to inform the process for countermeasure approval, clearance, and licensure; and*

*''(ii) with respect to the development of countermeasures for populations with special clinical needs, including children and pregnant women, in order to meet the needs of such populations, as necessary and appropriate; and*

*''(5) establish''; and*

*(3) by adding at the end the following:*

*''(c) DEVELOPMENT AND ANIMAL MODELING PROCEDURES.—*

*''(1) AVAILABILITY OF ANIMAL MODEL MEETINGS.—To facilitate the timely development of animal models and support the development, stockpiling, licensure, approval, and clearance of countermeasures, the Secretary shall, not later than 180 days after the enactment of this subsection, establish a procedure by which a sponsor or applicant that is developing a countermeasure for which human efficacy studies are not ethical or practicable, and that has an approved investigational new drug application or investigational device exemption, may request and receive—*

*''(A) a meeting to discuss proposed animal model development activities; and*

*''(B) a meeting prior to initiating pivotal animal studies.*

*''(2) PEDIATRIC MODELS.—To facilitate the development and selection of animal models that could translate to pediatric studies, any meeting conducted under paragraph (1) shall include discussion of animal models for pediatric populations, as appropriate.*

*''(d) REVIEW AND APPROVAL OF COUNTERMEASURES.—*

*''(1) MATERIAL THREAT.—When evaluating an application or submission for approval, licensure, or clearance of a countermeasure, the Secretary shall take into account the material threat posed by the chemical, biological, radiological, or nuclear agent or agents identified under section 319F–2 of the Public Health Service Act for which the countermeasure under review is intended.*

*''(2) REVIEW EXPERTISE.—When practicable and appropriate, teams of Food and Drug Administration personnel reviewing applications or submissions described under paragraph (1) shall*

*include a reviewer with sufficient training or experience with countermeasures pursuant to the protocols established under subsection (b)(3)(D).''.*

***SEC. 305. REGULATORY MANAGEMENT PLANS.***

*Section 565 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360bbb–4), as amended by section 304, is further amended by adding at the end the following:*

*''(e) REGULATORY MANAGEMENT PLAN.—*

*''(1) DEFINITION.—In this subsection, the term 'eligible countermeasure' means—*

*''(A) a security countermeasure with respect to which the Secretary has entered into a procurement contract under section 319F-2(c) of the Public Health Service Act; or*

*''(B) a countermeasure with respect to which the Biomedical Advanced Research and Development Authority has provided funding under section 319L of the Public Health Service Act for advanced research and development.*

*''(2) REGULATORY MANAGEMENT PLAN PROCESS.—The Secretary, in consultation with the Assistant Secretary for Preparedness and Response and the Director of the Biomedical Advanced Research and Development Authority, shall establish a formal process for obtaining scientific feedback and interactions regarding the development and regulatory review of eligible countermeasures by facilitating the development of written regulatory management plans in accordance with this subsection.*

*''(3) SUBMISSION OF REQUEST AND PROPOSED PLAN BY SPONSOR OR APPLICANT.—*

*''(A) IN GENERAL.—A sponsor or applicant of an eligible countermeasure may initiate the process described under paragraph (2) upon submission of written request to the Secretary. Such request shall include a proposed regulatory management plan.*

*''(B) TIMING OF SUBMISSION.—A sponsor or applicant may submit a written request under subparagraph (A) after the eligible countermeasure has an investigational new drug or investigational device exemption in effect.*

*''(C) RESPONSE BY SECRETARY.—The Secretary shall direct the Food and Drug Administration, upon submission of a written request by a sponsor or applicant under subparagraph (A), to work with the sponsor or applicant to agree on a regulatory management plan within a reasonable time not to exceed 90 days. If the Secretary determines that no plan can be agreed upon, the Secretary shall provide to the sponsor or applicant, in writing, the scientific or regulatory rationale why such agreement cannot be reached.*

*''(4) PLAN.—The content of a regulatory management plan agreed to by the Secretary and a sponsor or applicant shall include—*

*''(A) an agreement between the Secretary and the sponsor or applicant regarding developmental milestones that will trigger responses by the Secretary as described in subparagraph (B);*

*''(B) performance targets and goals for timely and appropriate responses by the Secretary to the triggers described under subparagraph (A), including meetings between the Secretary and the sponsor or applicant, written feedback, decisions by the Secretary, and other activities carried out as part of the development and review process; and*

*''(C) an agreement on how the plan shall be modified, if needed.*

*''(5) MILESTONES AND PERFORMANCE TARGETS.—The developmental milestones described in paragraph (4)(A) and the performance targets and goals described in paragraph (4)(B) shall include—*

*''(A) feedback from the Secretary regarding the data required to support the approval, clearance, or licensure of the eligible countermeasure involved;*

*''(B) feedback from the Secretary regarding the data necessary to inform any authorization under section 564;*

*''(C) feedback from the Secretary regarding the data necessary to support the positioning and delivery of the eligible countermeasure, including to the Strategic National Stockpile;*

*''(D) feedback from the Secretary regarding the data necessary to support the submission of protocols for review under section 505(b)(5)(B);*

*''(E) feedback from the Secretary regarding any gaps in scientific knowledge that will need resolution prior to approval, licensure, or clearance of the eligible countermeasure, and plans for conducting the necessary scientific research;*

*''(F) identification of the population for which the countermeasure sponsor or applicant seeks approval, licensure, or clearance, and the population for which desired labeling would not be appropriate, if known; and*

*''(G) as necessary and appropriate, and to the extent practicable, a plan for demonstrating safety and effectiveness in pediatric populations, and for developing pediatric dosing, formulation, and administration with respect to the eligible countermeasure, provided that such plan would not delay authorization under section 564, approval, licensure, or clearance for adults.*

*''(6) PRIORITIZATION.—If the Commissioner of Food and Drugs determines that resources are not available to establish regulatory management plans under this section for all eligible countermeasures for which a request is submitted under paragraph (3)(A), the Director of the Biomedical Advanced Research and Development Authority, in consultation with the Commissioner of Food and Drugs, shall prioritize which eligible countermeasures may receive regulatory managements plans, and in doing so shall give priority to eligible countermeasures that are security countermeasures.''.*

***SEC. 306. REPORT.***

*Section 565 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360bbb–4), as amended by section 305, is further amended by adding at the end the following:*

*''(f) ANNUAL REPORT.—Not later than 180 days after the date of enactment of this subsection, and annually thereafter, the Secretary shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives a report that details the countermeasure development and review activities of the Food and Drug Administration, including—*

*''(1) with respect to the development of new tools, standards, and approaches to assess and evaluate countermeasures—*

*''(A) the identification of the priorities of the Food and Drug Administration and the progress made on such priorities; and*

*''(B) the identification of scientific gaps that impede the development or approval, licensure, or clearance of countermeasures for populations with special clinical needs, including children and pregnant women, and the progress made on resolving these challenges;*

*''(2) with respect to countermeasures for which a regulatory management plan has been agreed upon under subsection (e), the extent to which the performance targets and goals set forth in subsection (e)(4)(B) and the regulatory management plan has been met, including, for each such countermeasure—*

*''(A) whether the regulatory management plan was completed within the required timeframe, and the length of time taken to complete such plan;*

*''(B) whether the Secretary adhered to the timely and appropriate response times set forth in such plan; and*

*''(C) explanations for any failure to meet such performance targets and goals;*

*''(3) the number of regulatory teams established pursuant to subsection (b)(4), the number of products, classes of products, or technologies assigned to each such team, and the number of, type of, and any progress made as a result of consultations carried out under subsection (b)(4)(A);*

*''(4) an estimate of resources obligated to countermeasure development and regulatory assessment, including Center specific objectives and accomplishments;*

*''(5) the number of countermeasure applications submitted, the number of countermeasures approved, licensed, or cleared, the status of remaining submitted applications, and the number of each type of authorization issued pursuant to section 564; and*

*''(6) the number of written requests for a regulatory management plan submitted under subsection (e)(3)(A), the number of regulatory management plans developed, and the number of such plans developed for security countermeasures.''.*

***SEC. 307. PEDIATRIC MEDICAL COUNTERMEASURES.***

*(a) PEDIATRIC STUDIES OF DRUGS.—Section 505A of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355a) is amended—*

*(1) in subsection (d), by adding at the end the following:*

*''(5) CONSULTATION.—With respect to a drug that is a qualified countermeasure (as defined in section 319F–1 of the Public Health Service Act), a security countermeasure (as defined in section 319F–2 of the Public Health Service Act), or a qualified pandemic or epidemic product (as defined in section 319F–3 of the Public Health Service Act), the Secretary shall solicit input from the Assistant Secretary for Preparedness and Response regarding the need for and, from the Director of the Biomedical Advanced Research and Development Authority regarding the conduct of, pediatric studies under this section.''; and*

*(2) in subsection (n)(1), by adding at the end the following:*

*''(C) For a drug that is a qualified countermeasure (as defined in section 319F–1 of the Public Health Service Act), a security countermeasure (as defined in section 319F–2 of the Public Health Service Act), or a qualified pandemic or epidemic product (as defined in section 319F–3 of such Act), in addition to any action with respect to such drug under subparagraph (A) or (B), the Secretary shall notify the Assistant Secretary for Preparedness and Response and the Director of the Biomedical Advanced Research and Development Authority of all pediatric studies in the written request issued by the Commissioner of Food and Drugs.''.*

*(b) ADDITION TO PRIORITY LIST CONSIDERATIONS.—Section 409I of the Public Health Service Act (42 U.S.C. 284m) is amended—*

*(1) by striking subsection (a)(2) and inserting the following:*

*''(2) CONSIDERATION OF AVAILABLE INFORMATION.—In developing and prioritizing the list under paragraph (1), the Secretary—*

*''(A) shall consider—*

*''(i) therapeutic gaps in pediatrics that may include developmental pharmacology, pharmacogenetic determinants of drug response, metabolism of drugs and biologics in children, and pediatric clinical trials;*

*''(ii) particular pediatric diseases, disorders or conditions where more complete knowledge and testing of therapeutics, including drugs and biologics, may be beneficial in pediatric populations; and*

*''(iii) the adequacy of necessary infrastructure to conduct pediatric pharmacological research, including research networks and trained pediatric investigators; and*

*''(B) may consider the availability of qualified countermeasures (as defined in section 319F–1), security countermeasures (as defined in section 319F–2), and qualified pandemic or epidemic products (as defined in section 319F–3) to address the needs of pediatric populations, in consultation with the Assistant Secretary for Preparedness and Response, consistent with the purposes of this section.''; and*

*(2) in subsection (b), by striking ''subsection (a)'' and inserting ''paragraphs (1) and (2)(A) of subsection (a)''.*

*(c) ADVICE AND RECOMMENDATIONS OF THE PEDIATRIC ADVISORY COMMITTEE REGARDING COUNTERMEASURES FOR PEDIATRIC POPULATIONS.—Subsection (b)(2) of section 14 of the Best Pharmaceuticals for Children Act (42 U.S.C. 284m note) is amended—*

*(1) in subparagraph (C), by striking the period and inserting ''; and''; and*

*(2) by adding at the end the following:*

*''(D) the development of countermeasures (as defined in section 565(a) of the Federal Food, Drug, and Cosmetic Act) for pediatric populations.''.*

***TITLE IV—ACCELERATING MEDICAL COUNTERMEASURE ADVANCED RESEARCH AND DEVELOPMENT***

***SEC. 401. BIOSHIELD.***

*(a) REAUTHORIZATION OF THE SPECIAL RESERVE FUND.—Section 319F–2(c) of the Public Health Service Act (42 U.S.C. 247d-6b(c)) is amended by adding at the end the following:*

*''(11) REAUTHORIZATION OF THE SPECIAL RESERVE FUND.—In addition to amounts otherwise appropriated, there are authorized to be appropriated for the special reserve fund, $2,800,000,000 for the fiscal years 2014 through 2018.*

*''(12) REPORT.—Not later than 30 days after any date on which the Secretary determines that the amount of funds in the special reserve fund available for procurement is less than $1,500,000,000, the Secretary shall submit to the appropriate committees of Congress a report detailing the amount of such funds available for procurement and the impact such reduction in funding will have—*

*''(A) in meeting the security countermeasure needs identified under this section; and*

*''(B) on the biennial Public Health Emergency Medical Countermeasures Enterprise and Strategy Implementation Plan (pursuant to section 2811(d)).''.*

*(b) PROCUREMENT OF COUNTERMEASURES.—Section 319F–2(c) of the Public Health Service Act (42 U.S.C. 247d–6b(c)) is amended—*

*(1) in paragraph (1)(B)(i)(III)(bb), by striking ''eight years'' and inserting ''10 years'';*

*(2) in paragraph (5)(B)(ii), by striking ''eight years'' and inserting ''10 years'';*

*(3) in paragraph (7)(C)—*

*(A) in clause (i)(I), by inserting ''including advanced research and development,'' after ''as may reasonably be required,'';*

*(B) in clause (ii)—*

*(i) in subclause (III), by striking ''eight years'' and inserting ''10 years''; and*

*(ii) by striking subclause (IX) and inserting the following:*

*''(IX) CONTRACT TERMS.—The Secretary, in any contract for procurement under this section—*

*''(aa) may specify—*

*''(AA) the dosing and administration requirements for the countermeasure to be developed and procured;*

*''(BB) the amount of funding that will be dedicated by the Secretary for advanced research, development, and procurement of the countermeasure; and*

*''(CC) the specifications the countermeasure must meet to qualify for procurement under a contract under this section; and*

*''(bb) shall provide a clear statement of defined Government purpose limited to uses related to a security countermeasure, as defined in paragraph (1)(B).''; and*

*(C) by adding at the end the following:*

*''(viii) FLEXIBILITY.—In carrying out this section, the Secretary may, consistent with the applicable provisions of this section, enter into contracts and other agreements that are in the best interest of the Government in meeting identified security countermeasure needs, including with respect to reimbursement of the cost of advanced research and development as a reasonable, allowable, and allocable direct cost of the contract involved.'';*

*(4) in paragraph (9)(B), by inserting before the period the following: '', except that this subparagraph shall not be construed to prohibit the use of such amounts as otherwise authorized in this title''; and*

*(5) in paragraph (10), by adding at the end the following:*

*''(C) ADVANCED RESEARCH AND DEVELOPMENT.—For purposes of this paragraph, the term 'advanced research and development' shall have the meaning given such term in section 319L(a).''.*

***SEC. 402. BIOMEDICAL ADVANCED RESEARCH AND DEVELOPMENT AUTHORITY.***

*(a) DUTIES.—Section 319L(c)(4) of the Public Health Service Act (42 U.S.C. 247d–7e(c)(4)) is amended—*

*(1) in subparagraph (B)(iii), by inserting ''(which may include advanced research and development for purposes of fulfilling requirements under the Federal Food, Drug, and Cosmetic Act or section 351 of this Act)'' after ''development''; and*

*(2) in subparagraph (D)(iii), by striking ''and vaccine manufacturing technologies'' and inserting ''vaccine manufacturing technologies, dose sparing technologies, efficacy increasing technologies, and platform technologies''.*

*(b) STRATEGIC PUBLIC-PRIVATE PARTNERSHIP.—Section 319L(c)(4) of the Public Health Service Act (42 U.S.C. 247d-7e(c)(4)) is amended by adding at the end the following:*

*''(E) STRATEGIC INVESTOR.—*

*''(i) IN GENERAL.—To support the purposes described in paragraph (2), the Secretary, acting through the Director of BARDA, may enter into an agreement (including through the use of grants, contracts, cooperative agreements, or other transactions as described in paragraph (5)) with an independent, non-profit entity to—*

*''(I) foster and accelerate the development and innovation of medical countermeasures and technologies that may assist advanced research and development of qualified countermeasures and qualified pandemic or epidemic products, including strategic investment through the use of venture capital practices and methods;*

*''(II) promote the development of new and promising technologies that address urgent medical countermeasure needs, as identified by the Secretary;*

*''(III) address unmet public health needs that are directly related to medical countermeasure requirements, such as novel antimicrobials for multidrug resistant organisms and multiuse platform technologies for diagnostics, prophylaxis, vaccines, and therapeutics; and*

*''(IV) provide expert consultation and advice to foster viable medical countermeasure innovators, including helping qualified countermeasure innovators navigate unique industry challenges with respect to developing chemical, biological, radiological, and nuclear countermeasure products.*

*''(ii) ELIGIBILITY.—*

*''(I) IN GENERAL.—To be eligible to enter into an agreement under clause (i) an entity shall—*

*''(aa) be an independent, non-profit entity not otherwise affiliated with the Department of Health and Human Services;*

*''(bb) have a demonstrated record of being able to create linkages between innovators and investors and leverage such partnerships and resources for the purpose of addressing identified strategic needs of the Federal Government;*

*''(cc) have experience in promoting novel technology innovation;*

*''(dd) be problem driven and solution focused based on the needs, requirements, and problems identified by the Secretary under clause (iv);*

*''(ee) demonstrate the ability, or the potential ability, to promote the development of medical countermeasure products; and*

*''(ff) demonstrate expertise, or the capacity to develop or acquire expertise, related to technical and regulatory considerations with respect to medical countermeasures.*

*''(II) PARTNERING EXPERIENCE.—In selecting an entity with which to enter into an agreement under clause (i), the Secretary shall place a high value on the demonstrated experience of the entity in partnering with the Federal Government to meet identified strategic needs.*

*''(iii) NOT AGENCY.—An entity that enters into an agreement under clause (i) shall not be deemed to be a Federal agency for any purpose, including for any purpose under title 5, United States Code.*

*''(iv) DIRECTION.—Pursuant to an agreement entered into under this subparagraph, the Secretary, acting through the Director of BARDA, shall provide direction to the entity that enters into an agreement under clause (i). As part of this agreement the Director of BARDA shall—*

*''(I) communicate the medical countermeasure needs, requirements, and problems to be addressed by the entity under the agreement;*

*''(II) develop a description of work to be performed by the entity under the agreement;*

*''(III) provide technical feedback and appropriate oversight over work carried out by the entity under the agreement, including subsequent development and partnerships consistent with the needs and requirements set forth in this subparagraph;*

*''(IV) ensure fair consideration of products developed under the agreement in order to maintain competition to the maximum practical extent, as applicable and appropriate under applicable provisions of this section; and*

*''(V) ensure, as a condition of the agreement—*

*''(aa) a comprehensive set of policies that demonstrate a commitment to transparency and accountability;*

*''(bb) protection against conflicts of interest through a comprehensive set of policies that address potential conflicts of interest, ethics, disclosure, and reporting requirements;*

*''(cc) that the entity provides monthly accounting on the use of funds provided under such agreement; and*

*''(dd) that the entity provides on a quarterly basis, reports regarding the progress made toward meeting the identified needs set forth in the agreement.*

*''(v) SUPPLEMENT NOT SUPPLANT.—Activities carried out under this subparagraph shall supplement, and not supplant, other activities carried out under this section.*

*''(vi) NO ESTABLISHMENT OF ENTITY.—To prevent unnecessary duplication and target resources effectively, nothing in this subparagraph shall be construed to authorize the Secretary to establish within the Department of Health and Human Services a strategic investor entity.*

*''(vii) TRANSPARENCY AND OVERSIGHT.—Upon request, the Secretary shall provide to Congress the information provided to the Secretary under clause (iv)(V)(dd).*

*''(viii) INDEPENDENT EVALUATION.—Not later than 4 years after the date of enactment of this subparagraph, the Government Accountability Office shall conduct an independent evaluation, and submit to the Secretary and the appropriate committees of Congress a report, concerning the activities conducted under this subparagraph. Such report shall include recommendations with respect to any agreement or activities carried out pursuant to this subparagraph.*

*''(ix) SUNSET.—This subparagraph shall have no force or effect after September 30, 2016.''.*

*(c) TRANSACTION AUTHORITIES.—Section 319L(c)(5) of the Public Health Service Act (42 U.S.C. 247d–7e(c)(5)) is amended by adding at the end the following:*

*''(G) GOVERNMENT PURPOSE.—In awarding contracts, grants, and cooperative agreements under this section, the Secretary shall provide a clear statement of defined Government purpose related to activities included in subsection (a)(6)(B) for a qualified countermeasure or qualified pandemic or epidemic product.''.*

*(d) FUND.—Paragraph (2) of section 319L(d) of the Public Health Service Act (42 U.S.C. 247d–7e(d)(2)) is amended to read as follows:*

*''(2) FUNDING.—To carry out the purposes of this section, there is authorized to be appropriated to the Fund $415,000,000 for each of fiscal years 2012 through 2016, such amounts to remain available until expended.''.*

*(e) CONTINUED INAPPLICABILITY OF CERTAIN PROVISIONS.—Section 319L(e)(1)(C) of the Public Health Service Act (42 U.S.C. 247d–7e(e)(1)(C)) is amended by striking ''7 years'' and inserting ''10 years''.*

*(f) EXTENSION OF LIMITED ANTITRUST EXEMPTION.—Section 405(b) of the Pandemic and All-Hazards Preparedness Act (42 U.S.C. 247d–6a note) is amended by striking ''6-year'' and inserting ''10-year''.*

*(g) INDEPENDENT EVALUATION.—Section 319L of the Public Health Service Act (42 U.S.C. 247d–7e) is amended by adding at the end the following:*

*''(f) INDEPENDENT EVALUATION.—*

*''(1) IN GENERAL.—Not later than 180 days after the date of enactment of this subsection, the Government Accountability Office shall conduct an independent evaluation of the activities carried out to facilitate flexible manufacturing capacity pursuant to this section.*

*''(2) REPORT.—Not later than 1 year after the date of enactment of this subsection, the Government Accountability Office shall submit to the appropriate committees of Congress a report concerning the results of the evaluation conducted under paragraph (1). Such report shall review and assess—*

*''(A) the extent to which flexible manufacturing capacity under this section is dedicated to chemical, biological, radiological, and nuclear threats;*

*''(B) the activities supported by flexible manufacturing initiatives; and*

*''(C) the ability of flexible manufacturing activities carried out under this section to—*

*''(i) secure and leverage leading technical expertise with respect to countermeasure advanced research, development, and manufacturing processes; and*

*''(ii) meet the surge manufacturing capacity needs presented by novel and emerging threats, including chemical, biological, radiological and nuclear agents.''.*

*(h) DEFINITIONS.—*

*(1) QUALIFIED COUNTERMEASURE.—Section 319F–1(a)(2)(A) of the Public Health Service Act (42 U.S.C. 247d–6a(a)(2)(A)) is amended—*

*(A) in the matter preceding clause (i), by striking ''to—'' and inserting ''—'';*

*(B) in clause (i)—*

*(i) by striking ''diagnose'' and inserting ''to diagnose''; and*

*(ii) by striking ''; or'' and inserting a semicolon;*

*(C) in clause (ii)—*

*(i) by striking ''diagnose'' and inserting ''to diagnose''; and*

*(ii) by striking the period at the end and inserting ''; or''; and*

*(D) by adding at the end the following:*

*''(iii) is a product or technology intended to enhance the use or effect of a drug, biological product, or device described in clause (i) or (ii).''.*

*(2) QUALIFIED PANDEMIC OR EPIDEMIC PRODUCT.—Section 319F–3(i)(7)(A) of the Public Health Service Act (42 U.S.C. 247d–6d(i)(7)(A)) is amended—*

*(A) in clause (i)(II), by striking ''; or'' and inserting '';'';*

*(B) in clause (ii), by striking ''; and'' and inserting ''; or''; and*

*(C) by adding at the end the following:*

*''(iii) a product or technology intended to enhance the use or effect of a drug, biological product, or device described in clause (i) or (ii); and''.*

*(3) TECHNICAL AMENDMENTS.—Section 319F–3(i) of the Public Health Service Act (42 U.S.C. 247d–6d(i)) is amended—*

*(A) in paragraph (1)(C), by inserting '', 564A, or 564B'' after ''564''; and*

*(B) in paragraph (7)(B)(iii), by inserting '', 564A, or 564B'' after ''564''.*

***SEC. 403. STRATEGIC NATIONAL STOCKPILE.***

*(a) IN GENERAL.—Section 319F–2 of the Public Health Service Act (42 U.S.C. 247d–6b) is amended—*

*(1) in subsection (a)—*

*(A) in paragraph (1)—*

*(i) by inserting ''consistent with section 2811'' before ''by the Secretary to be appropriate''; and*

*(ii) by inserting before the period at the end the following: ''and shall submit such review annually to the appropriate Congressional committees of jurisdiction to the extent that disclosure of such information does not compromise national security''; and*

*(B) in paragraph (2)—*

*(i) by redesignating subparagraphs (E) through (H) as subparagraphs (F) through (I), respectively; and*

*(ii) by inserting after subparagraph (D), the following:*

*''(E) identify and address the potential depletion and ensure appropriate replenishment of medical countermeasures, including those currently in the stockpile;''; and*

*(2) in subsection (f)(1), by striking ''$640,000,000 for fiscal year 2002, and such sums as may be necessary for each of fiscal years 2003 through 2006'' and inserting ''$522,486,000 for each of fiscal years 2012 through 2016''.*

*(b) REPORT ON POTASSIUM IODIDE.—Not later than 270 days after the date of enactment of this Act, the Secretary of Health and Human Services shall submit to the appropriate Committees of Congress a report regarding the stockpiling of potassium iodide. Such report shall include—*

*(1) an assessment of the availability of potassium iodide at Federal, State, and local levels; and*

*(2) a description of the extent to which such activities and policies provide public health protection in the event of a nuclear incident, whether unintentional or deliberate, including an act of terrorism.*

***SEC. 404. NATIONAL BIODEFENSE SCIENCE BOARD.***

*Section 319M(a) of the Public Health Service Act (42 U.S.C. 247d–f(a)) is amended—*

*(1) in paragraph (2)—*

*(A) in subparagraph (D)—*

*(i) in the matter preceding clause (i), by striking ''five'' and inserting ''six'';*

*(ii) in clause (i), by striking ''and'' at the end;*

*(iii) in clause (ii), by striking the period and inserting a semicolon; and*

*(iv) by adding at the end the following:*

*''(iii) one such member shall be an individual with pediatric subject matter expertise; and*

*''(iv) one such member shall be a State, tribal, territorial, or local public health official.''; and*

*(B) by adding at the end the following flush sentence:*

*''Nothing in this paragraph shall preclude a member of the Board from satisfying two or more of the requirements described in subparagraph (D).'';*

*(2) in paragraph (5)—*

*(A) in subparagraph (B), by striking ''and'' at the end;*

*(B) in subparagraph (C), by striking the period and inserting ''; and''; and*

*(C) by adding at the end the following:*

*''(D) provide any recommendation, finding, or report provided to the Secretary under this paragraph to the appropriate committees of Congress.''; and*

*(3) in paragraph (8), by adding at the end the following: ''Such chairperson shall serve as the deciding vote in the event that a deciding vote is necessary with respect to voting by members of the Board.''.*

Mr. REID. Mr. President, I ask unanimous consent that the Harkin amendment, which is at desk, be agreed to, the committee-reported substitute, as amended, be agreed to, the bill, as amended, be read the third time and passed, 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 amendment (No. 1823) was agreed to, as follows:

(Purpose: To make certain technical corrections)

On page 80, line 18, insert ''medical and public health'' before ''needs of children''.

On page 80, lines 19 and 20, strike '', including public health emergencies''.

On page 82, between lines 5 and 6, insert the following:

''(G) the Administrator of the Federal Emergency Management Agency;''.

On page 82, line 6, strike ''(G) at least two'' and insert ''(H) at least two non-Federal''.

On page 82, line 9, strike ''(H)'' and insert ''(I)''.

On page 82, line 13, strike ''(I)'' and insert ''(J)''.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The bill (S. 1855), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 1855

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

**SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

(a) SHORT TITLE.—This Act may be cited as the ''Pandemic and All-Hazards Preparedness Act Reauthorization of 2011''.

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

Sec. 1. Short title; table of contents.

TITLE I—STRENGTHENING NATIONAL PREPAREDNESS AND RESPONSE FOR PUBLIC HEALTH EMERGENCIES

Sec. 101. National Health Security Strategy.
Sec. 102. Assistant Secretary for Preparedness and Response.
Sec. 103. National Advisory Committee on Children and Disasters.
Sec. 104. Modernization of the National Disaster Medical System.
Sec. 105. Continuing the role of the Department of Veterans Affairs.

TITLE II—OPTIMIZING STATE AND LOCAL ALL-HAZARDS PREPAREDNESS AND RESPONSE

Sec. 201. Improving State and local public health security.
Sec. 202. Hospital preparedness and medical surge capacity.
Sec. 203. Enhancing situational awareness and biosurveillance.

TITLE III—ENHANCING MEDICAL COUNTERMEASURE REVIEW

Sec. 301. Special protocol assessment.
Sec. 302. Authorization of medical products for use in emergencies.
Sec. 303. Definitions.
Sec. 304. Enhancing medical countermeasure activities.
Sec. 305. Regulatory management plans.
Sec. 306. Report.
Sec. 307. Pediatric medical countermeasures.

TITLE IV—ACCELERATING MEDICAL COUNTERMEASURE ADVANCED RESEARCH AND DEVELOPMENT

Sec. 401. BioShield.
Sec. 402. Biomedical Advanced Research and Development Authority.

Sec. 403. Strategic National Stockpile.
Sec. 404. National Biodefense Science Board.

**TITLE I—STRENGTHENING NATIONAL PREPAREDNESS AND RESPONSE FOR PUBLIC HEALTH EMERGENCIES**

**SEC. 101. NATIONAL HEALTH SECURITY STRATEGY.**

(a) IN GENERAL.—Section 2802 of the Public Health Service Act (42 U.S.C. 300hh–1) is amended—

(1) in subsection (a)(1), by striking ''2009'' and inserting ''2014''; and

(2) in subsection (b)—

(A) in paragraph (3)—

(i) in the matter preceding subparagraph (A)—

(I) by striking ''facilities), and trauma care'' and inserting ''facilities and which may include dental health facilities), and trauma care, critical care,''; and

(II) by inserting ''(including related availability, accessibility, and coordination)'' after ''public health emergencies'';

(ii) in subparagraph (A), by inserting ''and trauma'' after ''medical'';

(iii) in subparagraph (D), by inserting ''(which may include such dental health assets)'' after ''medical assets'';

(iv) by adding at the end the following:

''(F) Optimizing a coordinated and flexible approach to the medical surge capacity of hospitals, other healthcare facilities, and trauma care (which may include trauma centers) and emergency medical systems.'';

(B) in paragraph (4)—

(i) in subparagraph (A), by inserting '', including the unique needs and considerations of individuals with disabilities,'' after ''medical needs of at-risk individuals''; and

(ii) in subparagraph (B), by inserting ''the'' before ''purpose of this section''; and

(C) by adding at the end the following:

''(7) COUNTERMEASURES.—

''(A) Promoting strategic initiatives to advance countermeasures to diagnose, mitigate, prevent, or treat harm from any biological agent or toxin, chemical, radiological, or nuclear agent or agents, whether naturally occurring, unintentional, or deliberate.

''(B) For purposes of this paragraph the term 'countermeasures' has the same meaning as the terms 'qualified countermeasures' under section 319F–1, 'qualified pandemic and epidemic products' under section 319F–3, and 'security countermeasures' under section 319F–2.

''(8) MEDICAL AND PUBLIC HEALTH COMMUNITY RESILIENCY.—Strengthening the ability of States, local communities, and tribal communities to prepare for, respond to, and be resilient in the event of public health emergencies, whether naturally occurring, unintentional, or deliberate by—

''(A) optimizing alignment and integration of medical and public health preparedness and response planning and capabilities with and into routine daily activities; and

''(B) promoting familiarity with local medical and public health systems.''.

(b) AT-RISK INDIVIDUALS.—Section 2814 of the Public Health Service Act (42 U.S.C. 300hh–16) is amended—

(1) by striking paragraphs (5), (7), and (8);

(2) by redesignating paragraphs (1) through (4) as paragraphs (2) through (5), respectively;

(3) by inserting before paragraph (2) (as so redesignated), the following:

''(1) monitor emerging issues and concerns as they relate to medical and public health preparedness and response for at-risk individuals in the event of a public health emergency declared by the Secretary under section 319;'';

(4) in paragraph (2) (as so redesignated), by striking ''National Preparedness goal'' and inserting ''preparedness goals, as described in section 2802(b),''; and

(5) by inserting after paragraph (6), the following:

''(7) disseminate and, as appropriate, update novel and best practices of outreach to and care of at-risk individuals before, during, and following public health emergencies in as timely a manner as is practicable, including from the time a public health threat is identified; and

''(8) ensure that public health and medical information distributed by the Department of Health and Human Services during a public health emergency is delivered in a manner that takes into account the range of communication needs of the intended recipients, including at-risk individuals.''.

