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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. PAULSEN).

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
March 27, 2012.

I hereby appoint the Honorable ERIK PAULSEN 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.

RUSSIA AND THE JACKSON-VANIK AMENDMENT

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

Mr. DREIER. Mr. Speaker, there are a lot of issues with which we have to contend around here. Obviously there are dramatic increases in gasoline prices. We are going to be dealing with the budget this week. FCC reform is on the agenda for today. But one issue that hasn't gotten a great deal of attention that we are going to be addressing in the coming weeks and months is whether or not we deal with the issue of so-called ''Jackson-Vanik legislation'' and allow us to proceed with extending permanent normal trade relations for us to be able to trade with Russia.

Mr. Speaker, as we look at this issue, there are a number of factors that need to be addressed: first and foremost, what impact is this going to have on our Nation's job creators, those who are trying to grow our economy; and equally, if not more, important is the impact on human rights, the development of the rule of law, and the building of democratic institutions in Russia.

Now, we all heard the statement that was made by the President just yesterday in his off-microphone discussion with President Medvedev about how things are going to go and the flexibility he'll have in his second term. Well, Mr. Speaker, it seems to me that one thing that is very important for us to recognize is, there is action that we can take today that will allow us to deal not only with the notion of our creating jobs here in the United States of America but also tackling the very important human rights issue.

Let's also realize that Russia is going to be a member of the World Trade Organization. All that's necessary now is for the Duma, the Russian Parliament, to ratify their accession. The question is, will U.S. workers have access to the Russian market? And that's very important. But also, as we look at the challenges of getting our economy growing, we recognize that that is a priority. But as I said, Mr. Speaker, it's also very, very, very critical for us to do everything that we can to ensure the development of those democratic institutions in Russia, the development of the rule of law, which we all know has been lacking based on what we've seen in the last election, and also to ensure the kinds of human rights and women's rights that have been ignored.

Mr. Speaker, I would like to share with my colleagues a little bit of a letter that was just put forward by a half-dozen of the lead human rights activists in Russia. These are not my words. These are the words of these human rights activists. They say:

> Those who defend the argument that Jackson-Vanik provisions should still apply to Russia in