**SEC. 102. ASSISTANT SECRETARY FOR PREPAREDNESS AND RESPONSE.**

Section 2811 of the Public Health Service Act (42 U.S.C. 300hh–10) is amended—

(1) in subsection (b)(4), by adding at the end the following:

''(D) POLICY COORDINATION AND STRATEGIC DIRECTION.—Provide integrated policy coordination and strategic direction with respect to all matters related to Federal public health and medical preparedness and execution and deployment of the Federal response for public health emergencies and incidents covered by the National Response Plan developed pursuant to section 502(6) of the Homeland Security Act of 2002, or any successor plan, before, during, and following public health emergencies.'';

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

''(c) FUNCTIONS.—The Assistant Secretary for Preparedness and Response shall—

''(1) have authority over and responsibility for—

''(A) the National Disaster Medical System (in accordance with section 301 of the Pandemic and All-Hazards Preparedness Act);

''(B) the Hospital Preparedness Cooperative Agreement Program pursuant to section 319C–2;

''(C) the Medical Reserve Corps pursuant to section 2813;

''(D) the Emergency System for Advance Registration of Volunteer Health Professionals pursuant to section 319I; and

''(E) administering grants and related authorities related to trauma care under parts A through C of title XII, such authority to be transferred by the Secretary from the Administrator of the Health Resources and Services Administration to such Assistant Secretary;

''(2) exercise the responsibilities and authorities of the Secretary with respect to the coordination of—

''(A) the Public Health Emergency Preparedness Cooperative Agreement Program pursuant to section 319C–1;

''(B) the Strategic National Stockpile; and

''(C) the Cities Readiness Initiative;

''(3) align and coordinate medical and public health grants and cooperative agreements as applicable to preparedness and response activities authorized under this Act, to the extent possible, including program requirements, timelines, and measurable goals, and in coordination with the Secretary of Homeland Security, to—

''(A) optimize and streamline medical and public health preparedness capabilities and the ability of local communities to respond to public health emergencies;

''(B) minimize duplication of efforts with regard to medical and public health preparedness and response programs; and

''(C) gather and disseminate best practices among grant and cooperative agreement recipients, as appropriate;

''(4) carry out drills and operational exercises, in coordination with the Department of Homeland Security, the Department of Defense, the Department of Veterans Affairs, and other applicable Federal departments and agencies, as necessary and appropriate, to identify, inform, and address gaps in and policies related to all-hazards medical and public health preparedness, including exercises based on—

''(A) identified threats for which countermeasures are available and for which no countermeasures are available; and

''(B) unknown threats for which no countermeasures are available; and

''(5) assume other duties as determined appropriate by the Secretary.''; and

(3) by adding at the end the following:

''(d) NATIONAL SECURITY PRIORITY.—The Secretary, acting through the Assistant Secretary for Preparedness and Response, shall on a periodic basis conduct meetings, as applicable and appropriate, with the Assistant to the President for National Security Affairs to provide an update on, and discuss, medical and public health preparedness and response activities pursuant to this Act and the Federal Food, Drug, and Cosmetic Act, including progress on the development, approval, clearance, and licensure of medical countermeasures.

''(e) PUBLIC HEALTH EMERGENCY MEDICAL COUNTERMEASURES ENTERPRISE STRATEGY AND IMPLEMENTATION PLAN.—

''(1) IN GENERAL.—Not later than 180 days after the date of enactment of this subsection, and every other year thereafter, the Secretary, acting through the Assistant Secretary for Preparedness and Response and in consultation with the Director of the Biomedical Advanced Research and Development Authority, the Director of the National Institutes of Health, the Director of the Centers for Disease Control and Prevention, and the Commissioner of the Food and Drug Administration, shall develop and submit to the appropriate committees of Congress a coordinated strategy and accompanying implementation plan for medical countermeasures to address chemical, biological, radiological, and nuclear threats. Such strategy and plan shall be known as the 'Public Health Emergency Medical Countermeasures Enterprise Strategy and Implementation Plan'.

''(2) REQUIREMENTS.—The plan under paragraph (1) shall—

''(A) consider and reflect the full spectrum of medical countermeasure-related activities, including research, advanced research, development, procurement, stockpiling, deployment, and distribution;

''(B) identify and prioritize near-term, mid-term, and long-term priority qualified and security countermeasure (as defined in sections 319F–1 and 319F–2) needs and goals of the Federal Government according to chemical, biological, radiological, and nuclear threat or threats;

''(C) identify projected timelines, anticipated funding allocations, benchmarks, and milestones for each medical countermeasure priority under subparagraph (B), including projected needs with regard to replenishment of the Strategic National Stockpile;

''(D) be informed by the recommendations of the National Biodefense Science Board pursuant to section 319M;

''(E) report on advanced research and development awards and the date of the issuance of contract awards, including awards made through the special reserve fund (as defined in section 319F–2(c)(10));

''(F) identify progress made in meeting the goals, benchmarks, and milestones identified under subparagraph (C) in plans submitted subsequent to the initial plan;

''(G) identify the progress made in meeting the medical countermeasure priorities for at-risk individuals, (as defined in

2802(b)(4)(B)), as applicable under subparagraph (B), including with regard to the projected needs for related stockpiling and replenishment of the Strategic National Stockpile; and

''(H) be made publicly available.

''(3) GAO REPORT.—

''(A) IN GENERAL.—Not later than 1 year after the date on which a Public Health Emergency Medical Countermeasures Enterprise Strategy and Implementation Plan under this subsection is issued by the Secretary, the Government Accountability Office shall conduct an independent evaluation and submit to the appropriate committees of Congress a report concerning such strategy and implementation plan.

''(B) CONTENT.—The report described in subparagraph (A) shall review and assess—

''(i) the near-term, mid-term, and long-term medical countermeasure needs and identified priorities of the Federal Government pursuant to subparagraphs (A) and (B) of paragraph (2);

''(ii) the activities of the Department of Health and Human Services with respect to advanced research and development pursuant to section 319L; and

''(iii) the progress made toward meeting the goals, benchmarks, and milestones identified in the Public Health Emergency Medical Countermeasures Enterprise Strategy and Implementation Plan under this subsection.

''(f) INTERNAL MULTIYEAR PLANNING PROCESS.—The Secretary shall develop, and update on an annual basis, a coordinated 5-year budget plan based on the medical countermeasure priorities and goals described in subsection (e). Each such plan shall—

''(1) include consideration of the entire medical countermeasures enterprise, including—

''(A) basic research, advanced research and development;

''(B) approval, clearance, licensure, and authorized uses of products; and

''(C) procurement, stockpiling, maintenance, and replenishment of all products in the Strategic National Stockpile;

''(2) include measurable outputs and outcomes to allow for the tracking of the progress made toward identified goals;

''(3) identify medical countermeasure lifecycle costs to inform planning, budgeting, and anticipated needs within the continuum of the medical countermeasure enterprise consistent with section 319F–2; and

''(4) be made available to the appropriate committees of Congress upon request.

''(g) INTERAGENCY COORDINATION PLAN.—Not later than 1 year after the date of enactment of this subsection, the Secretary, in coordination with the Secretary of Defense, shall submit to the appropriate committees of Congress a report concerning the manner in which the Department of Health and Human Services is coordinating with the Department of Defense regarding countermeasure activities to address chemical, biological, radiological, and nuclear threats. Such report shall include information with respect to—

''(1) the research, advanced research, development, procurement, stockpiling, and distribution of countermeasures to meet identified needs; and

''(2) the coordination of efforts between the Department of Health and Human Services and the Department of Defense to address countermeasure needs for various segments of the population.

''(h) PROTECTION OF NATIONAL SECURITY.—In carrying out subsections (e), (f), and (g), the Secretary shall ensure that information and items that could compromise national security are not disclosed.''.

**SEC. 103. NATIONAL ADVISORY COMMITTEE ON CHILDREN AND DISASTERS.**

Subtitle B of title XXVIII of the Public Health Service Act (42 U.S.C. 300hh et seq.) is amended by inserting after section 2811 the end the following:

**''SEC. 2811A. NATIONAL ADVISORY COMMITTEE ON CHILDREN AND DISASTERS.**

''(a) ESTABLISHMENT.—The Secretary, in consultation with the Secretary of Homeland Security, shall establish an advisory committee to be known as the 'National Advisory Committee on Children and Disasters' (referred to in this section as the 'Advisory Committee').

''(b) DUTIES.—The Advisory Committee shall—

''(1) provide advice and consultation with respect to the activities carried out pursuant to section 2814, as applicable and appropriate;

''(2) evaluate and provide input with respect to the medical and public health needs of children as they relate to preparation for, response to, and recovery from all-hazards; and

''(3) provide advice and consultation to States and territories with respect to State emergency preparedness and response activities and children, including related drills and exercises pursuant to the preparedness goals under section 2802(b).

''(c) ADDITIONAL DUTIES.—The Advisory Committee may provide advice and recommendations to the Secretary with respect to children and the medical and public health grants and cooperative agreements as applicable to preparedness and response activities authorized under this title and title III.

''(d) MEMBERSHIP.—

''(1) IN GENERAL.—The Secretary, in consultation with such other Secretaries as may be appropriate, shall appoint not to exceed 15 members to the Advisory Committee. In appointing such members, the Secretary shall ensure that the total membership of the Advisory Committee is an odd number.

''(2) REQUIRED MEMBERS.—The Secretary, in consultation with such other Secretaries as may be appropriate, may appoint to the Advisory Committee under paragraph (1) such individuals as may be appropriate to perform the duties described in subsections (b) and (c), which may include—

''(A) the Assistant Secretary for Preparedness and Response;

''(B) the Director of the Biomedical Advanced Research and Development Authority;

''(C) the Director of the Centers for Disease Control and Prevention;

''(D) the Commissioner of Food and Drugs;

''(E) the Director of the National Institutes of Health;

''(F) the Assistant Secretary of the Administration for Children and Families;

''(G) the Administrator of the Federal Emergency Management Agency;

''(H) at least two non-Federal health care professionals with expertise in pediatric medical disaster planning, preparedness, response, or recovery;

''(I) at least two representatives from State, local, territories, or tribal agencies with expertise in pediatric disaster planning, preparedness, response, or recovery; and

''(J) representatives from such Federal agencies (such as the Department of Education and the Department of Homeland Security) as determined necessary to fulfill the duties of the Advisory Committee, as established under subsections (b) and (c).

''(e) MEETINGS.—The Advisory Committee shall meet not less than biannually.

''(f) SUNSET.—The Advisory Committee shall terminate on the date that is 5 years after the date of enactment of the Pandemic and All-Hazards Preparedness Act Reauthorization of 2011.''.

**SEC. 104. MODERNIZATION OF THE NATIONAL DISASTER MEDICAL SYSTEM.**

Section 2812 of the Public Health Service Act (42 U.S.C. 300hh–11) is amended—

(1) in subsection (a)(3)—

(A) in subparagraph (A), in clause (i) by inserting '', including at-risk individuals as applicable'' after ''victims of a public health emergency'';

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

(C) by inserting after subparagraph (B), the following:

''(C) CONSIDERATIONS FOR AT-RISK POPULATIONS.—The Secretary shall take steps to ensure that an appropriate specialized and focused range of public health and medical capabilities are represented in the National Disaster Medical System, which take into account the needs of at-risk individuals, in the event of a public health emergency.''.

''(D) ADMINISTRATION.—The Secretary may determine and pay claims for reimbursement for services under subparagraph (A) directly or through contracts that provide for payment in advance or by way of reimbursement.''; and

(2) in subsection (g), by striking ''such sums as may be necessary for each of the fiscal years 2007 through 2011'' and inserting ''$56,000,000 for each of fiscal years 2012 through 2016''.

**SEC. 105. CONTINUING THE ROLE OF THE DEPARTMENT OF VETERANS AFFAIRS.**

Section 8117(g) of title 38, United States Code, is amended by striking ''such sums as may be necessary to carry out this section for each of fiscal years 2007 through 2011'' and inserting ''$156,500,000 for each of fiscal years 2012 through 2016 to carry out this section''.

## TITLE II—OPTIMIZING STATE AND LOCAL ALL-HAZARDS PREPAREDNESS AND RESPONSE

**SEC. 201. IMPROVING STATE AND LOCAL PUBLIC HEALTH SECURITY.**

(a) COOPERATIVE AGREEMENTS.—Section 319C–1 of the Public Health Service Act (42 U.S.C. 247d–3a) is amended—

(1) in subsection (b)(2)—

(A) in subparagraph (A)—

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

''(i) a description of the activities such entity will carry out under the agreement to meet the goals identified under section 2802, including with respect to chemical, biological, radiological, or nuclear threats, whether naturally occurring, unintentional, or deliberate;

''(ii) a description of the activities such entity will carry out with respect to pandemic influenza, as a component of the activities carried out under clause (i), and consistent with the requirements of paragraphs (2) and (5) of subsection (g);'';

(ii) in clause (iv), by striking ''and'' at the end; and

(iii) by adding at the end the following:

''(vi) a description of how, as appropriate, the entity may partner with relevant public and private stakeholders in public health emergency preparedness and response;

''(vii) a description of how the entity, as applicable and appropriate, will coordinate with State emergency preparedness and response plans in public health emergency preparedness, including State educational agencies (as defined in section 9101(41) of the Elementary and Secondary Education Act of 1965) and State child care lead agencies (as defined in section 658D of the Child Care and Development Block Grant Act); and

''(viii) in the case of entities that operate on the United States-Mexico border or the

United States-Canada border, a description of the activities such entity will carry out under the agreement that are specific to the border area including disease detection, identification, and investigation, and preparedness and response activities related to emerging diseases and infectious disease outbreaks whether naturally-occurring or due to bioterrorism, consistent with the requirements of this section;''; and

(B) in subparagraph (C), by inserting '', including addressing the needs of at-risk individuals,'' after ''capabilities of such entity'';

(2) in subsection (g)—

(A) in paragraph (1), by striking subparagraph (A) and inserting the following:

''(A) include outcome goals representing operational achievements of the National Preparedness Goals developed under section 2802(b) with respect to all-hazards, including chemical, biological, radiological, or nuclear threats; and''; and

(B) in paragraph (2)(A), by adding at the end the following: ''The Secretary shall periodically update, as necessary and appropriate, such pandemic influenza plan criteria and shall require the integration of such criteria into the benchmarks and standards described in paragraph (1).'';

(3) in subsection (i)—

(A) in paragraph (1)(A)—

(i) by striking ''$824,000,000 for fiscal year 2007'' and inserting ''$632,900,000 for fiscal year 2012''; and

(ii) by striking ''such sums as may be necessary for each of fiscal years 2008 through 2011'' and inserting ''$632,900,000 for each of fiscal years 2013 through 2016''; and

(B) by adding at the end the following:

''(7) AVAILABILITY OF COOPERATIVE AGREEMENT FUNDS.—

''(A) IN GENERAL.—Amounts provided to an eligible entity under a cooperative agreement under subsection (a) for a fiscal year and remaining unobligated at the end of such year shall remain available to such entity for the next fiscal year for the purposes for which such funds were provided.

''(B) FUNDS CONTINGENT ON ACHIEVING BENCHMARKS.—The continued availability of funds under subparagraph (A) with respect to an entity shall be contingent upon such entity achieving the benchmarks and submitting the pandemic influenza plan as described in subsection (g).''; and

(4) in subsection (j), by striking paragraph (3).

(b) VACCINE TRACKING AND DISTRIBUTION.—Section 319A(e) of the Public Health Service Act (42 U.S.C. 247d–1(e)) is amended by striking ''such sums for each of fiscal years 2007 through 2011'' and inserting ''$30,800,000 for each of fiscal years 2012 through 2016''.

(c) GAO REPORT.—Section 319C–1 of the Public Health Service Act (42 U.S.C. 247d–3a) is amended by adding at the end the following:

''(l) GAO REPORT.—

''(1) IN GENERAL.—Not later than 1 year after the date of enactment of the Pandemic and All-Hazards Preparedness Act Reauthorization of 2011, the Government Accountability Office shall conduct an independent evaluation, and submit to the appropriate committees of Congress a report, concerning Federal programs at the Department of Health and Human Services that support medical and public health preparedness and response programs at the State and local levels.

''(2) CONTENT.—The report described in paragraph (1) shall review and assess—

''(A) the extent to which grant and cooperative agreement requirements and goals have been met by recipients;

''(B) the extent to which such grants and cooperative agreements have supported medical and public health preparedness and response goals pursuant to section 2802(b), as appropriate and applicable;

''(C) whether recipients or the Department of Health and Human Services have identified any factors that may impede a recipient's ability to achieve programmatic goals and requirements; and

''(D) instances in which funds may not have been used appropriately, in accordance with grant and cooperative agreement requirements, and actions taken to address inappropriate expenditures.''.

**SEC. 202. HOSPITAL PREPAREDNESS AND MEDICAL SURGE CAPACITY.**

(a) ALL-HAZARDS PUBLIC HEALTH AND MEDICAL RESPONSE CURRICULA AND TRAINING.—Section 319F(a)(5)(B) of the Public Health Service Act (42 U.S.C. 247d–6(a)(5)(B)) is amended by striking ''public health or medical'' and inserting ''public health, medical, or dental''.

(b) ENCOURAGING HEALTH PROFESSIONAL VOLUNTEERS.—

(1) EMERGENCY SYSTEM FOR ADVANCE REGISTRATION OF VOLUNTEER HEALTH PROFESSIONALS.—Section 319I(k) of the Public Health Service Act (42 U.S.C. 247d–7b(k)) is amended by striking ''$2,000,000 for fiscal year 2002, and such sums as may be necessary for each of the fiscal years 2003 through 2011'' and inserting ''$5,900,000 for each of fiscal years 2012 through 2016''.

(2) VOLUNTEERS.—Section 2813 of the Public Health Service Act (42 U.S.C. 300hh–15) is amended—

(A) in subsection (d)(2), by adding at the end the following: ''Such training exercises shall, as appropriate and applicable, incorporate the needs of at-risk individuals in the event of a public health emergency.''; and

(B) in subsection (i), by striking ''$22,000,000 for fiscal year 2007, and such sums as may be necessary for each of fiscal years 2008 through 2011'' and inserting ''$11,900,000 for each of fiscal years 2012 through 2016''.

(c) PARTNERSHIPS FOR STATE AND REGIONAL PREPAREDNESS TO IMPROVE SURGE CAPACITY.—Section 319C–2 of the Public Health Service Act (42 U.S.C. 247d–3b) is amended—

(1) in subsection (b)(1)(A)(ii), by striking ''centers, primary'' and inserting ''centers, community health centers, primary'';

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

''(c) USE OF FUNDS.—An award under subsection (a) shall be expended for activities to achieve the preparedness goals described under paragraphs (1), (3), (4), (5), and (6) of section 2802(b) with respect to all-hazards, including chemical, biological, radiological, or nuclear threats.'';

(3) by striking subsection (g) and inserting the following:

''(g) COORDINATION.—

''(1) LOCAL RESPONSE CAPABILITIES.—An eligible entity shall, to the extent practicable, ensure that activities carried out under an award under subsection (a) are coordinated with activities of relevant local Metropolitan Medical Response Systems, local Medical Reserve Corps, the local Cities Readiness Initiative, and local emergency plans.

''(2) NATIONAL COLLABORATION.—Partnerships consisting of one or more eligible entities under this section may, to the extent practicable, collaborate with other partnerships consisting of one or more eligible entities under this section for purposes of national coordination and collaboration with respect to activities to achieve the preparedness goals described under paragraphs (1), (3), (4), (5), and (6) of section 2802(b).''; and

(4) in subsection (j)—

(A) in paragraph (1), by striking ''$474,000,000 for fiscal year 2007, and such sums as may be necessary for each of fiscal years 2008 through 2011'' and inserting ''$378,000,000 for each of fiscal years 2012 through 2016''; and

(B) by adding at the end the following:

''(4) AVAILABILITY OF COOPERATIVE AGREEMENT FUNDS.—

''(A) IN GENERAL.—Amounts provided to an eligible entity under a cooperative agreement under subsection (a) for a fiscal year and remaining unobligated at the end of such year shall remain available to such entity for the next fiscal year for the purposes for which such funds were provided.

''(B) FUNDS CONTINGENT ON ACHIEVING BENCHMARKS.—The continued availability of funds under subparagraph (A) with respect to an entity shall be contingent upon such entity achieving the benchmarks and submitting the pandemic influenza plan as required under subsection (i).''.

**SEC. 203. ENHANCING SITUATIONAL AWARENESS AND BIOSURVEILLANCE.**

Section 319D of the Public Health Service Act (42 U.S.C. 247d–4) is amended—

(1) in subsection (b)—

(A) in paragraph (1)(B), by inserting ''poison control centers,'' after ''hospitals,'';

(B) in paragraph (2), by inserting before the period the following: '', allowing for coordination to maximize all-hazards medical and public health preparedness and response and to minimize duplication of effort''; and

(C) in paragraph (3), by inserting before the period the following: ''and update such standards as necessary'';

(2) in subsection (d)—

(A) in the subsection heading, by striking ''PUBLIC HEALTH SITUATIONAL AWARENESS'' and inserting ''MODERNIZING PUBLIC HEALTH SITUATIONAL AWARENESS AND BIOSURVEILLANCE'';

(B) in paragraph (1)—

(i) by striking ''Pandemic and All-Hazards Preparedness Act'' and inserting ''Pandemic and All-Hazards Preparedness Act Reauthorization of 2011''; and

(ii) by inserting '', novel emerging threats,'' after ''disease outbreaks'';

(C) by striking paragraph (2) and inserting the following:

''(2) STRATEGY AND IMPLEMENTATION PLAN.—Not later than 180 days after the date of enactment of the Pandemic and All-Hazards Preparedness Act Reauthorization of 2011, the Secretary shall submit to the appropriate committees of Congress, a coordinated strategy and an accompanying implementation plan that identifies and demonstrates the measurable steps the Secretary will carry out to—

''(A) develop, implement, and evaluate the network described in paragraph (1), utilizing the elements described in paragraph (3); and

''(B) modernize and enhance biosurveillance activities.'';

(D) in paragraph (3)(D), by inserting ''community health centers, health centers'' after ''poison control,'';

(E) in paragraph (5), by striking subparagraph (A) and inserting the following:

''(A) utilize applicable interoperability standards as determined by the Secretary, and in consultation with the Office of the National Coordinator for Health Information Technology, through a joint public and private sector process;''; and

(F) by adding at the end the following:

''(6) CONSULTATION WITH THE NATIONAL BIODEFENSE SCIENCE BOARD.—In carrying out this section consistent with section 319M, the National Biodefense Science Board shall provide expert advice and guidance, including recommendations, regarding the measurable steps the Secretary should take to modernize and enhance biosurveillance activities pursuant to the efforts of the Department of Health and Humans Services to ensure comprehensive, real-time all-hazards biosurveillance capabilities. In complying with the

preceding sentence, the National Biodefense Science Board shall—

''(A) identify the steps necessary to achieve a national biosurveillance system for human health, with international connectivity, where appropriate, that is predicated on State, regional, and community level capabilities and creates a networked system to allow for two-way information flow between and among Federal, State, and local government public health authorities and clinical health care providers;

''(B) identify any duplicative surveillance programs under the authority of the Secretary, or changes that are necessary to existing programs, in order to enhance and modernize such activities, minimize duplication, strengthen and streamline such activities under the authority of the Secretary, and achieve real-time and appropriate data that relate to disease activity, both human and zoonotic; and

''(C) coordinate with applicable existing advisory committees of the Director of the Centers for Disease Control and Prevention, including such advisory committees consisting of representatives from State, local, and tribal public health authorities and appropriate public and private sector health care entities and academic institutions, in order to provide guidance on public health surveillance activities.'';

(3) in subsection (e)(5), by striking ''4 years after the date of enactment of the Pandemic and All-Hazards Preparedness Act'' and inserting ''3 years after the date of enactment of the Pandemic and All-Hazards Preparedness Act Reauthorization of 2011'';

(4) in subsection (g), by striking ''such sums as may be necessary in each of fiscal years 2007 through 2011'' and inserting ''$160,121,000 for each of fiscal years 2012 through 2016''; and

(5) by adding at the end the following:

''(h) DEFINITION.—For purposes of this section the term 'biosurveillance' means the process of gathering near real-time, biological data that relates to disease activity and threats to human or zoonotic health, in order to achieve early warning and identification of such health threats, early detection and prompt ongoing tracking of health events, and overall situational awareness of disease activity.''.

## TITLE III—ENHANCING MEDICAL COUNTERMEASURE REVIEW

### SEC. 301. SPECIAL PROTOCOL ASSESSMENT.

Section 505(b)(5)(B) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(b)(5)(B)) is amended by striking ''size of clinical trials intended'' and all that follows through ''. The sponsor or applicant'' and inserting the following: ''size—

''(i)(I) of clinical trials intended to form the primary basis of an effectiveness claim; or

''(II) in the case where human efficacy studies are not ethical or feasible, of animal and any associated clinical trials which, in combination, are intended to form the primary basis of an effectiveness claim; or

''(ii) with respect to an application for approval of a biological product under section 351(k) of the Public Health Service Act, of any necessary clinical study or studies.

The sponsor or applicant''.

### SEC. 302. AUTHORIZATION FOR MEDICAL PRODUCTS FOR USE IN EMERGENCIES.

(a) IN GENERAL.—Section 564 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360bbb–3) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking ''sections 505, 510(k), and 515 of this Act'' and inserting ''any provision of this Act'';

(B) in paragraph (2)(A), by striking ''under a provision of law referred to in such paragraph'' and inserting ''under a provision of law in section 505, 510(k), or 515 of this Act or section 351 of the Public Health Service Act''; and

(C) in paragraph (3), by striking ''a provision of law referred to in such paragraph'' and inserting ''a provision of law referred to in paragraph (2)(A)'';

(2) in subsection (b)—

(A) in the subsection heading, by striking ''EMERGENCY'' and inserting ''EMERGENCY OR THREAT JUSTIFYING EMERGENCY AUTHORIZED USE'';

(B) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by striking ''may declare an emergency'' and inserting ''may make a declaration that the circumstances exist'';

(ii) in subparagraph (A), by striking ''specified'';

(iii) in subparagraph (B)—

(I) by striking ''specified''; and

(II) by striking ''; or'' and inserting a semicolon;

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

''(C) a determination by the Secretary that there is a public health emergency, or a significant potential for a public health emergency, that affects, or has a significant potential to affect, national security or the health and security of United States citizens abroad, and that involves a biological, chemical, radiological, or nuclear agent or agents, or a disease or condition that may be attributable to such agent or agents; or''; and

(v) by adding at the end the following:

''(D) the identification of a material threat pursuant to section 319F–2 of the Public Health Service Act sufficient to affect national security or the health and security of United States citizens living abroad.'';

(C) in paragraph (2)(A)—

(i) by amending clause (ii) to read as follows:

''(ii) a change in the approval status of the product such that the circumstances described in subsection (a)(2) have ceased to exist.'';

(ii) by striking subparagraph (B); and

(iii) by redesignating subparagraph (C) as subparagraph (B);

(D) in paragraph (4), by striking ''advance notice of termination, and renewal under this subsection.'' and inserting '', and advance notice of termination under this subsection. The Secretary shall make any renewal under this subsection available on the Internet Web site of the Food and Drug Administration.''; and

(E) by adding at the end the following:

''(5) EXPLANATION BY SECRETARY.—If an authorization under this section with respect to an unapproved product has been in effect for more than 1 year, the Secretary shall provide in writing to the sponsor of such product, an explanation of the scientific, regulatory, or other obstacles to approval, licensure, or clearance of such product, including specific actions to be taken by the Secretary and the sponsor to overcome such obstacles.'';

(3) in subsection (c)—

(A) in the matter preceding paragraph (1)—

(i) by inserting ''the Assistant Secretary for Preparedness and Response,'' after ''consultation with'';

(ii) by striking ''Health and'' and inserting ''Health, and''; and

(iii) by striking ''circumstances of the emergency involved'' and inserting ''applicable circumstances described in subsection (b)(1)'';

(B) in paragraph (1), by striking ''specified'' and inserting ''referred to''; and

(C) in paragraph (2)(B), by inserting '', taking into consideration the material threat posed by the agent or agents identified in a declaration under subsection (b)(1)(D), if applicable'' after ''risks of the product'';

(4) in subsection (d)(3), by inserting '', to the extent practicable given the circumstances of the emergency,'' after ''including'';

(5) in subsection (e)—

(A) in paragraph (1)(A), by striking ''circumstances of the emergency'' and inserting ''applicable circumstances described in subsection (b)(1)'';

(B) in paragraph (2)—

(i) in subparagraph (A)—

(I) by striking ''manufacturer of the product'' and inserting ''person'';

(II) by striking ''circumstances of the emergency'' and inserting ''applicable circumstances described in subsection (b)(1)''; and

(III) by inserting at the end before the period ''or in paragraph (1)(B)'';

(ii) in subparagraph (B)(i), by inserting before the period at the end '', except as provided in section 564A with respect to authorized changes to the product expiration date''; and

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

''(C) In establishing conditions under this paragraph with respect to the distribution and administration of the product for the unapproved use, the Secretary shall not impose conditions that would restrict distribution or administration of the product when done solely for the approved use.''; and

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

''(3) GOOD MANUFACTURING PRACTICE; PRESCRIPTION.—With respect to the emergency use of a product for which an authorization under this section is issued (whether an unapproved product or an unapproved use of an approved product), the Secretary may waive or limit, to the extent appropriate given the applicable circumstances described in subsection (b)(1)—

''(A) requirements regarding current good manufacturing practice otherwise applicable to the manufacture, processing, packing, or holding of products subject to regulation under this Act, including such requirements established under section 501 or 520(f)(1), and including relevant conditions prescribed with respect to the product by an order under section 520(f)(2);

''(B) requirements established under section 503(b); and

''(C) requirements established under section 520(e).'';

(6) in subsection (g)—

(A) in the subsection heading, by inserting ''REVIEW AND'' before ''REVOCATION'';

(B) in paragraph (1), by inserting after the period at the end the following: ''As part of such review, the Secretary shall regularly review the progress made with respect to the approval, licensure, or clearance of—

''(A) an unapproved product for which an authorization was issued under this section; or

''(B) an unapproved use of an approved product for which an authorization was issued under this section.''; and

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

''(2) REVISION AND REVOCATION.—The Secretary may revise or revoke an authorization under this section if—

''(A) the circumstances described under subsection (b)(1) no longer exist;

''(B) the criteria under subsection (c) for issuance of such authorization are no longer met; or

''(C) other circumstances make such revision or revocation appropriate to protect the public health or safety.'';

(7) in subsection (h)(1), by adding after the period at the end the following: ''The Secretary shall make any revisions to an authorization under this section available on the Internet Web site of the Food and Drug Administration.''; and

(8) by adding at the end of subsection (j) the following:

''(4) Nothing in this section shall be construed as authorizing a delay in the review or other consideration by the Food and Drug Administration of any application pending before the Administration for a countermeasure or product referred to in subsection (a).''.

(b) EMERGENCY USE OF MEDICAL PRODUCTS.—Subchapter E of chapter V of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360bbb et seq.) is amended by inserting after section 564 the following:

**''SEC. 564A. EMERGENCY USE OF MEDICAL PRODUCTS.**

''(a) DEFINITIONS.—In this section:

''(1) ELIGIBLE PRODUCT.—The term 'eligible product' means a product that—

''(A) is approved or cleared under this chapter or licensed under section 351 of the Public Health Service Act;

''(B)(i) is intended for use to prevent, diagnose, or treat a disease or condition involving a biological, chemical, radiological, or nuclear agent or agents, including a product intended to be used to prevent or treat pandemic influenza; or

''(ii) is intended for use to prevent, diagnose, or treat a serious or life-threatening disease or condition caused by a product described in clause (i); and

''(C) is intended for use during the circumstances under which—

''(i) a determination described in subparagraph (A), (B), or (C) of section 564(b)(1) has been made by the Secretary of Homeland Security, the Secretary of Defense, or the Secretary, respectively; or

''(ii) the identification of a material threat described in subparagraph (D) of section 564(b)(1) has been made pursuant to section 319F–2 of the Public Health Service Act.

''(2) PRODUCT.—The term 'product' means a drug, device, or biological product.

''(b) EXTENSION OF EXPIRATION DATE.—

''(1) AUTHORITY TO EXTEND EXPIRATION DATE.—The Secretary may extend the expiration date of an eligible product in accordance with this subsection.

''(2) EXPIRATION DATE.—For purposes of this subsection, the term 'expiration date' means the date established through appropriate stability testing required by the regulations issued by the Secretary to ensure that the product meets applicable standards of identity, strength, quality, and purity at the time of use.

''(3) EFFECT OF EXTENSION.—Notwithstanding any other provision of this Act or the Public Health Service Act, if the expiration date of an eligible product is extended in accordance with this section, the introduction or delivery for introduction into interstate commerce of such product after the expiration date provided by the manufacturer and within the duration of such extension shall not be deemed to render the product—

''(A) an unapproved product; or

''(B) adulterated or misbranded under this Act.

''(4) DETERMINATIONS BY SECRETARY.—Before extending the expiration date of an eligible product under this subsection, the Secretary shall determine—

''(A) that extension of the expiration date will help protect public health;

''(B) that any extension of expiration is supported by scientific evaluation that is conducted or accepted by the Secretary;

''(C) what changes to the product labeling, if any, are required or permitted, including whether and how any additional labeling communicating the extension of the expiration date may alter or obscure the labeling provided by the manufacturer; and

''(D) that any other conditions that the Secretary deems appropriate have been met.

''(5) SCOPE OF EXTENSION.—With respect to each extension of an expiration date granted under this subsection, the Secretary shall determine—

''(A) the batch, lot, or unit to which such extension shall apply;

''(B) the duration of such extension; and

''(C) any conditions to effectuate such extension that are necessary and appropriate to protect public health or safety.

''(c) CURRENT GOOD MANUFACTURING PRACTICE.—

''(1) IN GENERAL.—The Secretary may, when the circumstances of a domestic, military, or public health emergency or material threat described in subsection (a)(1)(C) so warrant, authorize, with respect to an eligible product, deviations from current good manufacturing practice requirements otherwise applicable to the manufacture, processing, packing, or holding of products subject to regulation under this Act, including requirements under section 501 or 520(f)(1) or applicable conditions prescribed with respect to the eligible product by an order under section 520(f)(2).

''(2) EFFECT.—Notwithstanding any other provision of this Act or the Public Health Service Act, an eligible product shall not be considered an unapproved product and shall not be deemed adulterated or misbranded under this Act because, with respect to such product, the Secretary has authorized deviations from current good manufacturing practices under paragraph (1).

''(d) EMERGENCY USE INSTRUCTIONS.—

''(1) IN GENERAL.—The Secretary, acting through an appropriate official within the Department of Health and Human Services, may create and issue emergency use instructions to inform health care providers or individuals to whom an eligible product is to be administered concerning such product's approved, licensed, or cleared conditions of use.

''(2) EFFECT.—Notwithstanding any other provisions of this Act or the Public Health Service Act, a product shall not be considered an unapproved product and shall not be deemed adulterated or misbranded under this Act because of the issuance of emergency use instructions under paragraph (1) with respect to such product or the introduction or delivery for introduction of such product into interstate commerce accompanied by such instructions—

''(A) during an emergency response to an actual emergency that is the basis for a determination described in subsection (a)(1)(C)(i); or

''(B) by a government entity (including a Federal, State, local, and tribal government entity), or a person acting on behalf of such a government entity, in preparation for an emergency response.''.

(c) RISK EVALUATION AND MITIGATION STRATEGIES.—Section 505–1 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355–1), is amended—

(1) in subsection (f), by striking paragraph (7); and

(2) by adding at the end the following:

''(k) WAIVER IN PUBLIC HEALTH EMERGENCIES.—The Secretary may waive any requirement of this section with respect to a qualified countermeasure (as defined in section 319F–1(a)(2) of the Public Health Service Act) to which a requirement under this section has been applied, if the Secretary determines that such waiver is required to mitigate the effects of, or reduce the severity of, the circumstances under which—

''(1) a determination described in subparagraph (A), (B), or (C) of section 564(b)(1) has been made by the Secretary of Homeland Security, the Secretary of Defense, or the Secretary, respectively; or

''(2) the identification of a material threat described in subparagraph (D) of section 564(b)(1) has been made pursuant to section 319F–2 of the Public Health Service Act.''.

(d) PRODUCTS HELD FOR EMERGENCY USE.—The Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) is amended by inserting after section 564A, as added by subsection (b), the following:

**''SEC. 564B. PRODUCTS HELD FOR EMERGENCY USE.**

''It is not a violation of any section of this Act or of the Public Health Service Act for a government entity (including a Federal, State, local, and tribal government entity), or a person acting on behalf of such a government entity, to introduce into interstate commerce a product (as defined in section 564(a)(4)) intended for emergency use, if that product—

''(1) is intended to be held and not used; and

''(2) is held and not used, unless and until that product—

''(A) is approved, cleared, or licensed under section 505, 510(k), or 515 of this Act or section 351 of the Public Health Service Act;

''(B) is authorized for investigational use under section 505 or 520 of this Act or section 351 of the Public Health Service Act; or

''(C) is authorized for use under section 564.''.

**SEC. 303. DEFINITIONS.**

Section 565 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360bbb–4) is amended by striking ''The Secretary, in consultation'' and inserting the following:

''(a) DEFINITIONS.—In this section—

''(1) the term 'countermeasure' means a qualified countermeasure, a security countermeasure, and a qualified pandemic or epidemic product;

''(2) the term 'qualified countermeasure' has the meaning given such term in section 319F–1 of the Public Health Service Act;

''(3) the term 'security countermeasure' has the meaning given such term in section 319F–2 of such Act; and

''(4) the term 'qualified pandemic or epidemic product' means a product that meets the definition given such term in section 319F–3 of the Public Health Service Act and—

''(A) that has been identified by the Department of Health and Human Services or the Department of Defense as receiving funding directly related to addressing chemical, biological, radiological or nuclear threats, including pandemic influenza; or

''(B) is included under this paragraph pursuant to a determination by the Secretary.

''(b) GENERAL DUTIES.—The Secretary, in consultation''.

**SEC. 304. ENHANCING MEDICAL COUNTERMEASURE ACTIVITIES.**

Section 565 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360bbb–4), as amended by section 303, is further amended—

(1) in the section heading, by striking ''**TECHNICAL ASSISTANCE**'' and inserting ''**COUNTERMEASURE DEVELOPMENT, REVIEW, AND TECHNICAL ASSISTANCE**'';

(2) in subsection (b), by striking the subsection heading and all that follows through ''shall establish'' and inserting the following:

''(b) GENERAL DUTIES.—In order to accelerate the development, stockpiling, approval, licensure, and clearance of qualified countermeasures, security countermeasures, and qualified pandemic or epidemic products,

the Secretary, in consultation with the Assistant Secretary for Preparedness and Response, shall—

''(1) ensure the appropriate involvement of Food and Drug Administration personnel in interagency activities related to countermeasure advanced research and development, consistent with sections 319F, 319F–1, 319F–2, 319F–3, and 319L of the Public Health Service Act;

''(2) ensure the appropriate involvement and consultation of Food and Drug Administration personnel in any flexible manufacturing activities carried out under section 319L of the Public Health Service Act, including with respect to meeting regulatory requirements set forth in this Act;

''(3) promote countermeasure expertise within the Food and Drug Administration by—

''(A) ensuring that Food and Drug Administration personnel involved in reviewing countermeasures for approval, licensure, or clearance are informed by the Assistant Secretary for Preparedness and Response on the material threat assessment conducted under section 319F–2 of the Public Health Service Act for the agent or agents for which the countermeasure under review is intended;

''(B) training Food and Drug Administration personnel regarding review of countermeasures for approval, licensure, or clearance;

''(C) holding public meetings at least twice annually to encourage the exchange of scientific ideas; and

''(D) establishing protocols to ensure that countermeasure reviewers have sufficient training or experience with countermeasures;

''(4) maintain teams, composed of Food and Drug Administration personnel with expertise on countermeasures, including specific countermeasures, populations with special clinical needs (including children and pregnant women that may use countermeasures, as applicable and appropriate), classes or groups of countermeasures, or other countermeasure-related technologies and capabilities, that shall—

''(A) consult with countermeasure experts, including countermeasure sponsors and applicants, to identify and help resolve scientific issues related to the approval, licensure, or clearance of countermeasures, through workshops or public meetings;

''(B) improve and advance the science relating to the development of new tools, standards, and approaches to assessing and evaluating countermeasures—

''(i) in order to inform the process for countermeasure approval, clearance, and licensure; and

''(ii) with respect to the development of countermeasures for populations with special clinical needs, including children and pregnant women, in order to meet the needs of such populations, as necessary and appropriate; and

''(5) establish''; and

(3) by adding at the end the following:

''(c) DEVELOPMENT AND ANIMAL MODELING PROCEDURES.—

''(1) AVAILABILITY OF ANIMAL MODEL MEETINGS.—To facilitate the timely development of animal models and support the development, stockpiling, licensure, approval, and clearance of countermeasures, the Secretary shall, not later than 180 days after the enactment of this subsection, establish a procedure by which a sponsor or applicant that is developing a countermeasure for which human efficacy studies are not ethical or practicable, and that has an approved investigational new drug application or investigational device exemption, may request and receive—

''(A) a meeting to discuss proposed animal model development activities; and

''(B) a meeting prior to initiating pivotal animal studies.

''(2) PEDIATRIC MODELS.—To facilitate the development and selection of animal models that could translate to pediatric studies, any meeting conducted under paragraph (1) shall include discussion of animal models for pediatric populations, as appropriate.

''(d) REVIEW AND APPROVAL OF COUNTERMEASURES.—

''(1) MATERIAL THREAT.—When evaluating an application or submission for approval, licensure, or clearance of a countermeasure, the Secretary shall take into account the material threat posed by the chemical, biological, radiological, or nuclear agent or agents identified under section 319F–2 of the Public Health Service Act for which the countermeasure under review is intended.

''(2) REVIEW EXPERTISE.—When practicable and appropriate, teams of Food and Drug Administration personnel reviewing applications or submissions described under paragraph (1) shall include a reviewer with sufficient training or experience with countermeasures pursuant to the protocols established under subsection (b)(3)(D).''.

**SEC. 305. REGULATORY MANAGEMENT PLANS.**

Section 565 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360bbb–4), as amended by section 304, is further amended by adding at the end the following:

''(e) REGULATORY MANAGEMENT PLAN.—

''(1) DEFINITION.—In this subsection, the term 'eligible countermeasure' means—

''(A) a security countermeasure with respect to which the Secretary has entered into a procurement contract under section 319F–2(c) of the Public Health Service Act; or

''(B) a countermeasure with respect to which the Biomedical Advanced Research and Development Authority has provided funding under section 319L of the Public Health Service Act for advanced research and development.

''(2) REGULATORY MANAGEMENT PLAN PROCESS.—The Secretary, in consultation with the Assistant Secretary for Preparedness and Response and the Director of the Biomedical Advanced Research and Development Authority, shall establish a formal process for obtaining scientific feedback and interactions regarding the development and regulatory review of eligible countermeasures by facilitating the development of written regulatory management plans in accordance with this subsection.

''(3) SUBMISSION OF REQUEST AND PROPOSED PLAN BY SPONSOR OR APPLICANT.—

''(A) IN GENERAL.—A sponsor or applicant of an eligible countermeasure may initiate the process described under paragraph (2) upon submission of written request to the Secretary. Such request shall include a proposed regulatory management plan.

''(B) TIMING OF SUBMISSION.—A sponsor or applicant may submit a written request under subparagraph (A) after the eligible countermeasure has an investigational new drug or investigational device exemption in effect.

''(C) RESPONSE BY SECRETARY.—The Secretary shall direct the Food and Drug Administration, upon submission of a written request by a sponsor or applicant under subparagraph (A), to work with the sponsor or applicant to agree on a regulatory management plan within a reasonable time not to exceed 90 days. If the Secretary determines that no plan can be agreed upon, the Secretary shall provide to the sponsor or applicant, in writing, the scientific or regulatory rationale why such agreement cannot be reached.

''(4) PLAN.—The content of a regulatory management plan agreed to by the Secretary and a sponsor or applicant shall include—

''(A) an agreement between the Secretary and the sponsor or applicant regarding developmental milestones that will trigger responses by the Secretary as described in subparagraph (B);

''(B) performance targets and goals for timely and appropriate responses by the Secretary to the triggers described under subparagraph (A), including meetings between the Secretary and the sponsor or applicant, written feedback, decisions by the Secretary, and other activities carried out as part of the development and review process; and

''(C) an agreement on how the plan shall be modified, if needed.

''(5) MILESTONES AND PERFORMANCE TARGETS.—The developmental milestones described in paragraph (4)(A) and the performance targets and goals described in paragraph (4)(B) shall include—

''(A) feedback from the Secretary regarding the data required to support the approval, clearance, or licensure of the eligible countermeasure involved;

''(B) feedback from the Secretary regarding the data necessary to inform any authorization under section 564;

''(C) feedback from the Secretary regarding the data necessary to support the positioning and delivery of the eligible countermeasure, including to the Strategic National Stockpile;

''(D) feedback from the Secretary regarding the data necessary to support the submission of protocols for review under section 505(b)(5)(B);

''(E) feedback from the Secretary regarding any gaps in scientific knowledge that will need resolution prior to approval, licensure, or clearance of the eligible countermeasure, and plans for conducting the necessary scientific research;

''(F) identification of the population for which the countermeasure sponsor or applicant seeks approval, licensure, or clearance, and the population for which desired labeling would not be appropriate, if known; and

''(G) as necessary and appropriate, and to the extent practicable, a plan for demonstrating safety and effectiveness in pediatric populations, and for developing pediatric dosing, formulation, and administration with respect to the eligible countermeasure, provided that such plan would not delay authorization under section 564, approval, licensure, or clearance for adults.

''(6) PRIORITIZATION.—If the Commissioner of Food and Drugs determines that resources are not available to establish regulatory management plans under this section for all eligible countermeasures for which a request is submitted under paragraph (3)(A), the Director of the Biomedical Advanced Research and Development Authority, in consultation with the Commissioner of Food and Drugs, shall prioritize which eligible countermeasures may receive regulatory managements plans, and in doing so shall give priority to eligible countermeasures that are security countermeasures.''.

**SEC. 306. REPORT.**

Section 565 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360bbb–4), as amended by section 305, is further amended by adding at the end the following:

''(f) ANNUAL REPORT.—Not later than 180 days after the date of enactment of this subsection, and annually thereafter, the Secretary shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives a report that details the countermeasure development and review activities

of the Food and Drug Administration, including—

''(1) with respect to the development of new tools, standards, and approaches to assess and evaluate countermeasures—

''(A) the identification of the priorities of the Food and Drug Administration and the progress made on such priorities; and

''(B) the identification of scientific gaps that impede the development or approval, licensure, or clearance of countermeasures for populations with special clinical needs, including children and pregnant women, and the progress made on resolving these challenges;

''(2) with respect to countermeasures for which a regulatory management plan has been agreed upon under subsection (e), the extent to which the performance targets and goals set forth in subsection (e)(4)(B) and the regulatory management plan has been met, including, for each such countermeasure—

''(A) whether the regulatory management plan was completed within the required timeframe, and the length of time taken to complete such plan;

''(B) whether the Secretary adhered to the timely and appropriate response times set forth in such plan; and

''(C) explanations for any failure to meet such performance targets and goals;

''(3) the number of regulatory teams established pursuant to subsection (b)(4), the number of products, classes of products, or technologies assigned to each such team, and the number of, type of, and any progress made as a result of consultations carried out under subsection (b)(4)(A);

''(4) an estimate of resources obligated to countermeasure development and regulatory assessment, including Center specific objectives and accomplishments;

''(5) the number of countermeasure applications submitted, the number of countermeasures approved, licensed, or cleared, the status of remaining submitted applications, and the number of each type of authorization issued pursuant to section 564; and

''(6) the number of written requests for a regulatory management plan submitted under subsection (e)(3)(A), the number of regulatory management plans developed, and the number of such plans developed for security countermeasures.''.

**SEC. 307. PEDIATRIC MEDICAL COUNTERMEASURES.**

(a) PEDIATRIC STUDIES OF DRUGS.—Section 505A of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355a) is amended—

(1) in subsection (d), by adding at the end the following:

''(5) CONSULTATION.—With respect to a drug that is a qualified countermeasure (as defined in section 319F–1 of the Public Health Service Act), a security countermeasure (as defined in section 319F–2 of the Public Health Service Act), or a qualified pandemic or epidemic product (as defined in section 319F–3 of the Public Health Service Act), the Secretary shall solicit input from the Assistant Secretary for Preparedness and Response regarding the need for and, from the Director of the Biomedical Advanced Research and Development Authority regarding the conduct of, pediatric studies under this section.''; and

(2) in subsection (n)(1), by adding at the end the following:

''(C) For a drug that is a qualified countermeasure (as defined in section 319F–1 of the Public Health Service Act), a security countermeasure (as defined in section 319F–2 of the Public Health Service Act), or a qualified pandemic or epidemic product (as defined in section 319F–3 of such Act), in addition to any action with respect to such drug under subparagraph (A) or (B), the Secretary shall notify the Assistant Secretary for Preparedness and Response and the Director of the Biomedical Advanced Research and Development Authority of all pediatric studies in the written request issued by the Commissioner of Food and Drugs.''.

(b) ADDITION TO PRIORITY LIST CONSIDERATIONS.—Section 409I of the Public Health Service Act (42 U.S.C. 284m) is amended—

(1) by striking subsection (a)(2) and inserting the following:

''(2) CONSIDERATION OF AVAILABLE INFORMATION.—In developing and prioritizing the list under paragraph (1), the Secretary—

''(A) shall consider—

''(i) therapeutic gaps in pediatrics that may include developmental pharmacology, pharmacogenetic determinants of drug response, metabolism of drugs and biologics in children, and pediatric clinical trials;

''(ii) particular pediatric diseases, disorders or conditions where more complete knowledge and testing of therapeutics, including drugs and biologics, may be beneficial in pediatric populations; and

''(iii) the adequacy of necessary infrastructure to conduct pediatric pharmacological research, including research networks and trained pediatric investigators; and

''(B) may consider the availability of qualified countermeasures (as defined in section 319F–1), security countermeasures (as defined in section 319F–2), and qualified pandemic or epidemic products (as defined in section 319F–3) to address the needs of pediatric populations, in consultation with the Assistant Secretary for Preparedness and Response, consistent with the purposes of this section.''; and

(2) in subsection (b), by striking ''subsection (a)'' and inserting ''paragraphs (1) and (2)(A) of subsection (a)''.

(c) ADVICE AND RECOMMENDATIONS OF THE PEDIATRIC ADVISORY COMMITTEE REGARDING COUNTERMEASURES FOR PEDIATRIC POPULATIONS.—Subsection (b)(2) of section 14 of the Best Pharmaceuticals for Children Act (42 U.S.C. 284m note) is amended—

(1) in subparagraph (C), by striking the period and inserting ''; and''; and

(2) by adding at the end the following:

''(D) the development of countermeasures (as defined in section 565(a) of the Federal Food, Drug, and Cosmetic Act) for pediatric populations.''.

## TITLE IV—ACCELERATING MEDICAL COUNTERMEASURE ADVANCED RESEARCH AND DEVELOPMENT

**SEC. 401. BIOSHIELD.**

(a) REAUTHORIZATION OF THE SPECIAL RESERVE FUND.—Section 319F–2(c) of the Public Health Service Act (42 U.S.C. 247d–6b(c)) is amended by adding at the end the following:

''(11) REAUTHORIZATION OF THE SPECIAL RESERVE FUND.—In addition to amounts otherwise appropriated, there are authorized to be appropriated for the special reserve fund, $2,800,000,000 for the fiscal years 2014 through 2018.

''(12) REPORT.—Not later than 30 days after any date on which the Secretary determines that the amount of funds in the special reserve fund available for procurement is less than $1,500,000,000, the Secretary shall submit to the appropriate committees of Congress a report detailing the amount of such funds available for procurement and the impact such reduction in funding will have—

''(A) in meeting the security countermeasure needs identified under this section; and

''(B) on the biennial Public Health Emergency Medical Countermeasures Enterprise and Strategy Implementation Plan (pursuant to section 2811(d)).''.

(b) PROCUREMENT OF COUNTERMEASURES.—Section 319F–2(c) of the Public Health Service Act (42 U.S.C. 247d–6b(c)) is amended—

(1) in paragraph (1)(B)(i)(III)(bb), by striking ''eight years'' and inserting ''10 years'';

(2) in paragraph (5)(B)(ii), by striking ''eight years'' and inserting ''10 years'';

(3) in paragraph (7)(C)—

(A) in clause (i)(I), by inserting ''including advanced research and development,'' after ''as may reasonably be required,'';

(B) in clause (ii)—

(i) in subclause (III), by striking ''eight years'' and inserting ''10 years''; and

(ii) by striking subclause (IX) and inserting the following:

''(IX) CONTRACT TERMS.—The Secretary, in any contract for procurement under this section—

''(aa) may specify—

''(AA) the dosing and administration requirements for the countermeasure to be developed and procured;

''(BB) the amount of funding that will be dedicated by the Secretary for advanced research, development, and procurement of the countermeasure; and

''(CC) the specifications the countermeasure must meet to qualify for procurement under a contract under this section; and

''(bb) shall provide a clear statement of defined Government purpose limited to uses related to a security countermeasure, as defined in paragraph (1)(B).''; and

(C) by adding at the end the following:

''(viii) FLEXIBILITY.—In carrying out this section, the Secretary may, consistent with the applicable provisions of this section, enter into contracts and other agreements that are in the best interest of the Government in meeting identified security countermeasure needs, including with respect to reimbursement of the cost of advanced research and development as a reasonable, allowable, and allocable direct cost of the contract involved.'';

(4) in paragraph (9)(B), by inserting before the period the following: '', except that this subparagraph shall not be construed to prohibit the use of such amounts as otherwise authorized in this title''; and

(5) in paragraph (10), by adding at the end the following:

''(C) ADVANCED RESEARCH AND DEVELOPMENT.—For purposes of this paragraph, the term 'advanced research and development' shall have the meaning given such term in section 319L(a).''.

**SEC. 402. BIOMEDICAL ADVANCED RESEARCH AND DEVELOPMENT AUTHORITY.**

(a) DUTIES.—Section 319L(c)(4) of the Public Health Service Act (42 U.S.C. 247d–7e(c)(4)) is amended—

(1) in subparagraph (B)(iii), by inserting ''(which may include advanced research and development for purposes of fulfilling requirements under the Federal Food, Drug, and Cosmetic Act or section 351 of this Act)'' after ''development''; and

(2) in subparagraph (D)(iii), by striking ''and vaccine manufacturing technologies'' and inserting ''vaccine manufacturing technologies, dose sparing technologies, efficacy increasing technologies, and platform technologies''.

(b) STRATEGIC PUBLIC-PRIVATE PARTNERSHIP.—Section 319L(c)(4) of the Public Health Service Act (42 U.S.C. 247d–7e(c)(4)) is amended by adding at the end the following:

''(E) STRATEGIC INVESTOR.—

''(i) IN GENERAL.—To support the purposes described in paragraph (2), the Secretary, acting through the Director of BARDA, may enter into an agreement (including through the use of grants, contracts, cooperative agreements, or other transactions as described in paragraph (5)) with an independent, non-profit entity to—

''(I) foster and accelerate the development and innovation of medical countermeasures

and technologies that may assist advanced research and development of qualified countermeasures and qualified pandemic or epidemic products, including strategic investment through the use of venture capital practices and methods;

''(II) promote the development of new and promising technologies that address urgent medical countermeasure needs, as identified by the Secretary;

''(III) address unmet public health needs that are directly related to medical countermeasure requirements, such as novel antimicrobials for multidrug resistant organisms and multiuse platform technologies for diagnostics, prophylaxis, vaccines, and therapeutics; and

''(IV) provide expert consultation and advice to foster viable medical countermeasure innovators, including helping qualified countermeasure innovators navigate unique industry challenges with respect to developing chemical, biological, radiological, and nuclear countermeasure products.

''(ii) ELIGIBILITY.—

''(I) IN GENERAL.—To be eligible to enter into an agreement under clause (i) an entity shall—

''(aa) be an independent, non-profit entity not otherwise affiliated with the Department of Health and Human Services;

''(bb) have a demonstrated record of being able to create linkages between innovators and investors and leverage such partnerships and resources for the purpose of addressing identified strategic needs of the Federal Government;

''(cc) have experience in promoting novel technology innovation;

''(dd) be problem driven and solution focused based on the needs, requirements, and problems identified by the Secretary under clause (iv);

''(ee) demonstrate the ability, or the potential ability, to promote the development of medical countermeasure products; and

''(ff) demonstrate expertise, or the capacity to develop or acquire expertise, related to technical and regulatory considerations with respect to medical countermeasures.

''(II) PARTNERING EXPERIENCE.—In selecting an entity with which to enter into an agreement under clause (i), the Secretary shall place a high value on the demonstrated experience of the entity in partnering with the Federal Government to meet identified strategic needs.

''(iii) NOT AGENCY.—An entity that enters into an agreement under clause (i) shall not be deemed to be a Federal agency for any purpose, including for any purpose under title 5, United States Code.

''(iv) DIRECTION.—Pursuant to an agreement entered into under this subparagraph, the Secretary, acting through the Director of BARDA, shall provide direction to the entity that enters into an agreement under clause (i). As part of this agreement the Director of BARDA shall—

''(I) communicate the medical countermeasure needs, requirements, and problems to be addressed by the entity under the agreement;

''(II) develop a description of work to be performed by the entity under the agreement;

''(III) provide technical feedback and appropriate oversight over work carried out by the entity under the agreement, including subsequent development and partnerships consistent with the needs and requirements set forth in this subparagraph;

''(IV) ensure fair consideration of products developed under the agreement in order to maintain competition to the maximum practical extent, as applicable and appropriate under applicable provisions of this section; and

''(V) ensure, as a condition of the agreement—

''(aa) a comprehensive set of policies that demonstrate a commitment to transparency and accountability;

''(bb) protection against conflicts of interest through a comprehensive set of policies that address potential conflicts of interest, ethics, disclosure, and reporting requirements;

''(cc) that the entity provides monthly accounting on the use of funds provided under such agreement; and

''(dd) that the entity provides on a quarterly basis, reports regarding the progress made toward meeting the identified needs set forth in the agreement.

''(v) SUPPLEMENT NOT SUPPLANT.—Activities carried out under this subparagraph shall supplement, and not supplant, other activities carried out under this section.

''(vi) NO ESTABLISHMENT OF ENTITY.—To prevent unnecessary duplication and target resources effectively, nothing in this subparagraph shall be construed to authorize the Secretary to establish within the Department of Health and Human Services a strategic investor entity.

''(vii) TRANSPARENCY AND OVERSIGHT.—Upon request, the Secretary shall provide to Congress the information provided to the Secretary under clause (iv)(V)(dd).

''(viii) INDEPENDENT EVALUATION.—Not later than 4 years after the date of enactment of this subparagraph, the Government Accountability Office shall conduct an independent evaluation, and submit to the Secretary and the appropriate committees of Congress a report, concerning the activities conducted under this subparagraph. Such report shall include recommendations with respect to any agreement or activities carried out pursuant to this subparagraph.

''(ix) SUNSET.—This subparagraph shall have no force or effect after September 30, 2016.''.

(c) TRANSACTION AUTHORITIES.—Section 319L(c)(5) of the Public Health Service Act (42 U.S.C. 247d–7e(c)(5)) is amended by adding at the end the following:

''(G) GOVERNMENT PURPOSE.—In awarding contracts, grants, and cooperative agreements under this section, the Secretary shall provide a clear statement of defined Government purpose related to activities included in subsection (a)(6)(B) for a qualified countermeasure or qualified pandemic or epidemic product.''.

(d) FUND.—Paragraph (2) of section 319L(d) of the Public Health Service Act (42 U.S.C. 247d–7e(d)(2)) is amended to read as follows:

''(2) FUNDING.—To carry out the purposes of this section, there is authorized to be appropriated to the Fund $415,000,000 for each of fiscal years 2012 through 2016, such amounts to remain available until expended.''.

(e) CONTINUED INAPPLICABILITY OF CERTAIN PROVISIONS.—Section 319L(e)(1)(C) of the Public Health Service Act (42 U.S.C. 247d–7e(e)(1)(C)) is amended by striking ''7 years'' and inserting ''10 years''.

(f) EXTENSION OF LIMITED ANTITRUST EXEMPTION.—Section 405(b) of the Pandemic and All-Hazards Preparedness Act (42 U.S.C. 247d–6a note) is amended by striking ''6-year'' and inserting ''10-year''.

(g) INDEPENDENT EVALUATION.—Section 319L of the Public Health Service Act (42 U.S.C. 247d–7e) is amended by adding at the end the following:

''(f) INDEPENDENT EVALUATION.—

''(1) IN GENERAL.—Not later than 180 days after the date of enactment of this subsection, the Government Accountability Office shall conduct an independent evaluation of the activities carried out to facilitate flexible manufacturing capacity pursuant to this section.

''(2) REPORT.—Not later than 1 year after the date of enactment of this subsection, the Government Accountability Office shall submit to the appropriate committees of Congress a report concerning the results of the evaluation conducted under paragraph (1). Such report shall review and assess—

''(A) the extent to which flexible manufacturing capacity under this section is dedicated to chemical, biological, radiological, and nuclear threats;

''(B) the activities supported by flexible manufacturing initiatives; and

''(C) the ability of flexible manufacturing activities carried out under this section to—

''(i) secure and leverage leading technical expertise with respect to countermeasure advanced research, development, and manufacturing processes; and

''(ii) meet the surge manufacturing capacity needs presented by novel and emerging threats, including chemical, biological, radiological and nuclear agents.''.

(h) DEFINITIONS.—

(1) QUALIFIED COUNTERMEASURE.—Section 319F–1(a)(2)(A) of the Public Health Service Act (42 U.S.C. 247d–6a(a)(2)(A)) is amended—

(A) in the matter preceding clause (i), by striking ''to—'' and inserting ''—'';

(B) in clause (i)—

(i) by striking ''diagnose'' and inserting ''to diagnose''; and

(ii) by striking ''; or'' and inserting a semicolon;

(C) in clause (ii)—

(i) by striking ''diagnose'' and inserting ''to diagnose''; and

(ii) by striking the period at the end and inserting ''; or''; and

(D) by adding at the end the following:

''(iii) is a product or technology intended to enhance the use or effect of a drug, biological product, or device described in clause (i) or (ii).''.

(2) QUALIFIED PANDEMIC OR EPIDEMIC PRODUCT.—Section 319F–3(i)(7)(A) of the Public Health Service Act (42 U.S.C. 247d–6d(i)(7)(A)) is amended—

(A) in clause (i)(II), by striking ''; or'' and inserting '';'';

(B) in clause (ii), by striking ''; and'' and inserting ''; or''; and

(C) by adding at the end the following:

''(iii) a product or technology intended to enhance the use or effect of a drug, biological product, or device described in clause (i) or (ii); and''.

(3) TECHNICAL AMENDMENTS.—Section 319F–3(i) of the Public Health Service Act (42 U.S.C. 247d–6d(i)) is amended—

(A) in paragraph (1)(C), by inserting '', 564A, or 564B'' after ''564''; and

(B) in paragraph (7)(B)(iii), by inserting '', 564A, or 564B'' after ''564''.

**SEC. 403. STRATEGIC NATIONAL STOCKPILE.**

(a) IN GENERAL.—Section 319F–2 of the Public Health Service Act (42 U.S.C. 247d–6b) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by inserting ''consistent with section 2811'' before ''by the Secretary to be appropriate''; and

(ii) by inserting before the period at the end the following: ''and shall submit such review annually to the appropriate Congressional committees of jurisdiction to the extent that disclosure of such information does not compromise national security''; and

(B) in paragraph (2)—

(i) by redesignating subparagraphs (E) through (H) as subparagraphs (F) through (I), respectively; and

(ii) by inserting after subparagraph (D), the following:

''(E) identify and address the potential depletion and ensure appropriate replenishment of medical countermeasures, including those currently in the stockpile;''; and

(2) in subsection (f)(1), by striking ''$640,000,000 for fiscal year 2002, and such sums as may be necessary for each of fiscal years 2003 through 2006'' and inserting ''$522,486,000 for each of fiscal years 2012 through 2016''.

(b) REPORT ON POTASSIUM IODIDE.—Not later than 270 days after the date of enactment of this Act, the Secretary of Health and Human Services shall submit to the appropriate Committees of Congress a report regarding the stockpiling of potassium iodide. Such report shall include—

(1) an assessment of the availability of potassium iodide at Federal, State, and local levels; and

(2) a description of the extent to which such activities and policies provide public health protection in the event of a nuclear incident, whether unintentional or deliberate, including an act of terrorism.

**SEC. 404. NATIONAL BIODEFENSE SCIENCE BOARD.**

Section 319M(a) of the Public Health Service Act (42 U.S.C. 247d–f(a)) is amended—

(1) in paragraph (2)—

(A) in subparagraph (D)—

(i) in the matter preceding clause (i), by striking ''five'' and inserting ''six'';

(ii) in clause (i), by striking ''and'' at the end;

(iii) in clause (ii), by striking the period and inserting a semicolon; and

(iv) by adding at the end the following:

''(iii) one such member shall be an individual with pediatric subject matter expertise; and

''(iv) one such member shall be a State, tribal, territorial, or local public health official.''; and

(B) by adding at the end the following flush sentence:

''Nothing in this paragraph shall preclude a member of the Board from satisfying two or more of the requirements described in subparagraph (D).'';

(2) in paragraph (5)—

(A) in subparagraph (B), by striking ''and'' at the end;

(B) in subparagraph (C), by striking the period and inserting ''; and''; and

(C) by adding at the end the following:

''(D) provide any recommendation, finding, or report provided to the Secretary under this paragraph to the appropriate committees of Congress.''; and

(3) in paragraph (8), by adding at the end the following: ''Such chairperson shall serve as the deciding vote in the event that a deciding vote is necessary with respect to voting by members of the Board.''.

## HONORING THE LIFE AND LEGACY OF THE HONORABLE DONALD M. PAYNE

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to S. Res. 390.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 390) honoring the life and legacy of the Honorable Donald M. Payne.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 390) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 390

Whereas the Honorable Donald M. Payne was born in Newark, New Jersey on July 16, 1934, graduated from Barringer High School in Newark and Seton Hall University in South Orange, New Jersey, and pursued graduate studies at Springfield College in Massachusetts;

Whereas the Honorable Donald M. Payne was an educator in the Newark and Passaic, New Jersey public schools and was an executive at Prudential Financial and at Urban Data Systems Inc;

Whereas the Honorable Donald M. Payne became the first African American national president of the YMCA in 1970 and served as Chairman of the World Refugee and Rehabilitation Committee of the YMCA from 1973 to 1981;

Whereas the Honorable Donald M. Payne served 3 terms on the Essex County Board of Chosen Freeholders and 3 terms on the Newark Municipal Council;

Whereas, in 1988, the Honorable Donald M. Payne became the first African American elected to the United States House of Representatives from the State of New Jersey;

Whereas the people of New Jersey overwhelmingly reelected the Honorable Donald M. Payne 11 times, most recently in 2010, when the Honorable Donald M. Payne was elected to represent the Tenth Congressional District of New Jersey for a 12th term;

Whereas the Honorable Donald M. Payne was a tireless advocate for his constituents, bringing significant economic development to Essex, Hudson, and Union Counties in New Jersey;

Whereas, as a senior member of the Committee on Education and the Workforce of the House of Representatives, the Honorable Donald M. Payne was a leading advocate for public schools, college affordability, and workplace protections;

Whereas, as a senior member of the Committee on Foreign Affairs of the House of Representatives, the Chairman and Ranking Member of the Subcommittee on Africa, Global Health, and Human Rights, and a member of the Subcommittee on the Western Hemisphere, the Honorable Donald M. Payne led efforts to restore democracy and human rights around the world, including in Northern Ireland and Sudan;

Whereas the Honorable Donald M. Payne was a leader in the field of global health, cofounding the Malaria Caucus, and helping to secure passage of a bill authorizing $50,000,000 for the prevention and treatment of HIV/AIDS, tuberculosis, and malaria;

Whereas the Honorable Donald M. Payne served as Chairman of the Congressional Black Caucus Foundation and previously as Chairman of the Congressional Black Caucus;

Whereas, in March 2012, the United States Agency for International Development launched the Donald M. Payne Fellowship Program to attract outstanding young people to careers in international development;

Whereas the Honorable Donald M. Payne served on the boards of directors of the National Endowment for Democracy, TransAfrica, the Discovery Channel Global Education Partnership, the Congressional Award Foundation, the Boys and Girls Clubs of Newark, the Newark Day Center, and the Newark YMCA;

Whereas the Honorable Donald M. Payne was the recipient of numerous honors and awards, including honorary doctorates from multiple universities;

Whereas the Honorable Donald M. Payne passed away on March 6, 2012, and is survived by 3 children, 4 grandchildren, and 1 great-grandchild; and

Whereas the Honorable Donald M. Payne's long history of service will have an enduring impact on people in New Jersey, across the United States, and around the world: Now, therefore, be it

*Resolved*, That the Senate—

(1) expresses profound sorrow at the death of the Honorable Donald M. Payne, United States Representative for the Tenth Congressional District of New Jersey;

(2) conveys the condolences of the Senate to the family of the Honorable Donald M. Payne; and

(3) respectfully requests that the Secretary of the Senate transmit a copy of this resolution to the House of Representatives and the family of the Honorable Donald M. Payne.

## DISCHARGE AND REFERRAL

Mr. REID. Mr. President, I ask unanimous consent that the Finance Committee be discharged from further consideration of S. 2152, the Syria Democracy Transition Act of 2012, and the bill be referred to the Committee on Foreign Relations.

The PRESIDING OFFICER. Without objection, it is so ordered.

## MEASURE READ THE FIRST TIME—S. 2173

Mr. REID. Mr. President, I understand there is a bill at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the bill by title for the first time.

The assistant legislative clerk read as follows:

A bill (S. 2173) to preserve and protect the free choice of individual employees to form, join, or assist labor organizations, or to refrain from such activities.

Mr. REID. I ask for a second reading in order to place the bill on the calendar under rule XIV but object to my own request.

The PRESIDING OFFICER. Objection having been heard, the bill will receive a second reading on the next legislative day.

## AUTHORITY TO SIGN DULY ENROLLED BILLS OR JOINT RESOLUTIONS

Mr. REID. Mr. President, I ask unanimous consent that on Wednesday, March 7, the majority leader be authorized to sign duly enrolled bills or joint resolutions.

The PRESIDING OFFICER. Without objection, it is so ordered.

## ORDERS FOR THURSDAY, MARCH 8, 2012

Mr. REID. Mr. President, I ask unanimous consent that when the Senate

completes its business today, it adjourn until Thursday, March 8, 2012, 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 proceed to 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, and the majority will control the first half and the Republicans the final half; that following morning business, the Senate will resume consideration of S. 1813, the surface transportation bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

## PROGRAM

Mr. REID. Mr. President, so everyone understands, we have reached agreement to complete action on the surface transportation bill. Under the order we just entered, we can finish this tomorrow. It is a huge job. We have 30 amendments we have to dispose of, so there is no question that Senators should expect a number of votes tomorrow.

## ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask that it adjourn under the previous order.

There being no objection, the Senate, at 10:28 p.m., adjourned until Thursday, March 8, 2012, at 9:30 a.m.

# EXTENSIONS OF REMARKS

## A TRIBUTE TO MIKE GLOVER

### HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 7, 2012*

Mr. LATHAM. Mr. Speaker, I rise today to recognize the career of one of the preeminent voices of Iowa journalism. Mike Glover, whose byline has accompanied countless Associated Press reports from the Iowa Capitol for three decades, announced this week that he's retiring in May.

Mr. Glover's work has appeared on the front pages of newspapers across Iowa and throughout the country, offering concise and timely news and analysis on some of the biggest political stories of our time. He's covered nearly every major presidential contender to pass through Iowa before the state's first-in the-nation caucuses. And while the Iowa General Assembly is in session, his presence in the halls of the Statehouse in Des Moines seems nearly ubiquitous as he tracks down the news of the day.

Mr. Glover began his career working for newspapers in Fort Dodge, Iowa, and Bloomington, Illinois, before he started at the Associated Press, where he would spend the next 32 years. He currently lives in Windsor Heights with his wife, Betty, who serves on the Windsor Heights City Council. Throughout Iowa's political and journalistic circles, he's earned a reputation for doggedly pursuing the truth and reporting the facts in a no-nonsense fashion.

To my great pleasure—and occasionally to my consternation—Mr. Glover has put me in the crosshairs of his tough-but-fair questioning on numerous occasions during my appearances on Iowa Press, a weekly news and current events program on Iowa Public Television. I know Mr. Glover to be a consummate professional and a true newsman in every sense of the word.

Mr. Speaker, in an increasingly chaotic and fractured media environment, Mr. Glover's career is a shining example of the importance of objective and factual reporting, something I know every member of this chamber respects and appreciates. Please join me in congratulating Mike Glover on his illustrious career and wishing him a happy retirement.

## ST. GEORGE'S CARPATHO-RUSSIAN ORTHODOX GREEK CATHOLIC CHURCH

### HON. LOU BARLETTA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 7, 2012*

Mr. BARLETTA. Mr. Speaker, I rise to congratulate the parishioners of St. George's Carpatho-Russian Orthodox Greek Catholic Church in Taylor, Pennsylvania, who are celebrating the church's 75th anniversary.

In 1937, immigrants from Eastern Europe would labor for long hours in the coal mines of Northeastern Pennsylvania, then report to the site of a future church. There, they would help excavate and construct the building. Many parishioners generously mortgaged their homes to provide collateral for the project. On October 3, 1937, the cornerstone was dedicated, and St. George's Carpatho-Russian Orthodox Greek Church began its mission of glorifying God.

In 1954, a tragic gas explosion destroyed the church hall and tested the parish's resiliency. Officers and trustees immediately established plans to rebuild, and two months later, St. George's Social Club rooms were completely rebuilt and reopened. Members of the congregation would be challenged again in 1975, as a mine subsidence threatened the church and forced the congregation to move. Four years later, St. George's found its permanent home on Keyser Avenue near Scranton. This modern church complex, which can hold 350 of the faithful, is among the most beautiful in Northeastern Pennsylvania.

Today, the dedicated parishioners of St. George's continue the virtuous work started by their forbears 75 years ago. This generation's goal is to continue the work done by past generations. The present church is the result of faithfulness to the teachings, customs, and traditions of immigrants from Eastern Europe. With the guidance of their present pastor, Father Mark Leasure, the church welcomes all families as they seek to explore the rich Christian faith.

Mr. Speaker, I offer my most sincere congratulations and deepest respect to the parishioners of St. George's Carpatho-Russian Orthodox Greek Catholic Church of Taylor, Pennsylvania, and I wish them many years of successful, faithful future service.

## TRIBUTE TO BEXTON PLACE AND THE RETIREMENT HOUSING FOUNDATION

### HON. CHARLES A. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 7, 2012*

Mr. GONZALEZ. Mr. Speaker, I ask my colleagues to join me in recognizing Bexton Place Apartments in my district in San Antonio. Bexton Place is a member of the Retirement Housing Foundation, and they will join in celebrating the foundation's fifty years of service to the community on March 13, 2012.

The Retirement Housing Foundation is a non-profit organization of 159 communities in 24 States, Washington, D.C., Puerto Rico, and the U.S. Virgin Islands, providing housing and services to more than 17,000 older adults, low-income families, and persons with disabilities.

Throughout the past fifty years the foundation has fostered an environment in which team members work to make life better for thousands of San Antonians. This pinnacle achievement speaks to both the past laurels and future service of Bexton Place. Bexton Place strives to provide all persons with quality, affordable housing so that San Antonio families do not have to sacrifice paying the rent for other basic necessities.

The noble mission of the Retirement Housing Foundation is as important today as it was fifty years ago. Its impact on our communities cannot be overstated. I would again ask you to congratulate Bexton Place and the Retirement Housing Foundation on their fifty years of ensuring that low-income families and individuals have acess to quality housing.

## RECOGNIZING STEVEN O'CONNOR

### HON. CHARLES F. BASS

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 7, 2012*

Mr. BASS of New Hampshire. Mr. Speaker, I rise today to recognize Steven O'Connor of Milford, New Hampshire, a remarkable young man who, in June of 2010, demonstrated immense bravery and courage in order to save his younger sister's life.

Steven, who was a Webelo Cub Scout at the time, had just recently learned how to swim when he was celebrating Father's Day at his grandparents' house with his family. Mackenzie O'Connor, Steven's younger sister, had slipped underwater and was struggling to stay afloat when Steven leaped into action. Before any of the adults had time to react to Mackenzie's struggles, Steven had jumped into the pool and pulled his younger sister to safety.

Steven's selfless and heroic actions are commendable, and I am incredibly impressed by this young man's quick thinking and fearless instincts. Steven will be awarded with the Boy Scouts of America's Meritorious Action Award this Saturday in Hollis, New Hampshire, an award that is truly well-deserved.

Steven's parents, grandparents, sister, and extended family, as well as his friends and teachers, must be extremely proud of his bravery, and I join the people of Milford, and indeed the entire Granite State, in congratulating Steven on a job well done. I wish him all the best in his future endeavors, particularly as he seeks to become an Eagle Scout.

## PENSACOLA CHRISTIAN COLLEGE COMMUNITY HONORS RETIRING PRESIDENT DR. ARLIN HORTON

### HON. CATHY McMORRIS RODGERS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 7, 2012*

Mrs. McMORRIS RODGERS. Mr. Speaker, I rise today to recognize the exemplary career of a great leader, scholar and Pensacola Christian College's Founder and President, Dr. Arlin Horton. After 38 years of exceptional

leadership at Pensacola Christian College and nearly 60 years at Pensacola C Academy, we celebrate Dr. Horton's retirement and reflect back on a career of distinguished accomplishments.

As the Founder of my alma mater, Pensacola Christian College, Dr. Horton created one of the finest institutions of higher learning in America—and a ministry serving God's work with leadership, responsibility and faith. After he and his wife Beka graduated from college in 1951, they came to Pensacola to start this ministry. And their success was extraordinary.

In 1954, they opened the doors to Pensacola Christian School—which began with only 35 students—and since 1970, over 2,000 students from kindergarten through twelfth grade have received an education at Pensacola Christian School. With over 93,000 Christian school principals and teachers attending clinics in Pensacola, the work President Horton and his wife began paved the way for generations of students, teachers and leaders.

Years later, Dr. Horton's influence expanded from the Christian School to a broad network of Christian radio stations all across the country. He also began publishing unique curriculums for Christian Schools, which revolutionized Christian education in America. Today, over 10,000 Christian schools and daycares use their books.

Most notably thought, in 1974, Dr. Horton founded Pensacola Christian College, from which I was honored to receive my Bachelor's Degree in 1990. Beginning with only 100 students in the fall of 1974, Pensacola Christian College now recognizes over 16,600 alumni all over the world. To say that his influence was incalculable is an understatement.

So today I join Dr. Arlin and Beka Horton in celebrating a long life of dedication to education, devotion to Christ, and commitment to making a difference in the lives of others. While Dr. Horton's retirement is sad for the PCC community, we will all—PCC students and alumni alike—continue to carry his legacy with us forever. He taught us: "To God be the Glory!"—and this we will most certainly remember.

## CONGRATULATING THE DILLARD HIGH SCHOOL GIRLS' BASKETBALL TEAM ON THEIR THIRD CONSECUTIVE STATE TITLE

### HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 7, 2012*

Mr. HASTINGS of Florida. Mr. Speaker, I rise today to congratulate the Lady Panthers girls' basketball team of Dillard High School in Fort Lauderdale, Florida on their recent state championship. Once again, under the inspiring leadership of Coach Marcia Pinder, the women's varsity basketball team won the Class 5A state title. The game was hard fought on both sides but even under intense pressure, the women of Dillard High persevered to defeat St. Johns Bartram Trail. With staunch defense and discipline, this team made history by clinching their third consecutive state title and seventh title overall.

Capping off a 26–4 season, the title recently secured by the Dillard team is truly special. This third consecutive state title is a record for Dillard High, and makes their winning streak the second longest in Broward history and one title away from tying the County record of four consecutive titles. Furthermore, with their seventh state championship overall, the Lady Panthers hold the record for the most titles held by any girls' basketball program in Broward County, and makes them the second most winningest team in the State. Furthermore, they are just one championship behind the current record holders Jacksonville Ribault.

It should also be noted that all seven championships have come under the leadership of Coach Marcia Pinder, whose 804–175 record makes her the all-time winningest basketball coach overall in Florida's history. Following this recent championship, Coach Pinder was named the 2012 Russell Athletic/Women's Basketball Coaches Association (WBCA) National High School Coach of the Year. She will be honored at the 2012 WBCA High School All-American Game that is played in conjunction with the NCAA Women's Final Four in Denver, Colorado on March 31, 2012.

I would like to take the time to honor each player and coach who, along with Coach Pinder, made this record-setting win possible. The Championship Lady Panthers are: LaQuacious Adams, Alliyah Anderson, Shatorria Baker, Demetria Brown, Jo' Coretah Clayton, Brianna Green, Amber Hanna, Dominique Harris, Kareese Johnson, Jessica Jones, Macy Keen, Courtney Parson, Tiara Walker, and Kayla Wright. The Lady Panthers and Coach Pinder and their championship season were also supported by assistant coaches: George Adams, Brandon Adams, Tonia Adams, Tania Miller, Evelyn Powers, Enewetok Ramsey, and Chanell Washington. I would also like to recognize Dillard High Principal Casandra D. Robinson and Athletic Director Tracie Latimer, without whom the girls' basketball program would not be given the support it rightly deserves.

Mr. Speaker, I am extremely proud of the Lady Panthers, Coach Pinder, and all of their supporters who every year continue to push the bounds for what is possible within their sport. I am truly honored to represent such gracious sportswomen, and look forward to next season where I hope to see the Lady Panthers tie both the Broward County's record for most consecutive championships and Florida's record for most titles overall.

## MR. FRED DESANTO

### HON. LOU BARLETTA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 7, 2012*

Mr. BARLETTA. Mr. Speaker, I rise to honor Mr. Fred DeSanto, who will be recognized as the 2011 recipient of the Joseph F. Saporito Lifetime of Service Award presented by the Pittston Dispatch in Pittston, Pennsylvania. Mr. DeSanto's selfless dedication to the service of others makes him the ideal recipient of an award that highlights the legacy of a truly great individual, Joseph F. Saporito.

Mr. DeSanto has dedicated countless hours over four decades to Little League Baseball, providing our youth with a healthy, safe, and enjoyable summer pastime. Mr. DeSanto built the Pittston Township Little League from the ground up, beginning his decades of service at the age of 24.

Mr. DeSanto, along with 12 to 15 other men, formed the league in 1975 with a vision and passion for service; without one cent of grant money. Each year, he and other volunteers signed for a $15,000 bank loan to improve the league. Additionally, 11 years after its founding, the Pittston Township Little League was selected to host Pennsylvania's all-star tournament.

In 1995, District 31 recognized Mr. DeSanto's hard work by naming him District 31 Administrator. Under his leadership, District 31 established stronger rules and regulations that enhanced the safety of our youth. Furthermore, Mr. DeSanto advocated for background checks for league volunteers, and he created a GPS program so 9–1–1 centers had the exact latitude and longitude of all 131 fields within the district.

Mr. Speaker, by founding the Pittston Township Little League, Fred DeSanto created and worked to improve a place of fun, health, and camaraderie for the youth in Pennsylvania's 11th District. Mr. DeSanto is to be commended for his 37 years of service to our community.

## THE RETIREMENT OF SHERIFF FRANK CANTEY

### HON. DAN BOREN

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 7, 2012*

Mr. BOREN. Mr. Speaker, I rise today to speak in honor of my dear friend Frank Cantey, who after 11 years of service will be retiring from his role as Sheriff of Mayes County, Oklahoma.

Frank has been in law enforcement since 1973, when he started taking criminal justice classes while working at the Contra Costa County Campus Police Department in California. In 1979, he moved to Oklahoma and has since served on the force in both Delaware and Mayes Counties.

After retiring from the Police Department, Cantey was elected Sheriff of Mayes County and took office in 2001. He has served Oklahoma honorably and kept Mayes County safe over the past 11 years. As a member of the Executive Board of the Oklahoma Sheriff's Association, Frank has worked to support public safety through training, education and the promotion of positive interaction among all criminal justice agencies across the state.

I had the honor of getting to know Cantey during my first election, and I enjoy seeing him perform in his famous band, the Law Dawgs.

Frank has always been dedicated to his wife, Linda, and their two sons Jason and Jeff. It is because of this commitment that he has chosen to retire. I wish Frank the best of luck in his endeavors, and thank him for his tireless commitment to Oklahoma.

## TRIBUTE TO CHIEF PETTY OFFICER FERNANDO JORGE, USCG

### HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 7, 2012*

Mr. BONNER. Mr. Speaker, I rise to pay tribute to U.S. Coast Guard Chief Petty Officer Fernando Jorge, age 39, of Buena Park, California and to honor his service to our country.

CPO Jorge was one of four U.S. Coast Guard crewmen aboard a MH–65C Dolphin helicopter when it crashed into Mobile Bay on February 28, 2012, during an evening training mission. The accident claimed the lives of each of the crew.

CPO Jorge, a 20-year Coast Guard veteran and rescue swimmer, was stationed at the Aviation Training Center in Mobile, Alabama at the time of the accident.

A devoted professional who dedicated his life to saving others, CPO Jorge was accustomed to the challenges of the sea. According to the Mobile Press-Register, CPO Jorge was featured on the History Channel's ''Extreme Search and Rescue'' program in 2004.

CPO Jorge and his fellow crewmen of CG–6535 each shared a love of service and a dedication to saving lives. The Coast Guard is a vital protector for our Nation's coastal communities. We can never thank them enough for their commitment to our country.

Mobile is a Coast Guard city and we suffer the loss of CPO Jorge as one of our own. We grieve with his family and we stand with them and the entire United States Coast Guard family.

To quote the words of the Coast Guard hymn,

Eternal Father, Lord of hosts,
Watch o'er the men who guard our coasts.
Protect them from the raging seas
And give them light and life and peace.
Grant them from Thy great throne above
The shield and shelter of Thy love.

On behalf of the people of Alabama and a grateful Nation, I offer condolences to CPO Jorge's family and many friends. You are each in our thoughts and prayers.

## TRIBUTE TO RANDY AND SHARI PULMAN OF SAN ANTONIO, TEXAS

### HON. CHARLES A. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 7, 2012*

Mr. GONZALEZ. Mr. Speaker, I ask my colleagues to join me in recognizing Randy and Shari Pulman of San Antonio on being honored at the 2012 Congregation Agudas Achim's Annual Gala and Honors Evening.

Over the years, they have been shining examples for our community and have left an indelible mark on the well-being and development of countless San Antonians. Shari and Randy have set a high standard of leadership through their dedication to Agudas Achim Congregation and the entire community of San Antonio.

Since 1995, Mr. Pulman has served on the Agudas Achim's Board of Trustees, most recently serving as Vice President-Finance Administration and as Treasurer of Agudas Achim's Endowment Fund Board of Directors. Mr. Pulman's civic engagement is not limited to the Agudas Achim congregation, but includes various leadership roles at Camp Young Judea, the Golden Manor Foundation, and Israel Bonds. Mrs. Pulman's active leadership within the community is evident through her involvement as Vice President of Golden Manor Jewish Senior Services, President of the Campus Board of Directors of the Harry and Jeanette Weinberg Campus of the San Antonio Jewish Community, and President of the Barshop JCC. Mrs. Pulman was also recognized with the Jewish Federation of San Antonio's Sylvia F. and Harry Sugarman Young Leadership Award in 1998 for her efforts on their Board of Directors. Additionally, Shari and Randy Pulman both hold leadership positions within the American Israel Public Affairs Committee (AIPAC).

During the course of just a few years, their tireless support of Israel and the work they have done for Congregation Agudas Achim have been an inspiration to all those around them and a model for generations to follow. I would again ask you to congratulate Shari and Randy Pulman on being honored at the 2012 Congregation Agudas Achim's Annual Gala and Honors evening.

## HONORING THE PEOPLE OF INDIANA IN THE AFTERMATH OF DEADLY TORNADOES

### HON. TODD C. YOUNG

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 7, 2012*

Mr. YOUNG of Indiana. Mr. Speaker, I rise today because I've never been prouder to call southern Indiana home.

Late Friday afternoon in our part of America, a disaster brought neighbors together, turned strangers into friends, and reminded us all of what it means to be part of a community.

Over the course of several hours, fierce winds, softball-sized hail, and deadly tornadoes descended upon southern Indiana communities, leaving behind a 50-mile path of destruction from New Pekin to Chelsea and beyond.

Our people are still assessing the costs, but we know this much: at least 13 Hoosiers have died; scores have lost their homes and businesses; and citizens across the region have suffered untold damage to their personal and public property.

As hard as it is to imagine, the tragedy might have been worse were it not for the bravery, and resilience, of rank-and-file Hoosiers.

Our firemen, policemen, EMTs, and local officials deserve our thanks. Those who serve in Indiana's National Guard, our State Police, and our Department of Homeland Security stepped up, too. From the initial response through the ongoing efforts today, their service has been exemplary.

But it has been concerned citizens—so-called ordinary Americans—who have restored a measure of stability to a region pummeled by forces beyond our control.

There was the bus driver in Henryville who, in the nick of time, rushed dozens of children back to school to protect them from the approaching twister.

There were the EMTs off Interstate 65 who saw a woman thrown from her car, and saved her from being pummeled by hail by dragging a large metal sign across the road and holding it over her. They likely saved her life.

There is Stephanie Decker, a Marysville mother who lost parts of both legs but courageously saved the lives of her two children by covering them with her body as a tornado crushed their home on top of them. We are pulling for you and your family, Stephanie.

There were parents and friends and even strangers across southern Indiana who, as danger approached, took a moment to extend a hand to others, and said, ''Come inside, we'll make room.''

After the storms left their mark, Hoosiers immediately turned to accounting for loved ones and comforting neighbors.

The damage was, and is, severe. One tornado—by some accounts a half-mile wide—carved a clear path through southern Indiana, ripping trees out of the earth, hurling automobiles and combines long distances, severing power lines, and decimating countless homes and businesses.

Here again, Hoosiers did not sit around and wait for others to help us out. We got to work.

Over the weekend, I spent time surveying the damage and meeting with those who lost the most. Everywhere I visited, I met citizens wearing boots and work gloves who were busily beginning to sort through piles of rubble. I met others who had fired up their chainsaws and were clearing debris from roadways. I saw clusters of cars and pick-up trucks parked outside homes that were hit hardest.

In the aftermath of such a tragedy, one would be forgiven for asking, ''Why me?'' But I never heard it.

Instead, time and again I heard Hoosiers sympathize with those who lost more than they. And more than one person told me that, in the end, stuff isn't all that important—it's people that are important. And I heard sincere, caring people ask their neighbors, ''How can I help?''

At one stop, I met a young couple from Jeffersonville—only 15 miles away—who offered me a drink of water. Their city didn't suffer much damage, so they loaded up their cars with bottled water and granola bars, looking for others who needed a hand.

In Henryville, a pizza shop was mostly destroyed, except for the freezer. The couple who owned it, rather than worrying about the loss of their business, asked officials how they could donate food from the freezer to those who needed it most.

In Marysville, the local Christian Church remains intact, but little else. Pastor Bob Priest told me their decades-old building is no longer structurally sound, but the congregation has never been stronger. As congregants were busy making repairs, I noticed the stained glass window above the church doorway was undamaged. It reads, ''In Memory of the Willing Workers.''

The local Red Cross chapter opened an overnight shelter, but in the first weekend no one checked in: Instead, friends shared their homes; churches opened their doors . . . everyone, it seems, could count on someone.

For those of us who have seen the scale and scope of destruction up close, we know the path back will not be easy. But we will fix all that Mother Nature broke.

Government at all levels will, and must, be there to help—from local authorities, to the

State of Indiana, to our congressional offices. My staff and I, in particular, are eager to connect our constituents to whatever federal services, and funds, might help them get their lives back on track.

But make no mistake: it will be the people of Indiana—the people of tight-knit communities like Henryville, Marysville, Chelsea, and New Pekin—who will rebuild broken lives.

During these tough times, Hoosiers are reminding us what it means to be a community of citizens—One Nation, Under God, indivisible, come what may. That sense of community has always bound Americans in tough times, and it will get us through this tragedy as well.

This thought especially struck home with me as I visited Henryville High School. The roof of the gymnasium was torn off, some of the walls had collapsed, and the bleachers were demolished. But hanging in the rafters, waving in the breeze, still hung the American flag unscathed.

May God be with those Americans who are putting their lives back together. We are praying for you, and here for you.

## HONORING THE LIFE AND SERVICE OF SGT. JUSTIN AVERY EVERETT

### HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 7, 2012*

Mr. COSTA. Mr. Speaker, it is with a heavy heart that I rise today with my colleagues, Mr. NUNES and Mr. DENHAM, to honor the life of United States Marine Sgt. Justin Avery Everett. Sergeant Everett passed away Wednesday, February 22, 2012 in a tragic helicopter accident during a night training exercise near Marine Corps Air Station in Yuma, Arizona. He was 33 years old. Sergeant Everett's patriotism, bravery, and selfless service to his country will ensure that his legacy lives on for years to come.

A proud son of California's San Joaquin Valley, Sergeant Everett was born in Chowchilla, California to James and Patsy Everett. Sergeant Everett grew up in Fresno, California with his siblings: James, Jason and Jeremy. He graduated from Reedley High School in 1996 where he won numerous wrestling medals. After high school Sergeant Everett served as a youth group leader at the Church of God Prophesy in Fresno. His commitment to service was evident as a young man. He exemplified a selfless, noble nature and a commitment to a cause greater than his own.

Following the terrorist attacks of September 11th, Sergeant Everett joined the United States Marine Corps in 2002. During his 10 year service, he was deployed on two tours of duty in Iraq. He served as a Pilot and a Crew Chief with the 3rd Marine Aircraft Wing aboard a UH–1Y Huey. At the time of his death, Sergeant Everett was preparing for a deployment to Afghanistan in July 2012.

In addition to his legacy as a U.S. Marine, Sergeant Everett will be remembered as a loving son, brother, husband, father, and friend. He is survived by his parents and his brothers, who are also helicopter pilots. Shortly before his death, Sergeant Everett and his wife, Holly, celebrated their 11th wedding anniversary. The couple have two children, a 5-year-old daughter and a 2-year-old son.

Mr. Speaker, we offer our most heartfelt sympathy and sincere condolences to Sergeant Everett's loved ones. I ask my colleagues to join Mr. NUNES, Mr. DENHAM, and me in honoring his courageous and heroic service in the United States Marine Corps. His dedication to preserving freedom and democracy will be remembered for generations to come.

## TESTIMONY FROM BRIAN AHO, PASSENGER ABOARD THE ''COSTA CONCORDIA'' CRUISE LINER

### HON. TIM HOLDEN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 7, 2012*

Mr. HOLDEN. Mr. Speaker, I rise today to enter sworn testimony into the record from Brian Aho, whose family was among the thousands who experienced the panic and confusion during the evacuation of the *Costa Concordia* class cruise ship on January 13, 2012. Mr. Aho and his family have taken multiple cruise vacations and are familiar with many of the safety procedures that are necessary aboard these large ships. Mr. Aho details the failure of safety measures aboard the *Costa Concordia*, the lack of guidance from the ship's crew, and the absence of accountability demonstrated by the ship's captain. This testimony will hopefully lead to new rules and safety guidelines that can help prevent future catastrophes.

DEAR MR. CHAIRMAN AND MEMBERS OF THE SUBCOMMITTEE: Thank you for inviting me to testify today. My name is Brian Aho. My wife, Joan Fleser, my daughter, Alana, and I set sail from the Port of Rome (Civitavecchia) on January 13, 2012, aboard the Concordia cruise liner operated by Costa Crociere and its parent company, Carnival Corporation.

Though we have been on many cruise vacations with several cruise lines, this was our first European cruise and our first time sailing with Costa. We chose this particular ship and itinerary for our 20th anniversary cruise because of the opportunity to visit many ports in several countries.

As experienced cruise passengers, we have fallen into a particular embarkation pattern. Once aboard we locate our stateroom, unpack our luggage (if available) and take a walking tour of the ship. We investigate the theater, the pools, the dining-room to which we have been assigned and the safety features. We made note that our stateroom was on Deck #2 forward, our dining room was on Deck #3 aft, and lifeboat access was on Deck #4.

After our investigation, we went back to our stateroom to prepare for a late-seating (9 p.m.) dinner. Once seated—while our appetizers were being served—the ship began to shudder. The rhythmic vibration quickly became worse and, after a tremendous groan and crash, the ship began to list severely. People were falling, glasses and plates were sliding off the tables and smashing, and people were screaming. The panic got worse when the lights failed.

My family formed a three-link chain and we worked our way through the fallen debris toward an outboard gangway leading up to Deck #4 and the lifeboats. The central (Main) entrance to the dining room was blocked with panicking passengers and crew. The only crew member offering guidance was a woman in a showgirl-style gown near the gangway who was showing the passengers the way to the lifeboats.

Once on Deck #4, people were panicking and fighting over lifejackets. Once I found and delivered one to my wife, another woman damaged it while tearing it out of her arms. The announcements indicated that it was an electrical problem with the generators and everything was under control. Evidence indicates that some passengers were instructed by crew to return to their cabins. As these announcements were made, the ship was listing more and sinking deeper. Immediately after a similar announcement, we heard the abandon ship signal (six short signals and one long signal). Few people knew what it meant as there was no verbal abandon ship announcement.

When a crewmember finally appeared, the panicking passengers pushed their way toward the boat. My wife had to grab my daughter and pull her into the boat as a cowardly man tried to push her out of the way. Once the boat was filled, the crewman had trouble readying and releasing the boat. After much hammering noise, the boat swung away from the Concordia. We were showered with white paint chips as if this boat had not been released since the gear had been painted over. After being lowered, the crew had difficulty disconnecting the boat from the davits. Once disconnected, it was clear that the crew did not know how to pilot the lifeboat effectively. It kept colliding with other boats and, eventually, the pier.

There were NO Costa representatives—neither officers nor crew—on the pier to provide guidance to the passengers. The only help we received was from the residents of the island.

As experienced cruise vacation passengers, we have recognized significant problems that, in our opinion, made a terrible situation even worse:

There were no safety drills or instructions distributed to passengers before sailing out into the open Mediterranean Sea.

The public address announcements provided false information.

The manning and deployment of the lifeboats was delayed though the ship was in imminent danger.

The crew was unable to instruct passengers during an emergency.

The crew was unable to launch and operate the lifeboats effectively.

According to reports, the captain and senior staff abandoned the ship with passengers still aboard the capsizing vessel. There was no one aboard to coordinate the evacuation.

This accident was not caused solely by the actions of a single individual. It has been alleged that Costa and its parent corporation, Carnival, allowed Captain Schettino to divert from the assigned course on previous voyages. Clearly, this course deviation was not due to climatic or safety concerns. It is our opinion that—with today's technology—central management of the cruise line must have been able to locate the position of—and track the progress of—a massive liner like the Concordia. Either they were aware of its deviation from the pre-determined course and sanctioned it, or they were ill-equipped to manage the operation of this and perhaps other vessels.

The courts will determine who or what organization is to blame for the tragic loss of life in January of 2012 off the coast of Tuscany.

## INTRODUCTION OF THE CHESAPEAKE BAY PROGRAM REAUTHORIZATION AND IMPROVEMENT ACT

### HON. BOB GOODLATTE

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 7, 2012*

Mr. GOODLATTE. Mr. Speaker, I rise today to introduce the Chesapeake Bay Program Reauthorization and Improvement Act with my colleague TIM HOLDEN from Pennsylvania.

The Chesapeake Bay, the largest estuary in the U.S., is an incredibly complex ecosystem that includes important habitats and is a cherished part of our American heritage. The Bay Watershed includes all types of land uses, from intensely urban areas, spread out suburban development and diverse agricultural practices.

I have worked hard during past negotiations on the Farm Bill to ensure that critical resources are in place to help restore the Bay. While the goal from all involved is the same, restoring the health and vitality of the Bay, the path to that health and vitality is being strongly debated. It is a clear choice, overregulation and intrusion into the lives and livelihoods of those who choose to make the Bay watershed their home, or commonsense incentive-based efforts that help restore and protect our natural resources.

Unfortunately, proposals like the Presidential Executive Order and the Environmental Protection Agency's Total Maximum Daily Load, TMDL, forces more mandates and overzealous regulations on all of those who live, work, and farm in the Chesapeake Bay Watershed. The EPA's TMDL is a power grab that sets strict limits on the amount of nutrients discharged into the Chesapeake Bay and each of its tributaries by different types of sources. These limits will dramatically restrict land usages for everyone who lives and works in the Watershed. Although the Clean Water Act requires the EPA to establish a TMDL, the power is currently reserved to the states to determine how to improve water quality, including determining nutrient reduction allocations among different types of point and non-point sources. In the proposed TMDL, the EPA has exceeded its authority in the Clean Water Act by setting specific nutrient reduction allocations by sector, a power currently reserved to the states.

Beyond the fact that the EPA lacks the authority in the Clean Water Act to take the majority of the actions that it is taking, I have serious concerns about this approach to Bay restoration. EPA has increased its federal actions in the Watershed while relying on modeling data that does not adequately include nutrient reductions that have been made in the Watershed to guide its decisions. This raises serious concerns about the ability of the agency to measure and assess restoration efforts. Further, it is clear by reports of the communities and industries affected, that these new regulations will be devastating during our current economic downturn. This will result in many billions of dollars in economic losses to states, cities and towns, farms and other businesses large and small.

This strategy limits economic growth and unfairly over regulates our local economies. Mr. HOLDEN and I recognized that we must form a proposal that does not pit the health of the bay against the strength and vitality of our local communities and that is why we rise today to introduce the Chesapeake Bay Program Reauthorization and Improvement Act

Instead of overregulation and intrusion into the lives and livelihoods of those who choose to make the Bay Watershed their home, our legislation allows states and communities more flexibility in meeting water quality goals so that we can help restore and protect our natural resources. Our bill sets up new programs to give farmers, homebuilders, and localities new ways to meet their water quality goals. This includes preserving current intrastate nutrient trading programs that many Bay states already have in place, while also creating a voluntary interstate nutrient trading program. Additionally, this bill creates a voluntary assurance framework for farmers. The program will deem farmers to be fully in compliance with their water quality requirements as long as they have undertaken appropriate conservation activities to comply with state and federal water quality standards.

Our bill makes sure that the agencies are using common sense when regulating water quality goals for localities. Our legislation requires the regulators to take into account the availability, cost, effectiveness, and appropriateness of practices, techniques, or methods in meeting water quality goals. This will ensure that localities are not being mandated to achieve a reduction in nutrient levels by a prescribed date, when no technology exists to achieve that reduction within that timeline.

Additionally, the bill contains language that reaffirms and preserves the rights of the states to write their own water quality plans. This role has been traditionally reserved to the states but that is being threatened by the Obama Administration's policies. The Obama Administration is seeking to expand their regulatory authority by seizing authority granted to the states and converting the Bay Cleanup efforts to a process that is a top down approach with mandatory regulations. I believe that each state knows best how to manage their water quality goals; not the bureaucrats at the EPA. This legislation would restore the original intent of the Clean Water Act and reaffirm the role of the States to write their own water quality plans.

While our bill does a lot to improve water quality, we also call for more oversight over the Chesapeake Bay Program. For over 3 decades Congress has been working to preserve and protect the Chesapeake Bay. Despite the efforts of the federal, state, and local governments the health of the bay is still in peril. The participants in restoring the Bay include 10 federal agencies, six states and the District of Columbia, over one thousand localities and multiple nongovernmental organizations. This legislation would fully implement two cutting-edge management techniques, crosscut budgeting and adaptive management, to enhance coordination, flexibility and efficiency of restoration efforts. Neither technique is currently required or fully utilized in the Bay restoration efforts, where results have lagged far behind the billions of dollars spent. Further, this bill calls for a review of the EPA's Bay model. We often hear complaints from those who make good faith efforts to restore the Bay that their efforts are not being recognized by EPA's Bay model. EPA's model does not account for any voluntary measures being undertaken on farms to control nitrogen and phosphorous nor does it even account for some of the nitrogen and phosphorous reductions that are being achieved through government programs like USDA's Environmental Quality Incentives Program. Effectively, EPA is ignoring nutrient reductions that have already been achieved. Our legislation requires that an independent evaluator assess and make recommendations to alter EPA's Bay model, so that we can develop a model that will capture all of the nutrient reductions that are happening in the Bay.

Mr. Speaker, the people who call the Bay Watershed home are the ones who are the most concerned about protecting and restoring the Chesapeake Bay. Unfortunately, too often these hardworking individuals are cast as villains and placed in a position where restoring the Bay is pitted against the economic livelihoods of their communities. We can restore the Bay while also maintaining the economic livelihood of these communities. The Chesapeake Bay Program Reauthorization and Improvement Act is the way we can do both. I look forward to working with my colleagues in the Congress, so that we can pass this important legislation and work to restore the Chesapeake Bay.

## TRIBUTE TO LT. CMDR. DALE T. TAYLOR, USCG

### HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 7, 2012*

Mr. BONNER. Mr. Speaker, I rise to pay tribute to U.S. Coast Guard Lt. Cmdr. Dale T. Taylor, age 36, and to honor his heroic and tireless service to our country.

Lt. Cmdr. Taylor was one of four U.S. Coast Guard crewmen aboard a MH–65C Dolphin helicopter when it crashed into Mobile Bay on February 28, 2012, during an evening training mission. The accident claimed the lives of each of the crew.

Lt. Cmdr. Taylor, a rescue pilot and father of two young sons, was stationed at the Aviation Training Center in Mobile, Alabama. He and his family are active members of Cottage Hill Baptist Church, where he served as a deacon.

An accomplished pilot who was devoted to saving lives, Lt. Cmdr. Taylor received the Coast Guard Medal in 2003 for heroism while heading a rescue mission near Key West, Florida. According to the award citation quoted by the Mobile Press-Register, Lt. Cmdr. Taylor braved rough seas to rescue a victim. "Despite jeopardizing his own safety, Lieutenant Taylor grabbed the victim and with all his remaining strength swam to the basket and lifted the exhausted survivor to safety shortly before the survivor would have surely succumbed to the seas."

Lt. Cmdr. Taylor and his fellow crewmen of CG–6535 each shared a love of service and a dedication to saving lives. The Coast Guard is a vital protector for our nation's coastal communities. We can never thank them enough for their commitment to our country.

Mobile is a Coast Guard city and we suffer the loss of Lt. Cmdr. Taylor as one of our own. We grieve with his family and we stand with them and the entire United States Coast Guard family.

To quote the words of the Coast Guard hymn,

Eternal Father, Lord of hosts,
Watch o'er the men who guard our coasts.
Protect them from the raging seas
And give them light and life and peace.
Grant them from Thy great throne above
The shield and shelter of Thy love.

On behalf of the people of Alabama and a grateful nation, I offer condolences to Lt. Cmdr. Taylor's, wife, Teresa, and their sons, Evan and Emmett, as well as other family and many friends. You are each in our thoughts and prayers.

## TRIBUTE TO OAK KNOLL VILLA AND THE RETIREMENT HOUSING FOUNDATION

### HON. CHARLES A. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 7, 2012*

Mr. GONZALEZ. Mr. Speaker, I ask my colleagues to join me in recognizing Oak Knoll Villa Apartments in my district in San Antonio. Oak Knoll Villa is a member of the Retirement Housing Foundation, and they will join in celebrating the foundation's 50 years of service to the community on March 13, 2012.

The Retirement Housing Foundation is a non-profit organization of 159 communities in 24 states, Washington, DC, Puerto Rico and the U.S. Virgin Islands, providing housing and services to more than 17,000 older adults, low income families, and persons with disabilities.

Throughout the past 50 years the foundation has fostered an environment in which team members work to make life better for thousands of San Antonians. This pinnacle achievement speaks to both the past laurels and future service of Oak Knoll Villa. Oak Knoll Villa strives to provide all persons with quality, affordable housing so that San Antonio families do not have to sacrifice paying the rent for other basic necessities.

The noble mission of the Retirement Housing Foundation is as important today as it was 50 years ago. Its impact on our communities cannot be understated. I would again ask you to congratulate Oak Knoll Villa and the Retirement Housing Foundation on their 50 years of fostering and ensuring that low-income families and individuals.

## HONORING REGIS HIGH SCHOOL REACH PROGRAM'S 10 YEAR ANNIVERSARY

### HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 7, 2012*

Mrs. MALONEY. Mr. Speaker, I rise today in honor of the 10 year anniversary of the Recruiting Excellence in Academics for Catholic High Schools, or the REACH program, an innovative program devised and operated by Regis High School in my district for low income middle school students to prepare them for acceptance into the elite private, Catholic and public high schools in New York City.

Regis High School was founded in 1914 as a 100 percent scholarship school and continues this fine tradition today. In that spirit Regis began the REACH program ten years ago to help low income middle school students to excel in their studies to allow them to not only attend the best high schools, but eventually the best colleges and universities in the country. Students from the REACH program have gone on to attend MIT, Boston College, Cornell, Williams and the University of Scranton.

The REACH program is a study in what can be achieved if students are given the proper tools to excel. Students attend a six week summer program, Saturday sessions in both the spring and fall and engage in an independent research program in the winter. During each of these phases students are not only tutored to excel academically but are also provided with leadership training, a student mentor from Regis and eventually placement services into the best high schools in New York City.

Ninety-six percent of students who participate in the REACH program have gone on to a four year institution of higher learning, many of whom are the first in their family to attend college. The REACH program can be used as an example for all of us that by giving students the appropriate tools they will excel.

I want to congratulate Regis on their wonderful success and wish them even greater success in the next ten years.

## OUR UNCONSCIONABLE NATIONAL DEBT

### HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 7, 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 $15,499,023,629,682.44. We've added $4,872,146,580,769.36 to our debt in 3 years. This is debt our nation, our economy, and our children could have avoided with a balanced budget amendment.

## PROTECTING ACADEMIC FREEDOM IN HIGHER EDUCATION ACT, H.R. 2117

### HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 7, 2012*

Ms. MCCOLLUM. Mr. Speaker, I rise in support of the amendment to H.R. 2117 proposed by the gentleman from Colorado. This amendment would require the Secretary of Education to present this body with a plan to prevent waste, fraud, and abuse of Federal financial aid dollars.

I was regrettably detained and unavailable to vote on the following amendment to H.R. 2117.

Rep. Polis (CO) Amendment #5: Would require the Secretary to present a plan to prevent waste, fraud and abuse to ensure effective use of taxpayer dollars. Had I been present to vote I would have voted "yes" on Amendment #5.

## BUREAU OF RECLAMATION SMALL CONDUIT HYDROPOWER DEVELOPMENT ACT OF 2011

SPEECH OF

### HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 6, 2012*

The House in Committee of the Whole House on the state of the Union had under consideration the bill (H.R. 2842) to authorize all Bureau of Reclamation conduit facilities for hydropower development under Federal reclamation law, and for other purposes:

Mr. BLUMENAUER. Mr. Chair, I strongly support the installation of small scale hydropower in water canals, pipelines and other Bureau of Reclamation facilities. A small investment could go a long way in helping farmers and rural communities produce homegrown energy to help power their farms and irrigation systems and even sell power to the grid. The Three Sisters Irrigation District in Oregon is pursuing such a project, which could eventually create over 3 kilowatts of clean renewable power for the local community.

These innovative projects should move along as quickly as possible. Because they would be installed in existing facilities, extensive environmental review is not needed. However, I cannot support this bill because it includes an unnecessary waiver of the National Environmental Policy Act. Environmental review for these projects can be expedited through the existing process, which allows categorical exemptions by the appropriate federal agency. A blanket exemption to NEPA would set a bad precedent, and history has shown that short-circuiting environmental and public reviews typically delays rather than assists project development.

I supported an amendment by Rep. NAPOLITANO that would have struck language in the bill that waives NEPA. Because this amendment did not pass, I must reluctantly vote no. However, I stand ready to work with my colleagues to promote development of small conduit hydropower without undermining environmental safeguards.

## HONORING THE LIFE OF CONGRESSMAN DONALD PAYNE

SPEECH OF

### HON. DORIS O. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 6, 2012*

Ms. MATSUI. Madam Speaker, I rise today to remember Congressman DONALD PAYNE.

Today, we lost a dear colleague and friend in the House of Representatives, and the American people lost a dedicated leader. I am honored to have served with Congressman PAYNE, and am deeply saddened by his passing.

DONALD spent his life fighting for those less fortunate, and was a committed advocate for education, civil rights, and social justice—both at home and abroad. He was a humanitarian in the truest sense of the word, and his passion was both inspiring and contagious. As the first, and only, African-American from New Jersey elected to Congress, DONALD was a

trailblazer. His achievements are a testament to the hard work, patience, and determination that became the hallmark of DONALD PAYNE'S career in public service.

As a senior member of the Education and Workforce Committee, DONALD was a steady and effective representative for working men and women across America. His efforts on their behalf led to tangible gains in the areas of worker health and safety. DONALD also lent his voice in support of early education, working tirelessly to ensure that every American child receives a first-class education, regardless of financial circumstance.

As a member of the Foreign Affairs Committee, DONALD won the admiration and respect of his colleagues for his extensive and unrivaled knowledge of international affairs, especially concerning Africa. His humanitarian efforts to secure international aid for populations ravaged by war and disease are a tribute to his compassion and unwavering resolve to improve the lives of the downtrodden. Madam Speaker, DONALD's legacy and long list of accomplishments will continue to provide a lasting example for my colleagues and I going forward. My sincere condolences go out to DONALD's family, friends, staff, and constituents. He will be missed in this House.

## RECOGNIZING GREGORY P. SCHAFFER

### HON. ROBERT B. ADERHOLT

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 7, 2012*

Mr. ADERHOLT. Mr. Speaker, I am honored to recognize Gregory P. Schaffer for his distinguished service to the Government of the United States as the Assistant Secretary for Cybersecurity and Communications, National Protection and Programs Directorate, Department of Homeland Security, from May 2009 until March 2012.

Mr. Schaffer is a national leader in the area of cybersecurity and communications. His unique perspective, dedication, and focus on identifying solutions to complex problems enabled the Department of Homeland Security and the Nation to take critical strides during his tenure.

Mr. Schaffer brought to DHS a blend of technical knowledge, private sector understanding, and Federal prosecution experience that enriched its cybersecurity and communications efforts.

Mr. Schaffer's leadership was essential in leading DHS efforts related to proposals for a Nationwide Public Safety Broadband Network. With the passage of recent legislation, Mr. Schaffer's concepts and structures have the potential to result in a paradigm shift in public safety communications.

During his tenure, DHS developed the National Cyber Incident Response Plan, NCIRP, the framework for incident response capabilities and coordination among Federal agencies, state and local governments, the private sector and international partners during significant cyber incidents. With the development of this plan, our Nation is postured to more effectively and comprehensively respond to the full range of cyber incidents.

As Chair of the Unified Coordination Group established by the NCIRP, Mr. Schaffer led the United States Government response to a number of critical cyber incidents impacting the public and private sectors as well as international partners.

Under Mr. Schaffer's leadership and direction, DHS also opened the new National Cybersecurity and Communications Integration Center—a 24-hour, DHS-led coordinated watch and warning and mitigation center that enhanced capabilities to address threats and incidents affecting the Nation's critical information technology and cyber infrastructure.

This Center leverages the Einstein program, a set of perimeter defenses around the ''.gov'' domain designed to detect, alert, and prevent intrusions into and data loss from Federal agency networks. Because of Mr. Schaffer's leadership, Einstein 2—which provides signature-based intrusion detection technology—is currently deployed and operational at 17 of 19 Federal agencies.

Mr. Schaffer also oversaw effective and diverse incident response activities across his cybersecurity and communications portfolio. In FY 2011 alone, the United States Computer Emergency Readiness Team responded to more than 100,000 incident reports and released more than 5,000 actionable cybersecurity alerts and information products. The National Coordinating Center for Telecommunications and the National Communications System also led, in accordance with the National Response Framework's Emergency Support Function #2, communications response activities for the New England floods, Hurricane Irene, the 2011 Japanese Tsunami, the 2010 Haiti Earthquake, and other significant national and international disasters.

Furthermore, Mr. Schaffer led activities to expand information sharing with the private sector through the Cybersecurity Information Sharing and Collaboration Program. He also supported development of tools to help private sector companies assess and improve their own network security, such as the Cyber Security Evaluation Program, CSEP, and the Cyber Security Evaluation Tool, CSET.

We are grateful for his service during a consequential period at the Department, and I look forward to his continuing contributions to the security of our great Nation.

## TRIBUTE TO LTJG THOMAS JOHN CAMERON, USCG

### HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 7, 2012*

Mr. BONNER. Mr. Speaker, I rise to pay tribute to U.S. Coast Guard LTJG Thomas John Cameron, age 24, of Portland, Oregon and to honor his service to our country.

LTJG Cameron was one of four U.S. Coast Guard crewmen aboard an MH–65C Dolphin helicopter when it crashed into Mobile Bay on February 28, 2012, during an evening training mission. The accident claimed the lives of each of the crew.

A 2009 graduate of the U.S. Coast Guard Academy, LTJG Cameron was stationed at the Coast Guard's Aviation Training Center in Mobile, Alabama at the time of the accident.

According to the Mobile Press-Register, LTJG Cameron was only two days from completing flight certification at the time of the accident. After leaving Mobile, he was to have been assigned to USGC Station Borinquen at San Juan, Puerto Rico.

LTJG Cameron was known to his family, classmates and friends as a passionate athlete. He was an accomplished soccer player, serving as captain of his high school and college teams. Off the field, his passion also extended to helping others. His father, John Cameron, told the newspaper that his son's goal since 10th grade was to be involved in ''lifesaving work.''

It is not surprising to learn that LTJG Cameron and his fellow crewmen of CG–6535 each shared a love of service and a dedication to saving lives. The Coast Guard is a vital protector for our nation's coastal communities. We can never thank them enough for their commitment to our country.

Mobile is a Coast Guard city and we suffer the loss of LTJG Cameron as one of our own. We grieve with his family and we stand with them and the entire United States Coast Guard family.

To quote the words of the Coast Guard hymn,

Eternal Father, Lord of hosts,
Watch o'er the men who guard our coasts.
Protect them from the raging seas
And give them light and life and peace.
Grant them from Thy great throne above
The shield and shelter of Thy love.

On behalf of the people of Alabama and a grateful nation, I offer condolences to LTJG Cameron's parents, John and Bette Cameron, as well as to his extended family and many friends. You are each in our thoughts and prayers.

## RECOGNIZING THE ACCOMPLISHMENTS OF LOIS WAGONER

### HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 7, 2012*

Mr. BURTON of Indiana. Mr. Speaker, today I rise to acknowledge Lois Wagoner, a loving mother, dedicated civil servant, and a truly great Hoosier. This week, Lois is being honored for her 50 years of service to the Military and Veterans Regional Office in Indianapolis. Lois began her career as a clerk in 1961 at Fort Sill, Oklahoma and worked at various military installations prior to coming to the VA in 1971 as a program support clerk in the Finance Division of the Indianapolis Regional Office. In 1974, she was promoted to be a Veterans Benefits Counselor and supervised the regional office telephone unit. By 1990, she had become the Congressional Liaison and has worked tirelessly with every Congressional office in Indiana to ensure the welfare of our returning heroes.

During her 50 years of service, Lois has earned the reputation of being one of the most loyal, kind, and honest advocates of our Veterans living in Indiana. She also has the great distinction of being the mother of a Lieutenant Colonel with the U.S. Army in Afghanistan, so while she has been serving at the VA, she did so with the rare empathy of someone keenly aware of not only the sacrifices of our brave service members defending freedom abroad, but the daily concerns of their family members here at home.

The pride in service Lois has exhibited during her career is only eclipsed by her dedication to her family. Her other son lives close by and is a local meat cutter for Kroger. She has eight grandsons and one granddaughter and one great granddaughter.

It is with great honor that I extend hearty congratulations to Lois for her tireless service. She will always have a special place in the hearts of all those who have had the opportunity to work with her over the years, most especially the countless veterans whose lives she has touched.

Congratulations Lois.

## CELEBRATING NATIONAL SCHOOL BREAKFAST WEEK

### HON. GWEN MOORE

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 7, 2012*

Ms. MOORE. Mr. Speaker, I am pleased to rise to join my colleagues in celebrating National School Breakfast Week 2012.

I don't have to tell anyone that 2011 was another year of difficult economic struggles for American households. Too many families are struggling to put food on the table. And when they do, kids suffer the most.

According to the U.S. Department of Agriculture, in 2010, 48.8 million Americans lived in households that had difficulty putting food on the table. That figure includes as many as 16 million children living in a home where food is not always available. Even worse, in over 380,000 households, one or more children did not get enough to eat—they had to cut the size of their meals, skip meals, or even go whole days without food at some time during the year.

When asked by the Gallup organization in a recent food hardship survey, ''Have there been times in the last twelve months when you did not have enough money to buy food that you or your family needed?'' more people answered ''Yes'' in the last six months of 2011 than in any period since the fourth quarter of 2008.

In broad swaths of the country, more than one in six households answered the Gallup question ''Yes.'' In fact, at least one in six said ''Yes'' in more than half of all Congressional districts (269 of 436 congressional districts.) In my district, according to the survey, the food hardship rate is 23 percent, almost one in four households. That is heartbreaking and even more so when you think that nearly 80 of my colleagues represent districts with even higher rates.

Thirty-seven million people—one in eight Americans—receive emergency food assistance each year through the Nation's food banks, a 46 percent increase in clients served from 2006.

As a result, public efforts to help meet this basic need are even more important. As the recession's grip takes firm hold, for millions of vulnerable children around our Nation, federally-supported school breakfast programs continue to be a lifeline.

The School Breakfast program began in 1966 as a two-year pilot program. It has become a valuable program that makes a difference every day in the lives of millions of children. I can tell you, Mr. Speaker, that providing availability, accessibility, and participation in the school breakfast program are some of the best ways to support the health and educational potential of children, particularly low-income children.

Eating breakfast has been shown to improve math, reading, and standardized test scores. Breakfast helps children pay attention, perform problem-solving tasks, and improves memory. Children who eat school breakfast are likely to have fewer absences and incidents of tardiness than those who do not. By eating breakfast, students get more important nutrients, vitamins and minerals such as calcium, dietary fiber, and protein. These are just a few of the known benefits.

The School Breakfast Program can readily be tailored to meet the needs of all different age groups, school schedules and physical environments. Schools use many creative service options in addition to traditional breakfast service in the cafeteria, such as Breakfast in the Classroom, Grab 'n' Go Carts and Midmorning Nutrition Breaks.

This year, the School Breakfast Week theme is ''School Breakfast—Go for the Gold,'' highlighting how eating a balanced breakfast at school can help students shine. In FY 2011 over 12 million children were able to get a nutritious school meal because of this program. In my State of Wisconsin, school breakfast participation rates have increased from 135,000 in FY 2009 to 166,000 in FY 2011, the vast majority receiving free or reduced price nutritious breakfast to jump start their school day. However, participation in the breakfast comparison lags compared to the approximately 32 million who participate in the National School Lunch Program.

Most school breakfast program students lived in impoverished families and received free or reduced price meals. For the 2009–2010 school year, to receive a free breakfast, the student needed to reside in a household earning $23,803 or less for a family of three (130 percent of the federal poverty level). For reduced price, the threshold was $33,874 (185 percent of the federal poverty level.)

Efforts to make this program work better continue and they should. Last month, the Administration released new child nutrition rules—as required by Congress in the Healthy, Hunger Free Kids Act of 2010—that seek to make the same kind of changes many parents are already trying to teach their children at home. The new rule updates school meal standards to increase fruits, vegetables, whole grain, and low-fat dairy while reducing fats, sodium and sugars. This is a long overdue step that will get healthier foods on school plates each day. USDA built the new rule around recommendations from an Institute of Medicine expert panel, updated with key changes from the 2010 Dietary Guidelines. Getting the science right is critical to better nutrition and health for our children.

Additionally, the President's FY 2013 budget request includes $35 million for school meal equipment grants to help school districts purchase the equipment needed to serve healthier meals, and improved food safety. These equipment grants would support the establishment or expansion of the School Breakfast Program. Lack of adequate kitchen equipment has been cited as a reason why schools are not able to initiate or expand their breakfast programs. Congress needs to support such initiatives.

In the spirit of National Breakfast Week, I would encourage my colleagues—and in fact, all Americans—to participate in activities like the Share Your Breakfast campaign to combat child hunger. The Share Your Breakfast campaign—which brings together Action for Healthy Kids, the Kellogg Company, and other partners—is focused on ensuring more kids have access to breakfast by increasing participation in school breakfast programs. This campaign is only in its second year, but has already offered assistance to nearly 100 schools in 26 states.

This year's goal is to provide one million breakfasts to American school children who might otherwise go without. Programs like Share Your Breakfast are to be commended and help highlight the vital role that a nutritious breakfast plays in promoting educational success.

Mr. Speaker, a growing number of Americans are going hungry and federal safety-net nutrition programs, like the School Breakfast Program, are playing a crucial role in helping hardworking families, including their children, stay nourished.

Let me conclude, Mr. Speaker, by saying that though our country is in the midst of a tough economic time, I hope there remains bipartisan support for this simple statement: no child in our community or across the country should ever go through the school day hungry. The School Breakfast Program is critical to making that a reality.

I am pleased to join my colleagues in highlighting the value and success of this program and those who work every day to make sure that our future leaders, our future engineers, and scientists, and politicians or whatever else boys and girls across our Nation want to be, won't be stopped because of a growling stomach and nagging hunger.

## PROCLAIMING THE HOUSE OF REPRESENTATIVES' RECOGNITION OF THE 100TH ANNIVERSARY OF PATRICIA NIXON'S BIRTH IN ELY, NEVADA ON MARCH 16, 2012

### HON. MARK E. AMODEI

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 7, 2012*

Mr. AMODEI. Mr. Speaker, I rise today to recognize the 100th anniversary of the birth of Thelma Catherine ''Pat'' Ryan Nixon in Ely, Nevada.

Pat was born the youngest of four children on March 16th, 1912, in the small mining town of Ely, Nevada to William M. Ryan, Sr., a sailor, gold miner, and truck farmer of Irish descent and Katherine Halberstadt, a German immigrant. Thelma Catherine Ryan was nicknamed ''Pat'' because of her Irish heritage. In fact, the family always celebrated her birthday on the Irish holiday of St. Patrick's Day, March 17th.

Pat and her family moved to a small town near Los Angeles when she was just a year old. She grew up with typical Western self-sufficiency. It has often been said that the mining community in Ely and her family's own straightened circumstances helped mold her into the strong person that she became.

Upon enrolling in college in 1931, she unofficially dropped her given name Thelma, replacing it with Pat and occasionally rendering

it as Patricia. On June 21, 1940, Pat married Richard Milhouse Nixon at Mission Inn, Riverside, California. The two met while they were performing in a theater production of "The Dark Tower." During World War II, she worked as a government economist while Richard served in the Navy. She campaigned tirelessly alongside her husband as he ran for Congress, the Senate, and, later, the Vice Presidency.

On January 20th, 1969, Richard Milhouse Nixon was sworn in as the 37th President of the United States. Pat became First Lady, the first, and so far only, woman from Nevada to serve in that role.

While in the White House, Pat publicly advocated for women to become more involved in the political process. She also used her position as First Lady to encourage volunteer service, opened the White House to more visitors, and added 600 paintings and antiques to the White House collection. She also traveled extensively, earning the unique diplomatic standing of "Personal Representative of the President."

Patricia Nixon passed away on June 22, 1993, and is buried at the Richard Nixon Birthplace and Museum in Yorba Linda, California.

March 16, 2012, marks the 100th anniversary of Patricia Nixon's birth in Ely, Nevada. I ask my colleagues to join me in celebrating and recognizing the varied, significant contributions that Pat Nixon made throughout her life, particularly as the First Lady of the United States.

## IN RECOGNIITON OF LANCE CORPORAL MARK FIDLER AND FAMILY

### HON. TIM HOLDEN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 7, 2012*

Mr. HOLDEN. Mr. Speaker, I rise today to honor a real American hero, United States Marine Mark Fidler, who hails from my congressional district in Berks County, Pennsylvania. On October 3, 2011, while on foot patrol in Afghanistan, an IED exploded next to Lance Corporal Fidler, nearly killing him. He lost both legs above the knee and suffered extensive internal injuries. He survived, largely due to his brothers in arms and a British air unit that got him to the Bastion mash unit in record time. His parents, Stacy and Kermit Fidler, have put their lives on hold to be by his side night and day. Families are the quiet heroes who make such a huge difference in the recoveries of our soldiers. I ask that this poem, written by Albert Caswell in honor of those loving parents, be placed in the CONGRESSIONAL RECORD.

WRITTEN ON YOUR SOUL

All that we so have . . .
All that we so hold . . .
All that we so are . . .
Of which so means the most . . .
Is but so written, all on our souls . . .
As is yours Mark, something special to behold!
But, so lies something far much more precious than mere gold . . .
As is so etched upon your heart be told . . .
As lies something far much more greater than you could ever know . . .
Setting you apart from all the rest, all in what your fine heart so holds . . .
'Oh, but To Be One of America's Finest . . . but, Her Very Best!
A Uh . . . Raaaa Jar Head . . . As a United States Marine, no less . . .
As is so written upon your soul, as was etched . . .
To go off to war, to our nation's freedom's to insure . . .
And to so face death no less!
How can one ask for more?
As our nation Mark, you and your family have so blessed!
Than, to lose half of you . . . your best . . .
And yet somehow you would so cheat death . . .
No, you are not half the man you used to be,
for you sum has grown far much greater . . . see!
As when courage comes to crest, to so teach us all the more!
To so reach deep down inside your heart of courage . . . Amor!
As my son Mark, our world you have so blessed!
As you've come back from such heartache, and such sure death!
Is that not what heaven is so for?
As somehow, your fine soul will not give up or in . . .
All in its most courageous quest,
as we so see where its take you, from where you have been!
To but rebuild again, when This Pride of Pennsylvania . . .
Had almost nothing left . . .
As Mark, you bring The Angels up in heaven to tears at your behest!
And all in our Lord's heart Mark, you are now so caressed!
And if ever I have a son,
I wish he could be like you this one . . .
All because of what is now so etched upon your soul!
As your great faith and courage and strength, is but something to behold!
As now so etched!
For Heaven so awaits all of those who give their very best!
Who so freely are so ready to give up their fine lives, all in freedom's quest!
Who all upon their souls such magnificence is so etched!
So etched with such Strength In Honor, and Faith so no less . . .
All in your shades of green, Mark you are one hell of a United States Marine!
Who our nation has so blessed!
Yes, arms and legs we all need . . . But we can get by . . .
But, without a heart and soul like yours Mark, we will surely die . . .
And Mark its up In Heaven, where you need not even eyes . . .
And that's where your going one day Mark, when you rise!
With but tears in your eyes . . .
And in the coming years, it all seems so very clear . . .
That, you have so much more to etch . . . All with you fine heart as left!
Moments, are all that we so have!
Minutes, only to hearts so grab!
To this our world to so bless!
As all written upon our souls as etched!
What, have we so written . . . As we grow old?
What, have we done that which is so worthy to behold?
What, have we so given . . . That which is far much more precious than mere gold?
That now so lies, all etched upon our souls!
As have you Mark, so bestowed!
UH . . . RRRRAH, Jar Head . . .
All in what your fine life has said, and so continues to so grow!
All so written, so on your soul!

## TRIBUTE TO SAN ANTONIO ART LEAGUE AND MUSEUM

### HON. CHARLES A. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 7, 2012*

Mr. GONZALEZ. Mr. Speaker, I ask my colleagues to join me in recognizing the San Antonio Art League and Museum in celebration of their 100th anniversary.

The San Antonio Art League and Museum is the oldest arts organization in the city of San Antonio, Bexar County, and surrounding counties in the State of Texas. The museum was founded by Mrs. Henry Drought, who served as president of the organization for 25-years. Mrs. Henry Drought's mission was to foster knowledge of and interest in art in this area of Texas by means of exhibitions, lectures, and classes. Additionally she firmly believed in the encouragement of local artists in order to create and provide an avenue to display and promote the museum's mission. As a result, the San Antonio Art League and Museum has acquired and preserved more than 400 pieces of art from all across Texas. The museum continues to promote artists from Bexar County and the surrounding areas through its many activities, including promoting talented young art students at a collegiate art exhibition.

Art has always stood as an essential form of expression, communication, and cultural appreciation, and it has been extremely important to the cultural development of our community. I would again ask you to congratulate the San Antonio Art League and Museum for enriching the community of San Antonio for the past 100 years.

## TRIBUTE TO PETTY OFFICER 3RD CLASS ANDREW KNIGHT, USCG

### HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 7, 2012*

Mr. BONNER. Mr. Speaker, I rise to pay tribute to U.S. Coast Guard Petty Officer 3rd Class Andrew Knight, age 26, of Thomasville, Alabama and to honor his devoted service to our country.

Petty Officer Knight, known by his family and friends as "Drew", was one of four U.S. Coast Guard crewmen aboard a MH–65C Dolphin helicopter when it crashed into Mobile Bay on February 28, 2012, during an evening training mission. The accident claimed the lives of each of the crew.

A native of Southwest Alabama, Petty Officer Knight was stationed at the Aviation Training Center in Mobile, Alabama where he served as a flight mechanic.

Petty Officer Knight and his fellow crewmen of CG–6535 each shared a love of service and a dedication to saving lives. The Coast Guard is a vital protector for our nation's coastal communities. We can never thank them enough for their commitment to our country.

I recently visited with Drew's parents to personally extend my deep sympathy for their tremendous loss. As I conveyed to them, growing up in Camden, which is not far from Thomasville, I know the Drew Knights of the world

are the ones that stand out in any setting—church, school, community, and country.

South Alabama suffers the loss of Petty Officer Drew Knight, a native son who loved his country and helping others. We grieve with his family and we stand with them and the entire United States Coast Guard family.

To quote the words of the Coast Guard hymn,

Eternal Father, Lord of hosts,
Watch o'er the men who guard our coasts.
Protect them from the raging seas
And give them light and life and peace.
Grant them from Thy great throne above
The shield and shelter of Thy love.

On behalf of the people of Alabama and a grateful nation, I offer condolences to Petty Officer Knight's mother and father, Ken and Becky Knight, his brother, Todd, as well as his extended family and many friends. You are each in our thoughts and prayers.

## 50TH ANNIVERSARY OF MICA CORPORATION

### HON. KAY GRANGER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 7, 2012*

Ms. GRANGER. Mr. Speaker, I rise today to acknowledge and honor the 50th anniversary of MICA Corporation—a family-owned company based in Fort Worth, Texas. Back in 1962, two ambitious men named Mickey Stewart and Cayce Tubb had a vision for their futures and a plan for success. Together, they established the MICA Corporation to perform highway guard-rail contract work. Over the years, MICA Corporation has remained on the cutting edge of Texas highway construction and become a well-known and highly respected state-wide company. L.C. Tubb, son of co-founder Cayce Tubb and the current owner of MICA Corporation, has flown all of his employees to Washington, DC to celebrate the 50th anniversary of this great company. I am very proud of what this company has accomplished over the years and pleased that it calls Fort Worth home. Today, I want to welcome L.C. and the many dedicated employees of MICA Corporation to Washington, DC. I want to congratulate everyone at MICA Corporation on achieving this milestone, and wish them many, many more years of success.

## ESSAY BY LESLIE LOPEZ

### HON. PETE OLSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 7, 2012*

Mr. OLSON. Mr. Speaker, I am privileged to interact with some of the brightest students in the 22nd Congressional District who serve on my Congressional Youth Advisory Council. I have gained much by listening to the high school students who are the future of this great Nation. They provide important insight into the concerns of our younger constituents and hopefully get a better sense of the importance of being an active participant in the political process. Many of the students have written short essays on a variety of topics and I am pleased to share these with my House colleagues.

Leslie Lopez is a junior at Pasadena Memorial High School in Harris County, Texas. Her essay topic is: Select an important event that has occurred in the past 50 years and explain how that event has changed our country. Leslie chose September 11th, 2001.

September eleventh is a day that will be remembered for ages to come by citizens in our nation. The long-lived memorable event marked not only the lives of the people, but our entire country as a whole. The attacks of that date affected the nation's economy, took our peace of mind, and caused us to enforce anti-terrorism policies that till this day have not changed.

The attacks had a significant economic impact on the United States and world markets. The stock exchange remained closed for several days in the aftermath; the Dow Jones Industrial Average fell significantly; in only three months after the occurrence, nearly 430,000 jobs were lost as well as millions of dollars in wages. The small businesses in Lower Manhattan were affected as well. A staggering 18,000 of those were destroyed or replaced, resulting in a loss of jobs and wages. The events of September eleventh most definitely left its mark on the nation's economy.

The tragedy also affected the country's peace of mind. People felt as if not even homes or schools were then longer safe. Recalling back to that date, I was only a child and could not understand why every adult parent and teacher seemed paranoid at what was happening in New York. What seemed like weeks after went by and the occurrence was still fresh on everyone's minds. Till this day, citizens have not completely reinstated that peace of mind they once had, and it will continue to be this way for years to come.

With the 9–11 attacks came new anti-terrorism policies which did not exist prior to the date. The Department of Homeland Security, for example, was created a couple of years after the occurrence to protect the states against terrorism activity. The attacks also indirectly caused the War in Afghanistan as an effort to dismantle the al-Qaeda terrorist organization, which was also set into motion only a month after the attacks on the World Trade Center.

The changes that the 9–11 attacks caused brought drastic changes to the United States and the grand scheme of things, the economy, our peace of mind, and the anti-terrorism policies that were adopted were only a small portion of all that the attacks affected.

## IN CELEBRATION OF REVEREND DR. WENDELL ANTHONY'S 25TH PASTORAL ANNIVERSARY

### HON. GARY C. PETERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 7, 2012*

Mr. PETERS. Mr. Speaker, I rise and I ask my colleagues to join me today to salute Reverend Dr. Wendell Anthony on the occasion of his 25th Anniversary as Pastor of Fellowship Chapel in Detroit, Michigan.

In 1987, Reverend Dr. Wendell Anthony was installed as senior pastor at Fellowship Chapel. From that platform, he has been an unwavering voice for those without, guiding thousands in faith. He has educated and moved many more thousands in civil rights, economics, and politics toward the pursuit of justice and righteousness. Through his work, he has had an impact on the lives of hundreds of thousands of people throughout the city of Detroit, and, indeed, across our Nation and this globe.

In 1993, when he became President of the Detroit Branch of the NAACP, Reverend Anthony ushered in a new era of activism and strength for the largest NAACP chapter in the county. That year, he led a quarter-million people through the streets of Detroit to commemorate the 30-year anniversary of the historic 1963 Detroit March by Dr. Martin Luther King, Jr. that took place before King's iconic March on Washington. Reverend Anthony has worked tirelessly to build connections between his congregants and the international community, particularly Africa. In addition to establishing a medical clinic in Ghana, Reverend Anthony organized a relief effort raising nearly $1 million for food, medicine, clothing and transportation to aid hundreds of thousands of refugees in both Rwanda and Zaire in 1994. In 2000, he organized a similar relief effort for flood victims in Mozambique, Zimbabwe and South Africa.

Reverend Anthony's work at home has been equally impressive and passionate, working on wide ranging issues of social and economic justice like insurance rates in Detroit, minority business contracting, and fairness in banking. As the former co-chair of the Detroit Fair Banking Alliance, Reverend Anthony helped to negotiate over $7.2 billion in new lending from local banking institutions for the purpose of economic development in our region.

As founder of the Fannie Lou Hamer Political Action Committee, Reverend Anthony created an institution that provides a strong, organized and progressive voice in the political process, holding public officials accountable to work in the best interests of the African American community. As chairman and founder of the Freedom Institute for Economic, Social Justice and Empowerment, Reverend Anthony hosts the largest sit-down dinner in the world each year for leaders, activists and lay people from across the spectrum of society from education, to the law, to politics, to labor and beyond.

My colleagues, I could speak for a very long time about the good Reverend's work over the last quarter century with each accolade more impressive that the last, but I shall conclude my remarks by wishing my friend, Reverend Anthony, well and Godspeed for another quarter century, and beyond, of work in service to Christ and the community of mankind.

## ESSAY BY ALLISON MOCK

### HON. PETE OLSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 7, 2012*

Mr. OLSON. Mr. Speaker, I am privileged to interact with some of the brightest students in the 22nd Congressional District who serve on my Congressional Youth Advisory Council. I have gained much by listening to the high school students who are the future of this great Nation. They provide important insight into the concerns of our younger constituents and hopefully get a better sense of the importance of being an active participant in the political process. Many of the students have written short essays on a variety of topics and I am pleased to share these with my House colleagues.

Allison Mock is a senior at Kempner High School in Fort Bend County, Texas. Her essay topic is: Why is it important to participate in the political process?

George Bernard Shaw once said, ''Democracy is a device that ensures we shall be governed no better than we deserve;'' this is especially true in our nation today. America has become apathetic. We no longer look for ways to actively participate in our own government. Voting in minor elections, writing letters to congressmen, and attending city council meetings to stay updated have become things of the past. In essence, we have forgotten how to be involved in the political process. This is a natural feature of our country's aging. The majority of the population does not remember that voting is a privilege, not a guarantee. We dismiss that there ever was a time when having your voice heard was almost impossible and advocating controversial opinions dangerous. The Founders of our nation and millions of soldiers died so we would never again see such a time, their sacrifices should never be taken lightly. Those heroes dreamed of a country where the people determined what the future would look like, and now we are here. However, the hard work is far from over. While the Constitution provides the foundation to build our government upon, the most important work is done by the people we elect. Our republic should be reinvented with each new generation. This makes it even more important for the majority to participate in the political process. Our system is currently lacking people to balance out the radical activists and conversely, push forward those who have stagnated in their policy. The recent retirement of leaders like Senator Stowe is compelling evidence that even leaders are frustrated by the polarization of the politically active members of society. We need everyone to participate to fully deserve a good government.

An ideal spot to start these changes would be in high schools. Although Government classes lightly touch on the importance of voting, most kids have no idea how crucial it is. A self-fulfilling prophecy occurs in their political lives; society does not expect them to care until they are older, and as a result, they don't think they need to. However, if the curriculum included more of an emphasis on not only the importance of voting, but a detailed explanation of what each party stands for and how to discern for themselves how they would like to vote, students would respond. Lists of election dates could be distributed to students and posted online. By involving social media we could reach even more of this demographic. Twitter, Facebook, my space could all have reminders to vote, information about candidates and their issues, and ways to get involved in the community it would be difficult. A similar campaign was tried in the early 2000s, but was abandoned when it did not prove immediately effective. While we have more social media now, allowing the message to further penetrate, what we really need is perseverance from our leaders. We must continue to try and reach this crucial age group, because they too deserve a chance to reshape the republic and make this country even greater.

## HONORING NAZARETH COLLEGE ON ITS DESIGNATION AS MILITARY FRIENDLY

### HON. TOM REED

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 7, 2012*

Mr. REED. Mr. Speaker, I rise today to recognize Nazareth College, which I am proud to represent as part of the 29th District of the great state of New York. Nazareth College was recently recognized by the Military Advanced Education Journal as military friendly, following a concerted effort to help veteran students transition to academia.

Beginning with the hiring of Jeremy Bagley as coordinator of veteran student enrollment, Nazareth College has worked to provide more services and offerings to its veteran students. By working with the Rochester Veterans Outreach Center, Nazareth College has provided access to creative arts therapy and therapists and developed a program to train faculty and staff to help respond to veterans' needs. When the Veterans Outreach Center was forced to lay off employees due to financial pressures, Nazareth College provided oversight of its on-site clinical staff to help offset the impact of cuts to vital programs. Nazareth College continues to offer internships pairing veterans with veteran mentors as part of a broad strategy to help veteran students better handle the transition from military service to academia.

In recognition of this concerted effort by Nazareth College and in light of the rigorous criteria used by the Military Advanced Education Journal in awarding this distinction, I am pleased to recognize Nazareth College for their designation as military friendly.

## ESSAY BY BAILEY ARLINGHAUS

### HON. PETE OLSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 7, 2012*

Mr. OLSON. Mr. Speaker, I am privileged to interact with some of the brightest students in the 22nd Congressional District who serve on my Congressional Youth Advisory Council. I have gained much by listening to the high school students who are the future of this great Nation. They provide important insight into the concerns of our younger constituents and hopefully get a better sense of the importance of being an active participant in the political process. Many of the students have written short essays on a variety of topics and I am pleased to share these with my House colleagues.

Bailey Arlinghaus is a senior at Clements High School in Fort Bend County, Texas. Her essay topic is: In your opinion, what role should government play in our lives?

Government is crucial in our lives. Without government, we would all be barbarically fighting for the limited amount of resources we have available. Government helps our society function the way it is, but just like anything else, too much of a good thing can be bad. Therefore, government intervention should be limited on our lives. Too much government control can lead to dictatorships or the government playing a ''Big Brother'' kind of role. This ''Big Brother'' type of rule would be bad in the long run because the people would lose faith in the government, so the citizens would try to find any way they can to overthrow the government. Government's role should be to help society but within its boundaries set by society. Crossing these boundaries can lead to too much government intervention in our society. I think the boundary that the government should never cross would be the boundary of the government tracking your every move and everything you do. The government's main role should be to lay down the expectations, make laws that people should follow, help society when needed, but don't interfere in society so much that it makes the people dependent on the government to run effectively. The government's role is important to how this society functions. Therefore, the government needs to let society work in a way so that it isn't making the society completely dependent on them. Every individual should be able to speak their mind, without control, to promote new ideas that better society. That can only happen with a limited government role, to make society work on its own. The government should do nothing except give a little push to society every now and then to keep it running. With this, the government isn't running our everyday lives but just helping us to be able to run it ourselves. We should all follow the government's laws but, at the same time, be able to have a mind of our own. To conclude, the government shouldn't play a huge role in our every day lives, rather a limited one, so we can be more effective on our own and be able to think for ourselves.

## 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 8, 2012 may be found in the Daily Digest of today's RECORD.

## MEETINGS SCHEDULED

### 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

Foreign Relations

To hold hearings to examine the nominations of Frederick D. Barton, of Maine, to be an Assistant Secretary of State (Conflict and Stabilization Operations), and to be Coordinator for Reconstruction and Stabilization, and William E. Todd, of Virginia, to be Ambassador to the Kingdom of Cambodia, both of the Department of State, and Sara Margalit Aviel, of California, to be United States Alternate Executive Director of the International Bank for Reconstruction and Development.

SD–419

10:30 a.m.

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

2:30 p.m.

Foreign Relations

To hold hearings to examine the nominations of Carlos Pascual, of the District of Columbia, to be Assistant Secretary for Energy Resources, John Christopher Stevens, of California, to be Ambassador to Libya, and Jacob Walles, of Delaware, to be Ambassador to the Tunisian Republic, all of the Department of State.

SD–419

Environment and Public Works

Water and Wildlife Subcommittee

To hold hearings to examine S. 810, to prohibit the conducting of invasive research on great apes, S. 1249, to amend the Pittman-Robertson Wildlife Restoration Act to facilitate the establishment of additional or expanded public target ranges in certain States, S. 2071, to grant the Secretary of the Interior permanent authority to authorize States to issue electronic duck stamps, S. 357, to authorize the Secretary of the Interior to identify and declare wildlife disease emergencies and to coordinate rapid response to those emergencies, S. 1494, to reauthorize and amend the National Fish and Wildlife Foundation Establishment Act, S. 1266, to direct the Secretary of the Interior to establish a program to build on and help coordinate funding for the restoration and protection efforts of the 4-State Delaware River Basin region, and S. 2156, to amend the Migratory Bird Hunting and Conservation Stamp Act to permit the Secretary of the Interior, in consultation with the Migratory Bird Conservation Commission, to set prices for Federal Migratory Bird Hunting and Conservation Stamps and make limited waivers of stamp requirements for certain users.

SD–406

Intelligence

To hold closed hearings to examine certain intelligence matters.

SH–219

3 p.m.

Appropriations

Military Construction and Veterans Affairs, and Related Agencies Subcommittee

To hold hearings to examine proposed military construction budget estimates for fiscal year 2013 for the Department of Defense and the Department of the Navy.

SD–124

### MARCH 14

9:30 a.m.

Appropriations

Department of the Interior, Environment, and Related Agencies Subcommittee

To hold an oversight hearing to examine Federal onshore and offshore energy development programs in the Department of the Interior.

SD–124

10 a.m.

Agriculture, Nutrition, and Forestry

To hold hearings to examine risk management and commodities in the 2012 farm bill.

SH–216

Foreign Relations

To hold hearings to examine Sudan and South Sudan, focusing on independence and insecurity.

SD–419

Homeland Security and Governmental Affairs

To hold hearings to examine Congress, focusing on reform proposals for the 21st century.

SD–342

Appropriations

State, Foreign Operations, and Related Programs Subcommittee

To hold hearings to examine proposed budget estimates for fiscal year 2013 for the United States Agency for International Development.

SD–226

Veterans' Affairs

To hold hearings to examine ending homelessness among veterans, focusing on Veterans' Affairs progress on its five year plan.

SR–418

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 Air Force.

SD–192

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 Labor.

SD–138

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

2:30 p.m.

Energy and Natural Resources

To hold hearings to examine the nominations of Adam E. Sieminski, of Pennsylvania, to be Administrator of the Energy Information Administration, Department of Energy, Marcilynn A. Burke, of North Carolina, to be an Assistant Secretary of the Interior, and Anthony T. Clark, of North Dakota, and John Robert Norris, of Iowa, both to be a Member of the Federal Energy Regulatory Commission.

SD–366

Banking, Housing, and Urban Affairs

Financial Institutions and Consumer Protection Subcommittee

To hold hearings to examine issues in the prepaid card market.

SD–538

Foreign Relations

To hold hearings to examine the nominations of Pamela A. White, of Maine, to be Ambassador to the Republic of Haiti, Linda Thomas-Greenfield, of Louisiana, to be Director General of the Foreign Service, and Gina K. Abercrombie-Winstanley, of Ohio, to be Ambassador to the Republic of Malta, all of the Department of State.

SD–419

Homeland Security and Governmental Affairs

Oversight of Government Management, the Federal Workforce, and the District of Columbia Subcommittee

To hold hearings to examine managing interagency nuclear nonproliferation efforts, focusing on if nuclear materials around the world are effectively secured.

SD–342

Armed Services

Strategic Forces Subcommittee

To hold hearings to examine strategic forces programs of the National Nuclear Security Administration and the Department of Energy's Office of Environmental Management in review of the Department of Energy budget request for fiscal year 2013; with the possibility of a closed session in SVC–217 following the open session.

SR–222

2:45 p.m.

Judiciary

To hold hearings to examine the nominations of William J. Kayatta, Jr., of Maine, to be United States Circuit Judge for the First Circuit, John

Thomas Fowlkes, Jr., to be United States District Judge for the Western District of Tennessee, Kevin McNulty, and Michael A. Shipp, both to be a United States District Judge for the District of New Jersey, and Stephanie Marie Rose, to be United States District Judge for the Southern District of Iowa.

SD–226

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

2:30 p.m.
Appropriations
Legislative Branch Subcommittee
To hold hearings to examine proposed budget estimates for fiscal year 2013 for the Government Accountability Office, Government Printing Office, and the Congressional Budget Office.

SD–138

Banking, Housing, and Urban Affairs
Securities, Insurance and Investment Subcommittee
Housing, Transportation and Community Development Subcommittee
To hold joint hearings to examine strengthening the housing market and minimizing losses to taxpayers.

SD–538

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.
Homeland Security and Governmental Affairs
To hold hearings to examine retooling government for the 21st century, focusing on the President's reorganization plan and reducing duplication.

SD–342

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

2:30 p.m.
Energy and Natural Resources
Public Lands and Forests Subcommittee
To hold hearings to examine S. 303, to amend the Omnibus Budget Reconciliation Act of 1993 to require the Bureau of Land Management to provide a claimant of a small miner waiver from claim maintenance fees with a period of 60 days after written receipt of 1 or more defects is provided to the claimant by registered mail to cure the 1 or more defects or pay the claim maintenance fee, S. 1129, to amend the Federal Land Policy and Management Act of 1976 to improve the management of grazing leases and permits, S. 1473, to amend Public Law 99–548 to provide for the implementation of the multispecies habitat conservation plan for the Virgin River, Nevada, and to extend the authority to purchase certain parcels of public land, S. 1492, to provide for the conveyance of certain Federal land in Clark County, Nevada, for the environmental remediation and reclamation of the Three Kids Mine Project Site, S. 1559, to establish the San Juan Islands National Conservation Area in the San Juan Islands, Washington, S. 1635, to designate certain lands in San Miguel, Ouray, and San Juan Counties, Colorado, as wilderness, S. 1687, to adjust the boundary of Carson National Forest, New Mexico, S. 1774, to establish the Rocky Mountain Front Conservation Management Area, to designate certain Federal land as wilderness, and to improve the management of noxious weeds in the Lewis and Clark National Forest, S. 1788, to designate the Pine Forest Range Wilderness area in Humboldt County, Nevada, S. 1906, to modify the Forest Service Recreation Residence Program as the program applies to units of the National Forest System derived from the public domain by implementing a simple, equitable, and predictable procedure for determining cabin user fees, S. 2001, to expand the Wild Rogue Wilderness Area in the State of Oregon, to make additional wild and scenic river designations in the Rogue River area, to provide additional protections for Rogue River tributaries, S. 2015, to require the Secretary of the Interior to convey certain Federal land to the Powell Recreation District in the State of Wyoming, and S. 2056, to authorize the Secretary of the Interior to convey certain interests in Federal land acquired for the Scofield Project in Carbon County, Utah.

SD–366

MARCH 27

2:30 p.m.
Armed Services
Airland Subcommittee
To hold a hearing to examine Army modernization in review of the Defense Authorization request for fiscal year 2013 and the Future Years Defense Program.

SR–222

MARCH 28

9:30 a.m.
Armed Services
SeaPower Subcommittee
To receive a closed briefing on the Ohio-class Replacement Program in review of the Defense Authorization request for fiscal year 2013 and the Future Years Defense Program.

SVC–217

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

MARCH 29

10 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

# *Daily Digest*

## HIGHLIGHTS

**Final Résumé of Congressional Activity (including the History of Bills) for the First Session of the 112th Congress.**

# Senate

## *Chamber Action*

***Routine Proceedings, pages S1433–S1494***

**Measures Introduced:** Eight bills and one resolution were introduced, as follows: S. 2166–2173, and S. Res. 390. **Page S1459**

**Measures Passed:**

***Nonmarket Economy Countries:*** Senate passed H.R. 4105, to apply the countervailing duty provisions of the Tariff Act of 1930 to nonmarket economy countries, pursuant to the order of March 5, 2012. **Page S1441**

***Pandemic and All-Hazards Preparedness Act Reauthorization:*** Senate passed S. 1855, to amend the Public Health Service Act to reauthorize various programs under the Pandemic and All-Hazards Preparedness Act, after agreeing to the committee amendment in the nature of a substitute, and the following amendment proposed thereto: **Pages S1476–93**

Reid (for Harkin) Amendment No. 1823, to make certain technical corrections. **Page S1484**

***Honoring Donald M. Payne:*** Senate agreed to S. Res. 390, honoring the life and legacy of the Honorable Donald M. Payne. **Page S1493**

**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 S1441–54, S1454–56**

Adopted:

Reid Amendment No. 1761, of a perfecting nature. **Page S1441**

Withdrawn:

Reid motion to recommit the bill to the Committee on Environment and Public Works, with instructions, Reid Amendment No. 1763, to change the enactment date. **Pages S1441, S1456**

Reid Amendment No. 1762 (to Amendment No. 1761), to change the enactment date. **Pages S1441, S1456**

During consideration of this measure today, Senate also took the following action:

Reid Amendment No. 1764 (to (the instructions) Amendment No. 1763), of a perfecting nature, fell when the Reid motion to recommit the bill to the Committee on Environment and Public Works, with instructions, Reid Amendment No. 1763, was withdrawn. **Pages S1441, S1456**

Reid Amendment No. 1765 (to Amendment No. 1764), of a perfecting nature, fell when Reid Amendment No. 1764 (to (the instructions) Amendment No. 1763), fell. **Pages S1441, S1456**

A unanimous-consent agreement was reached providing that the bill, as amended, be considered original text for the purposes of further amendment; that the following amendments be the only first-degree amendments remaining in order to the bill: Vitter Amendment No. 1535; Baucus, or designee, relative to rural schools; Collins Amendment No. 1660; Coburn Amendment No. 1738; Nelson (FL)-Shelby-Landrieu Amendment No. 1822, with a modification in order if agreed to by Senators Nelson (FL), Shelby, Landrieu and Baucus; Wyden Amendment No. 1817; Hoeven Amendment No. 1537; Levin Amendment No. 1818; McConnell, or designee, side-by-side to Stabenow Amendment No. 1812; Stabenow Amendment No. 1812; DeMint Amendment No. 1589; Menendez-Burr Amendment No. 1782; DeMint Amendment No. 1756; Bingaman Amendment No. 1759; Coats Amendment No. 1517; Brown (OH) Amendment No. 1819; Blunt Amendment No. 1540; Merkley Amendment No. 1653; Portman Amendment No. 1736; Klobuchar Amendment No. 1617; Corker Amendment No. 1785, with a modification; Shaheen Amendment No. 1678; Portman Amendment No. 1742; Corker

Amendment No. 1810; Carper Amendment No. 1670; Hutchison Amendment No. 1568; McCain Amendment No. 1669, modified with changes at the desk; Alexander Amendment No. 1779; Boxer Amendment No. 1816; and Paul Amendment No. 1556; that on Thursday, March 8, 2012, at a time to be determined by the Majority Leader, after consultation with the Republican Leader, Senate vote on or in relation to the amendments, in the order listed; that the following amendments be subject to a 60 affirmative vote threshold: Vitter Amendment No. 1535; Baucus, or designee, relative to rural schools; Collins Amendment No. 1660; Coburn Amendment No. 1738; Nelson (FL)-Shelby-Landrieu Amendment No. 1822; Wyden Amendment No. 1817; Hoeven Amendment No. 1537; McConnell, or designee, side-by-side to Stabenow Amendment No. 1812; Stabenow Amendment No. 1812; DeMint Amendment No. 1589; Menendez-Burr Amendment No. 1782; that there be no other amendments in order to the bill or the amendments listed other than a managers' package; and there be no points of order or motions in order to any of these amendments other than budget points of order and the applicable motions to waive; that it be in order for a managers' package to be considered and, if approved by the managers and the two Leaders, the managers' package be agreed to; provided further, the bill, as amended, then be read a third time and the Senate vote on passage of the bill, as amended; and if the bill is passed, it be held at the desk; and when the Senate receives the House companion to S. 1813, as determined by the two Leaders, it be in order for the Majority Leader to proceed to its immediate consideration; strike all after the enacting clause and insert the text of S. 1813, as passed by the Senate, in lieu thereof; that the House bill, as amended, be read a third time, a statutory PAYGO statement be read, if needed, and the bill, as amended, be passed; that upon passage, the Senate insist on its amendment, request a conference with the House on the disagreeing votes of the two Houses; and the Chair be authorized to appoint conferees on the part of the Senate. **Pages S1455–56**

A unanimous-consent agreement was reached providing for further consideration of the bill at approximately 10:30 a.m., on Thursday, March 8, 2012, under the previous order. **Pages S1493–94**

**Syria Democracy Transition Act—Referral Agreement:** A unanimous-consent agreement was reached providing that the Committee on Finance be discharged from further consideration of S. 2152, to promote United States policy objectives in Syria, including the departure from power of President Bashar Assad and his family, the effective transition to a democratic, free, and secure country, and the promotion of a prosperous future in Syria, and the bill be referred to the Committee on Foreign Relations. **Page S1493**

**Signing Authority—Agreement:** A unanimous-consent agreement was reached providing that on Wednesday, March 7, 2012, the Majority Leader be authorized to sign duly enrolled bills or joint resolutions. **Page S1493**

**Messages from the House:** **Page S1457**

**Measures Read the First Time:** **Page S1457**

**Enrolled Bills Presented:** **Page S1457**

**Executive Communications:** **Pages S1457–59**

**Petitions and Memorials:** **Page S1459**

**Additional Cosponsors:** **Page S1460**

**Statements on Introduced Bills/Resolutions:** **Pages S1461–63**

**Additional Statements:** **Pages S1456–57**

**Amendments Submitted:** **Pages S1463–76**

**Authorities for Committees to Meet:** **Page S1476**

**Privileges of the Floor:** **Page S1476**

**Adjournment:** Senate convened at 10 a.m. and adjourned at 10:28 p.m., until 9:30 a.m. on Thursday, March 8, 2012. (For Senate's program, see the remarks of the Majority Leader in today's Record on page S1494.)

# *Committee Meetings*

*(Committees not listed did not meet)*

## HEALTHY FOOD INITIATIVES, LOCAL PRODUCTION, AND NUTRITION

*Committee on Agriculture, Nutrition, and Forestry:* Committee concluded a hearing to examine healthy food initiatives, local production, and nutrition, after receiving testimony from Thomas Vilsack, Secretary of Agriculture; Dan Carmody, Eastern Market Corporation, Detroit, Michigan; Ronald G. McCormick, Wal-Mart Stores, Inc., Bentonville, Arkansas; Jody Hardin, Hardin Farms, Grady, Arkansas; Anne Goodman, Cleveland Foodbank, Cleveland, Ohio; and John Weidman, Food Trust, Philadelphia, Pennsylvania.

## APPROPRIATIONS: DEPARTMENT OF HEALTH AND HUMAN SERVICES

*Committee on Appropriations:* Subcommittee on Departments of Labor, Health and Human Services, and Education, and Related Agencies concluded a hearing to examine proposed budget estimates for fiscal year 2013 for the Department of Health and Human

Service, after receiving testimony from Kathleen Sebelius, Secretary of Health and Human Services.

## APPROPRIATIONS: DEPARTMENT OF THE NAVY

*Committee on Appropriations:* Subcommittee on Department of Defense concluded a hearing to examine proposed budget estimates for fiscal year 2013 for the Department of the Navy, after receiving testimony from Ray Mabus, Secretary of the Navy, Admiral Jonathan W. Greenert, USN, Chief of Naval Operations, and General James F. Amos, USMC, Commandant of the Marine Corps, all of the Department of Defense.

## SITUATION IN SYRIA

*Committee on Armed Services:* Committee concluded open and closed hearings to examine the situation in Syria, after receiving testimony from Leon E. Panetta, Secretary, and General Martin E. Dempsey, USA, Chairman, Joint Chiefs of Staff, both of the Department of Defense.

## SPACE PROGRAM

*Committee on Commerce, Science, and Transportation:* Committee concluded a hearing to examine priorities, plans, and progress of the nation's space program, after receiving testimony from Charles F. Bolden, Jr., Administrator, National Aeronautics and Space Administration; and Neil deGrasse Tyson, American Museum of Natural History, New York, New York.

## U.S. COAST GUARD AND NOAA BUDGET

*Committee on Commerce, Science, and Transportation:* Subcommittee on Oceans, Atmosphere, Fisheries, and Coast Guard concluded a hearing to examine the President's proposed budget request for fiscal year 2013 for the Coast Guard and the National Oceanic and Atmospheric Administration, after receiving testimony from Admiral Robert J. Papp, Jr., Commandant, United States Coast Guard, Department of Homeland Security; and Jane Lubchenco, Under Secretary for Oceans and Atmosphere, and Administrator, National Oceanic and Atmospheric Administration, Department of Commerce.

## NATIONAL PARKS BILLS

*Committee on Energy and Natural Resources:* Subcommittee on National Parks concluded a hearing 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, after receiving testimony from Senators Kerry and Reed; Stephanie Toothman, Associate Director, Cultural Resources, National Park Service, Department of the Interior; Michael J. Reagan, Solano County Board of Supervisors, Solano County, California; and Annie Harris, Essex National Heritage Commission, Salem, Massachusetts.

## PRESIDENT'S TRADE AGENDA

*Committee on Finance:* Committee concluded a hearing to examine the President's 2012 trade agenda, after receiving testimony from Ron Kirk, United States Trade Representative, Executive Office of the President.

## LENDING DISCRIMINATION PRACTICES AND FORECLOSURE ABUSES

*Committee on the Judiciary:* Committee concluded a hearing to examine lending discrimination practices and foreclosure abuses, after receiving testimony from Senator Cardin; Thomas E. Perez, Assistant Attorney General, Civil Rights Division, Department of Justice; Eric Rodriguez, National Council of La Raza, and Hilary O. Shelton, National Association for the Advancement of Colored People (NAACP) Washington Bureau, both of Washington, D.C.; and William K. Black, University of Missouri-Kansas City, Kansas City.

## VETERANS OF FOREIGN WARS LEGISLATIVE PRESENTATION

*Committee on Veterans' Affairs:* Committee concluded a joint hearing with the House Committee on Veterans' Affairs to examine the legislative presentation from Veterans of Foreign Wars, after receiving testimony from Richard L. DeNoyer, Veterans of Foreign

Wars of the United States, Middleton, Massachusetts.

**REMOVING OBSTACLES FOR SMALL BUSINESS**

*Special Committee on Aging:* Committee concluded a hearing to examine opportunities for savings, focusing on removing obstacles for small business, and if better agency coordination can help small employers address challenges to plan sponsorship, after receiving testimony from Phyllis C. Borzi, Assistant Secretary of Labor for the Employee Benefits Security Administration; Charles A. Jeszeck, Director, Education, Workforce, and Income Security, Government Accountability Office; Bryan Fiene, Robert W. Baird and Co. Incorporated, Madison, Wisconsin; and John J. Kalamarides, Prudential Retirement, Hartford, Connecticut.

# House of Representatives

## *Chamber Action*

**Public Bills and Resolutions Introduced:** 15 public bills, H.R. 4150–4164; and 5 resolutions, H. Con. Res. 107; and H. Res. 574–577, were introduced. **Pages H1272–73**

**Additional Cosponsors:** **Pages H1273–74**

**Reports Filed:** There were no reports filed today.

**Speaker:** Read a letter from the Speaker wherein he appointed Representative Webster to act as Speaker pro tempore for today. **Page H1211**

**Recess:** The House recessed at 11:09 a.m. and reconvened at 12 noon. **Page H1218**

**Bureau of Reclamation Small Conduit Hydropower Development and Rural Jobs Act:** The House passed H.R. 2842, to authorize all Bureau of Reclamation conduit facilities for hydropower development under Federal Reclamation law, by a yea-and-nay vote of 265 yeas to 154 nays, Roll No. 100. Consideration of the measure began yesterday, March 6th. **Pages H1231–34**

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 182 ayes to 237 noes, Roll No. 99. **Pages H1232–34**

Rejected:

Napolitano amendment (No. 1 printed in the Congressional Record of March 5, 2012) that was debated on March 6th that sought to strike the exemption for small conduit hydropower development from the National Environmental Policy Act of 1969 (by a recorded vote of 168 ayes to 253 noes, Roll No. 98). **Page H1231**

H. Res. 570, the rule providing for consideration of the bill, was agreed to yesterday, March 6th.

**Reopening American Capital Markets to Emerging Growth Companies Act:** The House began consideration of H.R. 3606, to increase American job creation and economic growth by improving access to the public capital markets for emerging growth companies. Further proceedings were postponed. **Pages H1236–64**

During the course of debate, exception was taken to certain words used and a request was made to have words taken down. The words were reported to the Committee of the Whole and the Chair subsequently announced that the Committee would rise. The Committee of the Whole rose and after review, the Chair ruled that the remarks constituted a personality directed toward an identifiable Member and announced that, without objection, said words would be stricken from the record. Subsequently, the Chair announced that the Committee of the Whole would resume its sitting. **Page H1240**

Pursuant to the rule, the amendment in the nature of a substitute consisting of the text of the Rules Committee Print 112–17 shall be considered as adopted in the House and in the Committee of the Whole, in lieu of the amendment in the nature of a substitute recommended by the Committee on Financial Services now printed in the bill. The bill, as amended, shall be considered as the original bill for the purpose of further amendment under the five-minute rule and shall be considered as read. **Page H1245**

Agreed to:

Fincher manager's amendment (No. 1 printed in H. Rept. 112–409) that makes technical changes to the underlying bill; **Page H1249**

McIntyre amendment (No. 2 printed in H. Rept. 112–409) that adjusts the Emerging Growth Company definition for inflation, resulting in providing more flexibility for businesses; **Pages H1249–50**

Jackson Lee (TX) amendment (No. 4 printed in H. Rept. 112–409) that adds a requirement that a company not be considered an "emerging growth

company'' if it has issued more than $1 billion in non-convertible debt over the prior three years; and **Pages H1251–52**

McCarthy (CA) amendment (No. 10 printed in H. Rept. 112–409) that clarifies that general advertising under this provision should only apply to Regulation D rule 506 offerings, allow for general solicitation in the secondary sale of these securities so long as only qualified institutional buyers purchase the securities, and provide consistency in interpretation that general advertising should not cause these offerings to be considered public offerings. **Pages H1260–61**

Rejected:

Jackson Lee (TX) amendment (No. 7 printed in H. Rept. 112–409) that sought to strike language that allows an emerging growth company or its underwriter to communicate with ''institutions that are accredited investors''; **Pages H1257–59**

Himes amendment (No. 3 printed in H. Rept. 112–409) that sought to lower the gross annual revenue cap from $1,000,000,000 to $750,000,000 for emerging growth companies to remain eligible for the regulatory on-ramp and strike the public float requirement for the on-ramp (by a recorded vote of 164 ayes to 245 noes, Roll No. 103); **Pages H1250–51, H1261–62**

Ellison amendment (No. 5 printed in H. Rept. 112–409) that sought to require Emerging Growth Companies to fully comply with say-on-pay and golden parachute shareholder votes (by a recorded vote of 169 ayes to 244 noes, Roll No. 104); **Pages H1252–55, H1262–63**

Waters amendment (No. 6 printed in H. Rept. 112–409) that sought to provide that if a broker or dealer is underwriting an initial public offering (IPO) for an emerging growth company (EGC) and providing research to the public about such IPO, those research reports need to be filed with the SEC, and the broker or dealer shall be held to stricter liability for their comments. Would also have provided that if EGCs are communicating, either orally or in writing, with potential investors before or following an offering, they need to file those communications with the SEC (by a recorded vote of 161 ayes to 259 noes, Roll No. 105); and **Pages H1255–57, H1263**

Connolly (VA) amendment (No. 9 printed in H. Rept. 112–409) that sought to require the Securities and Exchange Commission to perform a study, in consultation with the Commodities Futures Trading Commission, of the effects on emerging growth companies of financial speculation on domestic oil and gasoline prices and to forward the results of that study to Congress (by a recorded vote of 185 ayes to 236 noes, Roll No. 106). **Pages H1259–60, H1263–64**

Withdrawn:

Jackson Lee (TX) amendment (No. 8 printed in H. Rept. 112–409) that was offered and subsequently withdrawn that would have established new filing fee for Reg S–K Forms to discourage frivolous filings. **Page H1259**

H. Res. 572, the rule providing for consideration of the bill, was agreed to by a recorded vote of 252 ayes to 166 noes, Roll No. 102, after the previous question was ordered by a yea-and-nay vote of 244 yeas to 177 noes, Roll No. 101. **Pages H1222–31, H1234–36**

**Meeting Hour:** Agreed that when the House adjourns today, it adjourn to meet at 10 a.m. tomorrow. **Page H1264**

**Senate Messages:** Messages received from the Senate today appear on pages H1219 and H1231.

**Senate Referral:** S. 1886 was referred to the Committee on the Judiciary. **Page H1271**

**Quorum Calls—Votes:** Two yea-and-nay votes and seven recorded votes developed during the proceedings of today and appear on pages H1231–32, H1233–34, H1234, H1234–35, H1235–36, H1261–62, H1262, H1263, and H1263–64. There were no quorum calls.

**Adjournment:** The House met at 10 a.m. and adjourned at 7:42 p.m.

# *Committee Meetings*

## MISCELLANEOUS MEASURE

*Committee on Agriculture:* Full Committee held a markup on budget views and estimates letter of the Committee on Agriculture for the agencies and programs under jurisdiction of the Committee for FY 2013. The letter was agreed to without amendment.

## APPROPRIATIONS—FEDERAL BUREAU OF INVESTIGATIONS

*Committee on Appropriations:* Subcommittee on Commerce, Justice, Science, and Related Agencies held a hearing on FY 2013 Budget Request for the Federal Bureau of Investigations. Testimony was heard from Robert S. Mueller III, Director, Federal Bureau of Investigations.

## APPROPRIATIONS—DEPARTMENT OF THE ARMY

*Committee on Appropriations:* Subcommittee on Defense held a hearing on FY 2013 Budget Request for the Army. Testimony was heard from John M. McHugh, Secretary of the Army; and General Raymond Odierno, Chief of the Army.

## APPROPRIATIONS—FOOD AND DRUG ADMINISTRATION

*Committee on Appropriations:* Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies held a hearing on FY 2013 Budget Request for the Department of Agriculture. Testimony was heard from Harris Sherman, Under Secretary, Natural Resources and Environment, Department of Agriculture; Dave White, Chief, Natural Resources Conservation Service, Department of Agriculture; and Michael Young, Budget Officer, Department of Agriculture.

## APPROPRIATIONS—FEDERAL EMERGENCY MANAGEMENT AGENCY

*Committee on Appropriations:* Subcommittee on Homeland Security held a hearing on FY 2013 Budget Request for Federal Emergency Management Agency. Testimony was heard from Craig Fugate, Administrator, Federal Emergency Management Agency; and public witnesses.

## APPROPRIATIONS—NUCLEAR ENERGY AND NUCLEAR REGULATORY COMMISSION

*Committee on Appropriations:* Subcommittee on Energy and Water Development, and Related Agencies held a hearing on FY 2013 Budget Request for Nuclear Energy and Nuclear Regulatory Commission. Testimony was heard from Peter Lyons, Associate Secretary for Nuclear Energy, Department of Energy; and Gregory Jaczko, Chairman, Nuclear Regulatory Commission.

## APPROPRIATIONS—BUREAU OF OCEAN ENERGY MANAGEMENT

*Committee on Appropriations:* Subcommittee on Interior, Environment, and Related Agencies held a hearing on FY 2013 Budget Request for the Bureau of Ocean Energy Management/Bureau of Safety and Environmental Enforcement Budget. Testimony was heard from Tommy Beaudreau, Director, Bureau of Ocean Energy Management; and Rear Admiral James Watson, Director, Bureau of Safety and Environment.

## APPROPRIATIONS—INSTALLATION, ENVIRONMENT, AND BRAC

*Committee on Appropriations:* Subcommittee on Military Construction, Veterans Affairs, and Related Agencies held a hearing on Installation, Environment, and BRAC. Testimony was heard from Dorothy Robyn, Deputy Under Secretary of Defense, Installations and Environment; Katherine Hammack, Assistant Secretary of the Army, Installations and Environment; Jackalyne Pfannestiel, Secretary of the Navy, Installations and Environment; and Terry A. Yonkers, Assistant Secretary of the Air Force, Environment and Logistics.

## APPROPRIATIONS—U.S. ARMY CORPS OF ENGINEERS

*Committee on Appropriations:* Subcommittee on Energy and Water Development, and Related Agencies held a hearing on FY 2013 Budget Request for the U.S. Army Corps of Engineers. Testimony was heard from Jo-Ellen Darcy, Assistant Secretary of the Army for Civil Works; and Major General Meredith ''Bo'' Temple, Chief of Engineers (Acting).

## APPROPRIATIONS—DEPARTMENT OF THE TREASURY

*Committee on Appropriations:* Subcommittee on Financial Services and General Government held a hearing on Fiscal Year 2013 Budget Request for the Treasury Inspector General. Testimony was heard from Eric M. Thorson, Treasury Inspector General; and J. Russel George, Treasury Inspector General for Tax Administration.

## U.S. CENTRAL COMMAND, U.S. SPECIAL OPERATIONS COMMAND AND U.S. TRANSPORTATION COMMAND

*Committee on Armed Services:* Full Committee held a hearing on the Fiscal Year 2013 National Defense Authorization Budget Requests from U.S. Central Command, U.S. Special Operations Command and U.S. Transportation Command. Testimony was heard from General James N. Mattis, USMC Commander, U.S. Central Command; General William M. Fraser III, USAF Commander, U.S. Transportation Command; and Admiral William H. McRaven, USN Commander, U.S. Special Operations Command.

## ASSESSING MOBILITY AIRLIFT CAPABILITIES

*Committee on Armed Services:* Subcommittee on Seapower and Projection Forces held a hearing on assessing mobility airlift capabilities and operational risks under the revised 2012 defense strategy. Testimony was heard from General Raymond E. Johns, USAF, Commander, Air Mobility Command; Lieutenant General Harry M. Wyatt, USAF, Director, Air National Guard; Major General Christopher Bogdan, USAF, Director, KC–46 Tanker Mobilization Directorate; Major General James O. Barclay, USA, Assistant Deputy Chief of Staff; and Cary Russell, Director (Acting), Defense Capabilities and Management, GAO.

## CYBERSECURITY: THE PIVOTAL ROLE OF COMMUNICATIONS NETWORKS

*Committee on Energy and Commerce:* Subcommittee on Communications and Technology held a hearing entitled ''Cybersecurity: The Pivotal Role of Communications Networks''. Testimony was heard from public witnesses.

## AMERICAN ENERGY INITIATIVE: RISING GASOLINE PRICES

*Committee on Energy and Commerce:* Subcommittee on Energy and Power held a hearing entitled ''The American Energy Initiative: Rising Gasoline Prices''. Testimony was heard from public witnesses.

## SECURITIES INVESTOR PROTECTION CORPORATION

*Committee on Financial Services:* Subcommittee on Capitol Markets and Government Sponsored Enterprises held a hearing entitled ''The Securities Investor Protection Corporation: Past, Present, and Future''. Testimony was heard from Senator Vitter; Joe Borg, Director, Alabama Securities Commission; and public witnesses.

## MISCELLANEOUS MEASURES

*Committee on Foreign Affairs:* Full Committee held a markup of the following: H.R. 2106, the ''Syria Freedom Support Act''; H.R. 890, the ''Holocaust Insurance Accountability Act of 2011''; H.R. 1410 the ''Vietnam Human Rights Act of 2011''; H.R. 3783, the ''Countering Iran in the Western Hemisphere Act of 2012''; H.R. 4041, the ''Export Promotion Reform Act''; and S. Con. Res. 17, a concurrent resolution expressing the sense of Congress that Taiwan should be accorded observer status in the International Civil Aviation Organization (ICAO). The following bills were ordered reported, as amended: H.R. 2106; H.R. 890; H.R. 1410; H.R. 3783; and H.R. 4041. The following was ordered reported without amendment: S. Con. Res. 17.

## STATE DEPARTMENT'S REWARD PROGRAMS: PERFORMANCE AND POTENTIAL

*Committee on Foreign Affairs:* Subcommittee on Terrorism, Nonproliferation, and Trade held a hearing entitled ''The State Department's Reward Programs: Performance and Potential''. Testimony was heard from Robert A. Hartung, Assistant Director, Threat Investigations and Analysis DirectorateBureau of Diplomatic Security, Department of State; M. Brooke Darby, Deputy Assistant Secretary, Bureau of International Narcotics and Law Enforcement Affairs, Department of State; and Stephen J. Rapp, Ambassador-at-Large, Office of Global Criminal Justice.

## MISCELLANEOUS MEASURES

*Committee on Homeland Security:* Subcommittee on Transportation Security held a markup of H.R. 2179, to amend title 49, United States Code, to direct the Assistant Secretary of Homeland Security (Transportation Security Administration) to transfer unclaimed money recovered at airport security checkpoints to United Service Organization, Incorporated, and for other purposes. The bill was ordered reported, without amendment.

## PRESCRIPTION DRUG EPIDEMIC IN AMERICA

*Committee on the Judiciary:* Subcommittee on Crime, Terrorism, and Homeland Security held a hearing entitled ''The Prescription Drug Epidemic in America''. Testimony was heard from Representatives Rahall; Rogers, KY; Bono Mack; and Lynch.

## LEGISLATIVE MEASURE

*Committee on the Judiciary:* Subcommittee on Immigration Policy and Enforcement held a hearing on H.R. 3808, the ''Scott Gardner Act''. Testimony was heard from Representatives Myrick, McIntyre, Gonzalez; and Charles Jenkins, Sheriff, Frederick County, Maryland; and Chris Burbank, Chief of Police, Salt Lake City Police Department.

## COUNCIL ON ENVIRONMENTAL QUALITY FY 2013 FUNDING REQUEST

*Committee on Natural Resources:* Full Committee held a hearing entitled ''The Council on Environmental Quality's Fiscal Year 2013 Funding Request and the Effects on NEPA, National Ocean Policy and Other Federal Environmental Policy Initiatives''. Testimony was heard from Nancy Sutley, Chairwoman, Council on Environmental Policy.

## NATIONAL AERONAUTICS AND SPACE ADMINISTRATION FY 2013 BUDGET REQUEST

*Committee on Science, Space, and Technology:* Full Committee held a hearing entitled ''An Overview of the National Aeronautics and Space Administration Budget for Fiscal Year 2013''. Testimony was heard from Charles F. Bolden, Jr., Administrator, National Aeronautics and Space Administration.

## MISCELLANEOUS MEASURES

*Committee on Small Business:* Full Committee held a markup of the following: Views and Estimates on the Small Business Administration's FY 2013 budget request; H.R. 3850, the ''Government Efficiency through Small Business Contracting Act of 2012''; H.R. 3851, the ''Small Business Advocate Act of 2012''; H.R. 3893, the ''Subcontracting Transparency and Reliability Act of 2012''; H.R. 3980,

the ''Small Business Opportunity Act of 2012''; H.R. 4118, the ''Small Business Procurement Improvement Act of 2012''; and H.R. 4121, the ''Early Stage Small Business Contracting Act of 2012''. The Small Business Administration's FY 2013 Budget was agreed to without amendment. The following bill was ordered reported, without amendment: H.R. 4118. The following bills were ordered reported, as amended: H.R. 3850; H.R. 3893; H.R. 3980; and H.R. 4121.

### PROTECTING MARITIME JOBS AND ENHANCING MARINE SAFETY

*Committee on Transportation and Infrastructure:* Subcommittee on Coast Guard and Maritime Transportation held a hearing entitled ''Protecting Maritime Jobs and Enhancing Marine Safety in the Post-Budget Control Act Fiscal Environment: A Review of the Administration's Fiscal Year 2013 Coast Guard and Maritime Transportation Budget Request''. Testimony was heard from Admiral Robert J. Papp, Jr., Commandant, U.S. Coast Guard; Master Chief Michael P. Leavitt, U.S. Coast Guard; Richard A. Lidinsky, Jr., Chairman, Federal Maritime Commission; and David T. Matsuda, Administrator, Maritime Administration.

### CLOSELY-HELD BUSINESSES IN THE CONTEXT OF TAX REFORM

*Committee on Ways and Means:* Full Committee held a hearing entitled ''Closely-Held Businesses in the Context of Tax Reform''. Testimony was heard from public witnesses.

## *Joint Meetings*

No joint committee meetings were held.

## COMMITTEE MEETINGS FOR THURSDAY, MARCH 8, 2012

*(Committee meetings are open unless otherwise indicated)*

### Senate

*Committee on Appropriations:* Subcommittee on Department of Homeland Security, to hold hearings to examine proposed budget estimates for fiscal year 2013 for the Department of Homeland Security, 10 a.m., SD–192.

Subcommittee on Commerce, Justice, Science, and Related Agencies, to examine proposed budget estimates for fiscal year 2013 for the Department of Justice, 10 a.m., SD–124.

Subcommittee on Transportation and Housing and Urban Development, and Related Agencies, to hold hearings to examine an overview of the Federal Housing Administration, 10 a.m., SD–138.

*Committee on 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, 9:30 a.m., SD–106.

*Committee on Banking, Housing, and Urban Affairs:* To hold hearings to examine addressing the housing crisis in Indian country, focusing on leveraging resources and coordinating efforts, 10 a.m., SD–538.

*Committee on Health, Education, Labor, and Pensions:* To hold hearings to examine the key to America's global competitiveness, focusing on a quality education, 10 a.m., SD–430.

*Committee on 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, 2:30 p.m., SD–342.

*Committee on Indian Affairs:* To hold hearings to examine the President's proposed budget request for fiscal year 2013 for Native Programs, 2:15 p.m., SD–628.

*Committee on the Judiciary:* Business meeting to consider S. 1002, to prohibit theft of medical products, and the nominations of 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 Transportation, Housing and Urban Development, hearing on FY 2013 Budget Request for Department of Transportation, 9:30 a.m., 2358–A Rayburn.

Subcommittee on Defense, hearing on FY 2013, Budget Request for Defense Health Program Budget, 10 a.m., 2359 Rayburn.

Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies, hearing on FY 2013 Budget Request, Food Safety and Inspection Service, 10:30 a.m., 2362–A Rayburn.

Subcommittee on Homeland Security, hearing on FY 2013 Budget Request for Immigration and Customs Enforcement, 1 p.m., 2359 Rayburn.

*Committee on Armed Services,* Subcommittee on Tactical Air and Land Forces, hearing on Army and Marine Corps ground system modernization programs, 10 a.m., 2212 Rayburn.

Subcommittee on Readiness, hearing on request for authorization of another BRAC round and additional reductions in overseas bases, 11:30 a.m., 2118 Rayburn.

Subcommittee on Strategic Forces, hearing on Fiscal Year 2013 National Defense Authorization Budget Request for national security space activities, 1 p.m., 2212 Rayburn.

*Committee on the Budget,* Full Committee, hearing entitled ''Members' Day'', 10 a.m., 210 Cannon.

*Committee on Energy and Commerce,* Subcommittee on Energy and Power, hearing entitled ''The FY 2013 DOE Budget'', 10 a.m., 2123 Rayburn.

Subcommittee on Health, hearing entitled ''FDA User Fees 2012: Hearing on Issues Related to Accelerated Approval, Medical Gas, Antibiotic Development and Downstream Pharmaceutical Supply Chain'', 10:15 a.m., 2322 Rayburn.

*Committee on Homeland Security,* Subcommittee on Oversight, Investigations, and Management, hearing entitled ''Eliminating Waste, Fraud, Abuse, and Duplication in the Department of Homeland Security'', 9 a.m., 311 Cannon.

*Committee on the Judiciary,* Subcommittee on the Constitution, hearing on H.R. 2299, the ''Child Interstate Abortion Notification Act'', 9:30 a.m., 2141 Rayburn.

*Committee on Natural Resources,* Subcommittee on Energy and Mineral Resources, hearing entitled ''Effects of the President's FY 2013 Budget and Legislative Proposals for the Bureau of Ocean Energy Management (BOEM) and Bureau of Safety and Environmental Enforcement (BSEE) on Private Sector Job Creation, Domestic Energy Production, Safety, and Deficit Reduction'', 9:30 a.m., 1334 Longworth.

Subcommittee on National Parks, Forest and Public Lands, hearing on H.R. 752, the ''Molalla River Wild and Scenic Rivers Act''; H.R. 1415, the ''Chetco River Protection Act of 2011''; H.R. 3377, the ''Pine Forest Range Recreation Enhancement Act of 2011''; and H.R. 3436, to expand the Wild Rogue Wilderness Area in the State of Oregon, to make additional wild and scenic river designations in the Rogue River area, and to provide additional protections for Rogue River tributaries, and for other purposes, 10 a.m., 1324 Longworth.

*Committee on Oversight and Government Reform,* Full Committee, hearing entitled ''Food Stamp Fraud as a Business Model: USDA's Struggle to Police Store Owners'', 9:30 a.m. 2154 Rayburn.

*Committee on Science, Space, and Technology,* Subcommittee on Research and Science Education, hearing entitled ''NSF Major Research Equipment and Facilities Management: Ensuring Fiscal Responsibility Accountability'', 10 a.m., 2318 Rayburn.

*Committee on Small Business,* Subcommittee on Investigations, Oversight and Regulations, hearing entitled ''Powering Down: Are Government Regulations Impeding Small Energy Producers and Harming Energy Security?'', 10 a.m., 2360 Rayburn.

*Committee on Transportation and Infrastructure,* Full Committee, markup on the following: H.R. 2903, the ''FEMA Reauthorization Act of 2011''; H.R. 4097, the ''John F. Kennedy Center Reauthorization Act of 2012''; H.R. 3182, to designate the United States courthouse located at 222 West 7th Avenue in Anchorage, Alaska, as the ''James M. Fitzgerald United States Courthouse''; and H.R. 3556, to designate the new United States courthouse in Buffalo, New York, as the ''Robert H. Jackson United States Courthouse'', 10 a.m., 2167 Rayburn.

*Committee on Veterans' Affairs,* Subcommittee of Economic Opportunity, hearing on the following: H.R. 3329, to amend title 38 United States Code to extend the eligibility period for veterans to enroll in certain vocational rehabilitation programs; H.R. 3483, the ''Veterans Education Equity Act of 2011''; H.R. 3610, the ''Streamlining Workforce Development Programs Act of 2011''; H.R. 3670, to require the Transportation Security Administration to comply with the Uniformed Services Employment and Reemployment Rights Act; H.R. 3524, the ''Disabled Veterans Employment Protection Act''; H.R. 4048, the ''Improving Contracting Opportunities for Veteran-Owned Small Businesses Act of 2012''; H.R. 4051, the ''TAP Modernization Act of 2012''; H.R. 4052, the ''Recognizing Excellence in Veterans Education Act of 2012''; H.R. 4057, the ''Improving Transparency of Education Opportunities for Veterans Act of 2012''; and H.R. 4072, the ''Consolidating Veteran Employment Services for Improved Performance Act of 2012'', 10 a.m., 334 Cannon.

Subcommittee on Disability Assistance and Memorial Affairs, hearing entitled ''Honoring America's Fallen Heroes: An Update on our National Cemeteries'', 1:30 p.m., 340 Cannon.

*Committee on Ways and Means,* Full Committee markup of H.R. 452, the ''Medicare Decisions Accountability Act of 2011'', 9 a.m., 1100 Longworth.

*House Permanent Select Committee on Intelligence,* Full Committee, markup of Committee Views and Estimates on the President's Budget for Fiscal Year 2013, 9 a.m., HVC–304.

Full Committee, hearing on ongoing intelligence activities, 9:15 a.m., HVC–304.

# Résumé of Congressional Activity

## FIRST SESSION OF THE ONE HUNDRED TWELFTH CONGRESS

The first table gives a comprehensive résumé of all legislative business transacted by the Senate and House. The second table accounts for all nominations submitted to the Senate by the President for Senate confirmation.

### DATA ON LEGISLATIVE ACTIVITY

January 5, 2011 through January 3, 2012

| | *Senate* | *House* | *Total* |
|---|---|---|---|
| Days in session | 170 | 175 | .. |
| Time in session | 1,101 hrs., 44′ | 992 hrs., 40′ | .. |
| Congressional Record: | | | |
| Pages of proceedings | 8,793 | 10,033 | .. |
| Extensions of Remarks | .. | 2,347 | .. |
| Public bills enacted into law | 24 | 66 | 90 |
| Private bills enacted into law | .. | .. | .. |
| Bills in conference | 2 | 2 | .. |
| Measures passed, total | 402 | 384 | 786 |
| Senate bills | 61 | 21 | .. |
| House bills | 64 | 190 | .. |
| Senate joint resolutions | 4 | 4 | .. |
| House joint resolutions | 5 | 7 | .. |
| Senate concurrent resolutions | 17 | 7 | .. |
| House concurrent resolutions | 17 | 23 | .. |
| Simple resolutions | 234 | 132 | .. |
| Measures reported, total | 185 | 307 | 492 |
| Senate bills | 132 | 3 | .. |
| House bills | 22 | 213 | .. |
| Senate joint resolutions | 1 | .. | .. |
| House joint resolutions | .. | 3 | .. |
| Senate concurrent resolutions | 2 | .. | .. |
| House concurrent resolutions | .. | 2 | .. |
| Simple resolutions | 28 | 86 | .. |
| Special reports | 17 | 50 | .. |
| Conference reports | 3 | 3 | .. |
| Measures pending on calendar | 183 | 84 | .. |
| Measures introduced, total | 2,447 | 4,456 | 6,903 |
| Bills | 2,031 | 3,756 | .. |
| Joint resolutions | 33 | 97 | .. |
| Concurrent resolutions | 33 | 95 | .. |
| Simple resolutions | 351 | 508 | .. |
| Quorum calls | 5 | 3 | .. |
| Yea-and-nay votes | 235 | 275 | .. |
| Recorded votes | .. | 671** | .. |
| Bills vetoed | .. | .. | .. |
| Vetoes overridden | .. | .. | .. |

* These figures include all measures reported, even if there was no accompanying report. A total of 102 written reports have been filed in the Senate, a total of 360 reports have been filed in the House.

** Totals include Roll Call 484 which was vacated by unanimous consent on June 23, 2011.

### DISPOSITION OF EXECUTIVE NOMINATIONS

January 5, 2011 through January 3, 2012

Civilian Nominations, totaling 503, disposed of as follows:

| | |
|---|---|
| Confirmed | 285 |
| Unconfirmed | 188 |
| Withdrawn | 18 |
| Returned to White House | 12 |

Other Civilian Nominations, totaling 3,469, disposed of as follows:

| | |
|---|---|
| Confirmed | 3,297 |
| Unconfirmed | 167 |
| Withdrawn | 5 |

Air Force Nominations, totaling 5,983, disposed of as follows:

| | |
|---|---|
| Confirmed | 5,688 |
| Unconfirmed | 295 |

Army Nominations, totaling 5,908, disposed of as follows:

| | |
|---|---|
| Confirmed | 5,892 |
| Unconfirmed | 16 |

Navy Nominations, totaling 3,405, disposed of as follows:

| | |
|---|---|
| Confirmed | 3,404 |
| Unconfirmed | 1 |

Marine Corps Nominations, totaling 1,249, disposed of as follows:

| | |
|---|---|
| Confirmed | 1,249 |

*Summary*

| | |
|---|---|
| Total Nominations Received this Session | 20,517 |
| Total Confirmed | 19,815 |
| Total Unconfirmed | 667 |
| Total Withdrawn | 23 |
| Total Returned to the White House | 12 |

# HISTORY OF BILLS ENACTED INTO PUBLIC LAW

(112th Cong., 1st Sess.)

## BILLS ENACTED INTO PUBLIC LAW (112TH, 1ST SESSION)

| | Law No. |
|---|---|
| S. 188 | 112–2 |
| S. 278 | 112–79 |
| S. 307 | 112–11 |
| S. 349 | 112–22 |
| S. 365 | 112–25 |
| S. 384 | 112–80 |
| S. 535 | 112–69 |
| S. 655 | 112–23 |
| S. 683 | 112–70 |
| S. 846 | 112–31 |
| S. 894 | 112–53 |
| S. 990 | 112–14 |
| S. 1082 | 112–17 |
| S. 1103 | 112–24 |
| S. 1280 | 112–57 |
| S. 1412 | 112–60 |
| S. 1487 | 112–54 |
| S. 1541 | 112–65 |
| S. 1637 | 112–62 |
| S. 1639 | 112–66 |
| S.J. Res. 7 | 112–19 |
| S.J. Res. 8 | 112–12 |
| S.J. Res. 9 | 112–20 |
| S.J. Res. 22 | 112–71 |
| H.R. 4 | 112–9 |
| H.R. 366 | 112–1 |
| H.R. 368 | 112–51 |
| H.R. 394 | 112–63 |
| H.R. 398 | 112–58 |
| H.R. 470 | 112–72 |
| H.R. 489 | 112–45 |
| H.R. 514 | 112–3 |
| H.R. 515 | 112–82 |
| H.R. 662 | 112–5 |
| H.R. 674 | 112–56 |
| H.R. 754 | 112–18 |
| H.R. 765 | 112–46 |
| H.R. 771 | 112–38 |
| H.R. 789 | 112–83 |
| H.R. 793 | 112–15 |
| H.R. 818 | 112–52 |
| H.R. 1059 | 112–84 |
| H.R. 1079 | 112–7 |
| H.R. 1249 | 112–29 |
| H.R. 1264 | 112–85 |
| H.R. 1308 | 112–13 |
| H.R. 1363 | 112–8 |
| H.R. 1383 | 112–26 |
| H.R. 1473 | 112–10 |
| H.R. 1540 | 112–81 |
| H.R. 1632 | 112–39 |
| H.R. 1801 | 112–86 |
| H.R. 1843 | 112–47 |
| H.R. 1892 | 112–87 |
| H.R. 1893 | 112–16 |
| H.R. 1975 | 112–48 |
| H.R. 2005 | 112–32 |
| H.R. 2017 | 112–33 |
| H.R. 2055 | 112–74 |
| H.R. 2056 | 112–88 |
| H.R. 2061 | 112–73 |
| H.R. 2062 | 112–49 |
| H.R. 2112 | 112–55 |
| H.R. 2149 | 112–50 |
| H.R. 2192 | 112–64 |
| H.R. 2279 | 112–21 |
| H.R. 2422 | 112–89 |
| H.R. 2447 | 112–59 |
| H.R. 2553 | 112–27 |
| H.R. 2608 | 112–36 |
| H.R. 2646 | 112–37 |
| H.R. 2715 | 112–28 |
| H.R. 2832 | 112–40 |
| H.R. 2845 | 112–90 |
| H.R. 2867 | 112–75 |
| H.R. 2883 | 112–34 |
| H.R. 2887 | 112–30 |
| H.R. 2943 | 112–35 |
| H.R. 2944 | 112–44 |
| H.R. 3078 | 112–42 |
| H.R. 3079 | 112–43 |
| H.R. 3080 | 112–41 |
| H.R. 3321 | 112–61 |
| H.R. 3421 | 112–76 |
| H.R. 3672 | 112–77 |
| H.R. 3765 | 112–78 |
| H.J. Res. 44 | 112–4 |
| H.J. Res. 48 | 112–6 |
| H.J. Res. 94 | 112–67 |
| H.J. Res. 95 | 112–68 |

## BILLS VETOED

| Title | Bill No. | Date introduced | Committee | | Date Reported | | Report No. | | Date of passage | | Public Law | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | House | Senate | House | Senate | House 112– | Senate 112– | House | Senate | Date approved | No. 112– |
| To provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes. | H.R. 366 | Jan. 20, 2011 | SB | | | ..... | ..... | ..... | Jan. 25, 2011 | Jan. 26, 2011 | Jan. 31, 2011 | 1 |
| To designate the United States courthouse under construction at 98 West First Street, Yuma, Arizona, as the "John M. Roll United States Courthouse". | S. 188 | Jan. 26, 2011 | | EPW | ..... | | ..... | ..... | Feb. 9, 2011 | Feb. 1, 2011 | Feb. 17, 2011 | 2 |
| To extend expiring provisions of the USA PATRIOT Improvement and Reauthorization Act of 2005 and Intelligence Reform and Terrorism Prevention Act of 2004 relating to access to business records, individual terrorists as agents of foreign powers, and roving wiretaps until December 8, 2011. | H.R. 514 | Jan. 26, 2011 | Jud<br>Int | | | ..... | ..... | ..... | Feb. 14, 2011 | Feb. 15, 2011 | Feb. 25, 2011 | 3 |
| Making further continuing appropriations for fiscal year 2011, and for other purposes. | H.J. Res. 44 | Feb. 28, 2011 | Bud<br>App | | | ..... | ..... | ..... | Mar. 1, 2011 | Mar. 2, 2011 | Mar. 2, 2011 | 4 |
| To provide an extension of Federal-aid highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund pending enactment of a multiyear law reauthorizing such programs. | H.R. 662 | Feb. 11, 2011 | TI<br>WM<br>NR<br>Bud | | Feb. 28, 2011 | ..... | 18 | ..... | Mar. 2, 2011 | Mar. 3, 2011 | Mar. 4, 2011 | 5 |
| Making further continuing appropriations for fiscal year 2011, and for other purposes. | H.J. Res. 48 | Mar. 11, 2011 | App | | | ..... | ..... | ..... | Mar. 15, 2011 | Mar. 17, 2011 | Mar. 18, 2011 | 6 |
| To amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend the airport improvement program, and for other purposes. | H.R. 1079 | Mar. 15, 2011 | TI<br>WM | | Mar. 29, 2011 | ..... | 41 | ..... | Mar. 29, 2011 | Mar. 29, 2011 | Mar. 31, 2011 | 7 |
| Making appropriations for the Department of Defense for the fiscal year ending September 30, 2011, and for other purposes. | H.R. 1363 | Apr. 4, 2011 | App<br>Bud | | | ..... | ..... | ..... | Apr. 7, 2011 | Apr. 8, 2011 | Apr. 9, 2011 | 8 |
| To repeal the expansion of information reporting requirements for payments of $600 or more to corporations, and for other purposes. | H.R. 4 | Jan. 12, 2011 | WM | | Feb. 22, 2011 | ..... | 15 | ..... | Mar. 3, 2011 | Apr. 5, 2011 | Apr. 14, 2011 | 9 |
| Making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes. | H.R. 1473 | Apr. 11, 2011 | App<br>Bud<br>WM | | | ..... | ..... | ..... | Apr. 14, 2011 | Apr. 14, 2011 | Apr. 15, 2011 | 10 |
| To designate the Federal building and United States courthouse located at 217 West King Street, Martinsburg, West Virginia, as the "W. Craig Broadwater Federal Building and United States Courthouse". | S. 307 | Feb. 8, 2011 | TI | EPW | Apr. 12, 2011 | | 59 | ..... | Apr. 12, 2011 | Feb. 17, 2011 | Apr. 25, 2011 | 11 |
| Providing for the appointment of Stephen M. Case as a citizen regent of the Board of Regents of the Smithsonian Institution. | S.J. Res. 8 | Feb. 28, 2011 | HA | RAdm | | | ..... | ..... | Apr. 12, 2011 | Mar. 15, 2011 | Apr. 25, 2011 | 12 |
| To amend the Ronald Reagan Centennial Commission Act to extend the termination date for the Commission, and for other purposes. | H.R. 1308 | Apr. 1, 2011 | OGR | | | ..... | ..... | ..... | Apr. 12, 2011 | Apr. 14, 2011 | May 12, 2011 | 13 |

| Title | Bill No. | Date introduced | Committee | | Date Reported | | Report No. | | Date of passage | | Public Law | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | House | Senate | House | Senate | House 112– | Senate 112– | House | Senate | Date approved | No. 112– |
| To provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes. | S. 990 | May 12, 2011 | | | ..... | ..... | ..... | ..... | May 24, 2011 | May 19, 2011 | May 26, 2011 | 14 |
| To designate the facility of the United States Postal Service located at 12781 Sir Francis Drake Boulevard in Inverness, California, as the "Specialist Jake Robert Velloza Post Office". | H.R. 793 | Feb. 17, 2011 | OGR | HS&GA | | May 12, 2011 | ..... | 0 | Mar. 14, 2011 | May 16, 2011 | May 31, 2011 | 15 |
| To amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend the airport improvement program, and for other purposes. | H.R. 1893 | May 13, 2011 | TI<br>WM | | | ..... | ..... | ..... | May 23, 2011 | May 24, 2011 | May 31, 2011 | 16 |
| To provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes. | S. 1082 | May 26, 2011 | | | ..... | ..... | ..... | ..... | May 31, 2011 | May 26, 2011 | June 1, 2011 | 17 |
| To authorize appropriations for fiscal year 2011 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes. | H.R. 754 | Feb. 17, 2011 | Int | | May 3, 2011 | ..... | 72 | ..... | May 13, 2011 | May 26, 2011 | June 8, 2011 | 18 |
| Providing for the reappointment of Shirley Ann Jackson as a citizen regent of the Board of Regents of the Smithsonian Institution. | S.J. Res. 7 | Feb. 28, 2011 | HA | RAdm | | | ..... | ..... | June 16, 2011 | Mar. 15, 2011 | June 24, 2011 | 19 |
| Providing for the reappointment of Robert P. Kogod as a citizen regent of the Board of Regents of the Smithsonian Institution. | S.J. Res. 9 | Feb. 28, 2011 | HA | RAdm | | | ..... | ..... | June 16, 2011 | Mar. 15, 2011 | June 24, 2011 | 20 |
| To amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend the airport improvement program, and for other purposes. | H.R. 2279 | June 22, 2011 | TI<br>WM | | | ..... | ..... | ..... | June 24, 2011 | June 27, 2011 | June 29, 2011 | 21 |
| To designate the facility of the United States Postal Service located at 4865 Tallmadge Road in Rootstown, Ohio, as the "Marine Sgt. Jeremy E. Murray Post Office". | S. 349 | Feb. 15, 2011 | OGR | HS&GA | | May 12, 2011 | ..... | 0 | June 21, 2011 | May 16, 2011 | June 29, 2011 | 22 |
| To designate the facility of the United States Postal Service located at 95 Dogwood Street in Cary, Mississippi, as the "Spencer Byrd Powers, Jr. Post Office". | S. 655 | Mar. 28, 2011 | OGR | HS&GA | | May 12, 2011 | ..... | 0 | June 21, 2011 | May 16, 2011 | June 29, 2011 | 23 |
| To extend the term of the incumbent Director of the Federal Bureau of Investigation. | S. 1103 | May 26, 2011 | Jud | Jud | | June 16, 2011 | ..... | 23 | July 25, 2011 | July 21, 2011 | July 26, 2011 | 24 |
| To provide for budget control ..... | S. 365 | Feb. 16, 2011 | E&W | HEL&P | | Feb. 16, 2011 | ..... | 0 | Aug. 1, 2011 | Feb. 17, 2011 | Aug. 2, 2011 | 25 |

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|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| To temporarily preserve higher rates for tuition and fees for programs of education at non-public institutions of higher learning pursued by individuals enrolled in the Post-9/11 Educational Assistance Program of the Department of Veterans Affairs before the enactment of the Post-9/11 Veterans Educational Assistance Improvements Act of 2010, and for other purposes. | H.R. | 1383 | Apr. 6, 2011 | VA | VA | May 20, 2011 | | 81 | ..... | May 23, 2011 | July 21, 2011 | Aug. 3, 2011 | 26 |
| To amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend the airport improvement program, and for other purposes. | H.R. | 2553 | July 15, 2011 | TI<br>WM | | | ..... | ..... | ..... | July 20, 2011 | Aug. 5, 2011 | Aug. 5, 2011 | 27 |
| To provide the Consumer Product Safety Commission with greater authority and discretion in enforcing the consumer product safety laws, and for other purposes. | H.R. | 2715 | Aug. 1, 2011 | EC | | | ..... | ..... | ..... | Aug. 1, 2011 | Aug. 1, 2011 | Aug. 12, 2011 | 28 |
| To amend title 35, United States Code, to provide for patent reform. | H.R. | 1249 | Mar. 30, 2011 | Jud<br>Bud | | June 1, 2011 | ..... | 98 | ..... | June 23, 2011 | Sept. 8, 2011 | Sept. 16, 2011 | 29 |
| To provide an extension of surface and air transportation programs, and for other purposes. | H.R. | 2887 | Sept. 12, 2011 | TI<br>WM | | | ..... | ..... | ..... | Sept. 13, 2011 | Sept. 15, 2011 | Sept. 16, 2011 | 30 |
| To designate the United States courthouse located at 80 Lafayette Street in Jefferson City, Missouri, as the Christopher S. Bond United States Courthouse. | S. | 846 | Apr. 14, 2011 | TI | EPW | | July 22, 2011 | ..... | 0 | Sept. 21, 2011 | July 26, 2011 | Sept. 23, 2011 | 31 |
| To reauthorize the Combating Autism Act of 2006. | H.R. | 2005 | May 26, 2011 | EC | | | ..... | ..... | ..... | Sept. 20, 2011 | Sept. 26, 2011 | Sept. 30, 2011 | 32 |
| Making continuing appropriations for fiscal year 2012, and for other purposes. | H.R. | 2017 | May 26, 2011 | App | App | May 26, 2011 | Sept. 7, 2011 | 91 | 74 | June 2, 2011 | Sept. 26, 2011 | Sept. 30, 2011 | 33 |
| To amend part B of title IV of the Social Security Act to extend the child and family services program through fiscal year 2016, and for other purposes. | H.R. | 2883 | Sept. 12, 2011 | WM<br>Bud | | Sept. 19, 2011 | ..... | 210 | ..... | Sept. 21, 2011 | Sept. 22, 2011 | Sept. 30, 2011 | 34 |
| To extend the program of block grants to States for temporary assistance for needy families and related programs through December 31, 2011. | H.R. | 2943 | Sept. 15, 2011 | WM<br>Bud | | | ..... | ..... | ..... | Sept. 21, 2011 | Sept. 23, 2011 | Sept. 30, 2011 | 35 |
| Making continuing appropriations for fiscal year 2012, and for other purposes. | H.R. | 2608 | July 21, 2011 | SB | | | ..... | ..... | ..... | July 26, 2011 | July 28, 2011 | Oct. 5, 2011 | 36 |
| To authorize certain Department of Veterans Affairs major medical facility projects and leases, to extend certain expiring provisions of law, and to modify certain authorities of the Secretary of Veterans Affairs, and for other purposes. | H.R. | 2646 | July 26, 2011 | VA | | Sept. 15, 2011 | ..... | 209 | ..... | Sept. 20, 2011 | Sept. 23, 2011 | Oct. 5, 2011 | 37 |
| To designate the facility of the United States Postal Service located at 1081 Elbel Road in Schertz, Texas, as the "Schertz Veterans Post Office". | H.R. | 771 | Feb. 17, 2011 | OGR | HS&GA | | | ..... | ..... | June 21, 2011 | Oct. 4, 2011 | Oct. 12, 2011 | 38 |
| To designate the facility of the United States Postal Service located at 5014 Gary Avenue in Lubbock, Texas, as the "Sergeant Chris Davis Post Office". | H.R. | 1632 | Apr. 15, 2011 | OGR | HS&GA | | | ..... | ..... | June 21, 2011 | Oct. 4, 2011 | Oct. 12, 2011 | 39 |
| To extend the Generalized System of Preferences, and for other purposes. | H.R. | 2832 | Sept. 2, 2011 | WM | | | ..... | ..... | ..... | Sept. 7, 2011 | Sept. 22, 2011 | Oct. 21, 2011 | 40 |
| To implement the United States-Korea Free Trade Agreement. | H.R. | 3080 | Oct. 3, 2011 | WM | | Oct. 6, 2011 | ..... | 239 | ..... | Oct. 12, 2011 | Oct. 12, 2011 | Oct. 21, 2011 | 41 |
| To implement the United States-Colombia Trade Promotion Agreement. | H.R. | 3078 | Oct. 3, 2011 | WM | | Oct. 6, 2011 | ..... | 237 | ..... | Oct. 12, 2011 | Oct. 12, 2011 | Oct. 21, 2011 | 42 |
| To implement the United States-Panama Trade Promotion Agreement. | H.R. | 3079 | Oct. 3, 2011 | WM | | Oct. 6, 2011 | ..... | 238 | ..... | Oct. 12, 2011 | Oct. 12, 2011 | Oct. 21, 2011 | 43 |

| Title | Bill No. | Date introduced | Committee | | Date Reported | | Report No. | | Date of passage | | Public Law | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | House | Senate | House | Senate | House 112– | Senate 112– | House | Senate | Date approved | No. 112– |
| To provide for the continued performance of the functions of the United States Parole Commission, and for other purposes. | H.R. 2944 | Sept. 15, 2011 | Jud | | | ..... | ..... | ..... | Sept. 20, 2011 | Oct. 6, 2011 | Oct. 21, 2011 | 44 |
| To clarify the jurisdiction of the Secretary of the Interior with respect to the C.C. Cragin Dam and Reservoir, and for other purposes. | H.R. 489 | Jan. 26, 2011 | NR | | July 20, 2011 | ..... | 160 | ..... | Oct. 3, 2011 | Oct. 18, 2011 | Nov. 7, 2011 | 45 |
| To amend the National Forest Ski Area Permit Act of 1986 to clarify the authority of the Secretary of Agriculture regarding additional recreational uses of National Forest System land that is subject to ski area permits, and for other purposes. | H.R. 765 | Feb. 17, 2011 | Agr<br>NR | | July 20, 2011 | ..... | 164 | ..... | Oct. 3, 2011 | Oct. 18, 2011 | Nov. 7, 2011 | 46 |
| To designate the facility of the United States Postal Service located at 489 Army Drive in Barrigada, Guam, as the "John Pangelinan Gerber Post Office Building". | H.R. 1843 | May 11, 2011 | OGR | HS&GA | | Oct. 19, 2011 | ..... | 0 | July 30, 2011 | Oct. 20, 2011 | Nov. 7, 2011 | 47 |
| To designate the facility of the United States Postal Service located at 281 East Colorado Boulevard in Pasadena, California, as the "First Lieutenant Oliver Goodall Post Office Building". | H.R. 1975 | May 24, 2011 | OGR | HS&GA | | Oct. 19, 2011 | ..... | 0 | July 30, 2011 | Oct. 20, 2011 | Nov. 7, 2011 | 48 |
| To designate the facility of the United States Postal Service located at 45 Meetinghouse Lane in Sagamore Beach, Massachusetts, as the "Matthew A. Pucino Post Office". | H.R. 2062 | May 31, 2011 | OGR | HS&GA | | Oct. 19, 2011 | ..... | 0 | July 30, 2011 | Oct. 20, 2011 | Nov. 7, 2011 | 49 |
| To designate the facility of the United States Postal Service located at 4354 Pahoa Avenue in Honolulu, Hawaii, as the "Cecil L. Heftel Post Office Building". | H.R. 2149 | June 13, 2011 | OGR | HS&GA | | Oct. 19, 2011 | ..... | 0 | July 28, 2011 | Oct. 20, 2011 | Nov. 7, 2011 | 50 |
| To amend title 28, United States Code, to clarify and improve certain provisions relating to the removal of litigation against Federal officers or agencies to Federal courts, and for other purposes. | H.R. 368 | Jan. 20, 2011 | Jud<br>Bud | Jud | Feb. 28, 2011 | Oct. 17, 2011 | 17 | 0 | Feb. 28, 2011 | Oct. 31, 2011 | Nov. 9, 2011 | 51 |
| To direct the Secretary of the Interior to allow for prepayment of repayment contracts between the United States and the Uintah Water Conservancy District. | H.R. 818 | Feb. 18, 2011 | NR | | Oct. 14, 2011 | ..... | 247 | ..... | Oct. 24, 2011 | Nov. 3, 2011 | Nov. 9, 2011 | 52 |
| To amend title 38, United States Code, to provide for an increase, effective December 1, 2011, in the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans, and for other purposes. | S. 894 | May 5, 2011 | | VA | ..... | Aug. 1, 2011 | ..... | 44 | Nov. 2, 2011 | Oct. 19, 2011 | Nov. 9, 2011 | 53 |
| To authorize the Secretary of Homeland Security, in coordination with the Secretary of State, to establish a program to issue Asia-Pacific Economic Cooperation Business Travel Cards, and for other purposes. | S. 1487 | Aug. 2, 2011 | | HS&GA | ..... | Nov. 3, 2011 | ..... | 92 | Nov. 4, 2011 | Nov. 3, 2011 | Nov. 12, 2011 | 54 |
| Making consolidated appropriations for the Departments of Agriculture, Commerce, Justice, Transportation, and Housing and Urban Development, and related programs for the fiscal year ending September 30, 2012, and for other purposes. | H.R. 2112 | June 3, 2011 | App | App | June 3, 2011 | Sept. 7, 2011 | 101 | 73 | June 16, 2011 | Nov. 1, 2011 | Nov. 18, 2011 | 55 |

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| To amend the Internal Revenue Code of 1986 to repeal the imposition of 3 percent withholding on certain payments made to vendors by government entities, to modify the calculation of modified adjusted gross income for purposes of determining eligibility for certain healthcare-related programs, and for other purposes. | H.R. | 674 | Feb. 11, 2011 | WM | | Oct. 18, 2011 | ..... | 253 | ..... | Oct. 27, 2011 | Nov. 10, 2011 | Nov. 21, 2011 | 56 |
| To amend the Peace Corps Act to require sexual assault risk-reduction and response training, the development of a sexual assault policy, the establishment of an Office of Victim Advocacy, the establishment of a Sexual Assault Advisory Council, and for other purposes. | S. | 1280 | June 27, 2011 | FA | FR | | Sept. 21, 2011 | ..... | 82 | Nov. 1, 2011 | Sept. 26, 2011 | Nov. 21, 2011 | 57 |
| To amend the Immigration and Nationality Act to toll, during active-duty service abroad in the Armed Forces, the periods of time to file a petition and appear for an interview to remove the conditional basis for permanent resident status, and for other purposes. | H.R. | 398 | Jan. 24, 2011 | Jud Bud | Jud | July 8, 2011 | | 141 | ..... | Aug. 1, 2011 | Nov. 10, 2011 | Nov. 23, 2011 | 58 |
| To grant the congressional gold medal to the Montford Point Marines. | H.R. | 2447 | July 7, 2011 | FS | BHUA | | | ..... | ..... | Oct. 25, 2011 | Nov. 9, 2011 | Nov. 23, 2011 | 59 |
| To designate the facility of the United States Postal Service located at 462 Washington Street, Woburn, Massachusetts, as the "Officer John Maguire Post Office". | S. | 1412 | July 25, 2011 | OGR | HS&GA | | Oct. 19, 2011 | ..... | 0 | Nov. 14, 2011 | Oct. 20, 2011 | Nov. 23, 2011 | 60 |
| To facilitate the hosting in the United States of the 34th America's Cup by authorizing certain eligible vessels to participate in activities related to the competition, and for other purposes. | H.R. | 3321 | Nov. 2, 2011 | TI | | | ..... | ..... | ..... | Nov. 4, 2011 | Nov. 17, 2011 | Nov. 29, 2011 | 61 |
| To clarify appeal time limits in civil actions to which United States officers or employees are parties. | S. | 1637 | Oct. 3, 2011 | | Jud | ..... | Oct. 17, 2011 | ..... | 0 | Nov. 18, 2011 | Oct. 31, 2011 | Nov. 29, 2011 | 62 |
| To amend title 28, United States Code, to clarify the jurisdiction of the Federal courts, and for other purposes. | H.R. | 394 | Jan. 24, 2011 | Jud | Jud | Feb. 11, 2011 | Oct. 17, 2011 | 10 | 0 | Feb. 28, 2011 | Oct. 31, 2011 | Dec. 7, 2011 | 63 |
| To exempt for an additional 4-year period, from the application of the means-test presumption of abuse under chapter 7, qualifying members of reserve components of the Armed Forces and members of the National Guard who, after September 11, 2001, are called to active duty or to perform a homeland defense activity for not less than 90 days. | H.R. | 2192 | June 15, 2011 | Jud | | Oct. 18, 2011 | ..... | 256 | ..... | Nov. 29, 2011 | Dec. 1, 2011 | Dec. 13, 2011 | 64 |
| To revise the Federal charter for the Blue Star Mothers of America, Inc. to reflect a change in eligibility requirements for membership. | S. | 1541 | Sept. 12, 2011 | | Jud | ..... | | ..... | ..... | Dec. 6, 2011 | Nov. 18, 2011 | Dec. 13, 2011 | 65 |
| To amend title 36, United States Code, to authorize the American Legion under its Federal charter to provide guidance and leadership to the individual departments and posts of the American Legion, and for other purposes. | S. | 1639 | Oct. 3, 2011 | Jud | Jud | | | ..... | ..... | Dec. 6, 2011 | Oct. 6, 2011 | Dec. 13, 2011 | 66 |
| Making further continuing appropriations for fiscal year 2012, and for other purposes. | H.J. Res. | 94 | Dec. 16, 2011 | | | ..... | ..... | ..... | ..... | Dec. 16, 2011 | Dec. 16, 2011 | Dec. 16, 2011 | 67 |
| Making further continuing appropriations for fiscal year 2012, and for other purposes. | H.J. Res. | 95 | Dec. 16, 2011 | | | ..... | ..... | ..... | ..... | Dec. 16, 2011 | Dec. 17, 2011 | Dec. 17, 2011 | 68 |
| To authorize the Secretary of the Interior to lease certain lands within Fort Pulaski National Monument, and for other purposes. | S. | 535 | Mar. 9, 2011 | NR | ENR | Dec. 1, 2011 | Aug. 30, 2011 | 298 | 59 | Dec. 7, 2011 | Nov. 2, 2011 | Dec. 19, 2011 | 69 |

| Title | Bill No. | Date introduced | Committee | | Date Reported | | Report No. | | Date of passage | | Public Law | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | House | Senate | House | Senate | House 112– | Senate 112– | House | Senate | Date approved | No. 112– |
| To provide for the conveyance of certain parcels of land to the town of Mantua, Utah. | S. 683 | Mar. 30, 2011 | | ENR | ..... | Aug. 30, 2011 | ..... | 60 | Dec. 7, 2011 | Nov. 2, 2011 | Dec. 19, 2011 | 70 |
| To grant the consent of Congress to an amendment to the compact between the States of Missouri and Illinois providing that bonds issued by the Bi-State Development Agency may mature in not to exceed 40 years. | S.J. Res. 22 | June 28, 2011 | | Jud | ..... | | ..... | ..... | Dec. 6, 2011 | Sept. 26, 2011 | Dec. 19, 2011 | 71 |
| To further allocate and expand the availability of hydroelectric power generated at Hoover Dam, and for other purposes. | H.R. 470 | Jan. 26, 2011 | NR<br>Bud | | July 20, 2011 | ..... | 159 | ..... | Oct. 3, 2011 | Oct. 18, 2011 | Dec. 20, 2011 | 72 |
| To authorize the presentation of a United States flag on behalf of Federal civilian employees who die of injuries incurred in connection with their employment. | H.R. 2061 | May 31, 2011 | OGR | HS&GA | July 18, 2011 | | 149 | ..... | Nov. 2, 2011 | Dec. 8, 2011 | Dec. 20, 2011 | 73 |
| Making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2012, and for other purposes. | H.R. 2055 | May 31, 2011 | App | App | May 31, 2011 | June 30, 2011 | 94 | 29 | June 14, 2011 | July 20, 2011 | Dec. 23, 2011 | 74 |
| To reauthorize the International Religious Freedom Act of 1998, and for other purposes. | H.R. 2867 | Sept. 8, 2011 | FA | FR | | | ..... | ..... | Sept. 15, 2011 | Dec. 13, 2011 | Dec. 23, 2011 | 75 |
| To award Congressional Gold Medals in honor of the men and women who perished as a result of the terrorist attacks on the United States on September 11, 2001. | H.R. 3421 | Nov. 14, 2011 | FS | | | ..... | ..... | ..... | Dec. 14, 2011 | Dec. 15, 2011 | Dec. 23, 2011 | 76 |
| Making appropriations for disaster relief requirements for the fiscal year ending September 30, 2012, and for other purposes. | H.R. 3672 | Dec. 14, 2011 | App<br>Bud | | | ..... | ..... | ..... | Dec. 16, 2011 | Dec. 17, 2011 | Dec. 23, 2011 | 77 |
| To extend the payroll tax holiday, unemployment compensation, Medicare physician payment, provide for the consideration of the Keystone XL pipeline, and for other purposes. | H.R. 3765 | Dec. 23, 2011 | WM<br>EC<br>TI<br>NR<br>FA<br>FS<br>Bud | | | ..... | ..... | ..... | Dec. 23, 2011 | Dec. 23, 2011 | Dec. 23, 2011 | 78 |
| To provide for the exchange of certain land located in the Arapaho-Roosevelt National Forests in the State of Colorado, and for other purposes. | S. 278 | Feb. 3, 2011 | | ENR | ..... | Aug. 30, 2011 | ..... | 51 | Dec. 16, 2011 | Nov. 2, 2011 | Dec. 23, 2011 | 79 |
| To amend title 39, United States Code, to extend the authority of the United States Postal Service to issue a semipostal to raise funds for breast cancer research. | S. 384 | Feb. 17, 2011 | | HS&GA | ..... | Nov. 29, 2011 | ..... | 97 | Dec. 13, 2011 | Dec. 5, 2011 | Dec. 23, 2011 | 80 |
| To authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes. | H.R. 1540 | Apr. 14, 2011 | AS | AS | May 17, 2011 | | 78 | ..... | May 26, 2011 | Dec. 1, 2011 | Dec. 31, 2011 | 81 |
| To reauthorize the Belarus Democracy Act of 2004. | H.R. 515 | Jan. 26, 2011 | FA<br>Jud<br>FS | FR | | | ..... | ..... | July 6, 2011 | Dec. 14, 2011 | Jan. 3, 2012 | 82 |

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|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| To designate the facility of the United States Postal Service located at 20 Main Street in Little Ferry, New Jersey, as the "Sergeant Matthew J. Fenton Post Office". | H.R. | 789 | Feb. 17, 2011 | OGR | HS&GA | | Dec. 15, 2011 | ..... | 0 | July 29, 2011 | Dec. 17, 2011 | Jan. 3, 2012 | 83 |
| To protect the safety of judges by extending the authority of the Judicial Conference to redact sensitive information contained in their financial disclosure reports, and for other purposes. | H.R. | 1059 | Mar. 14, 2011 | Jud | HS&GA | July 29, 2011 | Nov. 15, 2011 | 189 | 0 | Sept. 12, 2011 | Nov. 17, 2011 | Jan. 3, 2012 | 84 |
| To designate the property between the United States Federal Courthouse and the Ed Jones Building located at 109 South Highland Avenue in Jackson, Tennessee, as the "M.D. Anderson Plaza" and to authorize the placement of a historical/identification marker on the grounds recognizing the achievements and philanthropy of M.D. Anderson. | H.R. | 1264 | Mar. 30, 2011 | TI | | Dec. 12, 2011 | ..... | 325 | ..... | Dec. 14, 2011 | Dec. 17, 2011 | Jan. 3, 2012 | 85 |
| To amend title 49, United States Code, to provide for expedited security screenings for members of the Armed Forces. | H.R. | 1801 | May 10, 2011 | HS | CST | Nov. 4, 2011 | | 271 | ..... | Nov. 29, 2011 | Dec. 12, 2011 | Jan. 3, 2012 | 86 |
| To authorize appropriations for fiscal year 2012 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes. | H.R. | 1892 | May 13, 2011 | Int | | Sept. 2, 2011 | ..... | 197 | ..... | Sept. 9, 2011 | Dec. 14, 2011 | Jan. 3, 2012 | 87 |
| To instruct the Inspector General of the Federal Deposit Insurance Corporation to study the impact of insured depository institution failures, and for other purposes. | H.R. | 2056 | May 31, 2011 | FS | BHUA | July 26, 2011 | | 182 | ..... | July 28, 2011 | Nov. 17, 2011 | Jan. 3, 2012 | 88 |
| To designate the facility of the United States Postal Service located at 45 Bay Street, Suite 2, in Staten Island, New York, as the "Sergeant Angel Mendez Post Office". | H.R. | 2422 | July 6, 2011 | OGR | HS&GA | | Dec. 15, 2011 | ..... | 0 | Nov. 14, 2011 | Dec. 17, 2011 | Jan. 3, 2012 | 89 |
| To amend title 49, United States Code, to provide for enhanced safety and environmental protection in pipeline transportation, to provide for enhanced reliability in the transportation of the Nation's energy products by pipeline, and for other purposes. | H.R. | 2845 | Sept. 7, 2011 | TI<br>EC | | Dec. 1, 2011 | ..... | 297 | ..... | Dec. 12, 2011 | Dec. 13, 2011 | Jan. 3, 2012 | 90 |

TABLE OF COMMITTEE ABBREVIATIONS

AG .....Aging
Agr .....Agriculture
ANF .....Agriculture, Nutrition, and Forestry
App .....Appropriations
AS .....Armed Services
BHUA ....Banking, Housing, and Urban Affairs
Bud .....Budget
CST .....Commerce, Science and Transportation
E&W .....Education and the Workforce
EC .....Energy and Commerce
ENR .....Energy and Natural Resources
EPW .....Environment and Public Works
Eth .....Ethics
Fin .....Finance
FS .....Financial Services
FA .....Foreign Affairs
FR .....Foreign Relations
HEL&P ..Health, Education, Labor, and Pensions
HS .....Homeland Security
HS&GA ..Homeland Security and Governmental Affairs
HA .....House Administration
IA .....Indian Affairs
Int .....Intelligence
Jud .....Judiciary
NR .....Natural Resources
OGR .....Oversight and Government Reform
R .....Rules
RAdm ....Rules and Administration
SST .....Science, Space, and Technology
SB .....Small Business
SBE .....Small Business and Entrepreneurship
TI .....Transportation and Infrastructure
VA .....Veterans' Affairs
WM .....Ways and Means

NOTE.–The bill in parentheses is a companion measure.

*Next Meeting of the* SENATE

9:30 a.m., Thursday, March 8

Senate Chamber

**Program for Thursday:** After the transaction of any morning business (not to extend beyond one hour), Senate will continue consideration of S. 1813, Moving Ahead for Progress in the 21st Century, with a series of votes at a time to be determined by the two Leaders.

*Next Meeting of the* HOUSE OF REPRESENTATIVES

10 a.m., Thursday, March 8

House Chamber

**Program for Thursday:** Complete consideration of H.R. 3606—Reopening American Capital Markets to Emerging Growth Companies Act.

## Extensions of Remarks, as inserted in this issue

HOUSE

Aderholt, Robert B., Ala., E331
Amodei, Mark E., Nev.,E332
Barletta, Lou, Pa., E325, E326
Bass, Charles F., N.H., E325
Blumenauer, Earl, Ore., E330
Bonner, Jo, Ala., E327, E329, E331, E333
Boren, Dan, Okla., E326
Burton, Dan, Ind., E331
Coffman, Mike, Colo., E330
Costa, Jim, Calif., E328
Gonzalez, Charles A., Tex., E325, E327, E330, E333
Goodlatte, Bob, Va., E329
Granger, Kay, Tex., E334
Hastings, Alcee L., Fla., E326
Holden, Tim, Pa., E328, E333
Latham, Tom, Iowa, E325
McCollum, Betty, Minn., E330
McMorris Rodgers, Cathy, Wash., E325
Maloney, Carolyn B., N.Y., E330
Matsui, Doris O., Calif., E330
Moore, Gwen, Wisc., E332
Olson, Pete, Tex., E334, E334, E335
Peters, Gary C., Mich., E334
Reed, Tom, N.Y., E335
Young, Todd C., Ind., E327

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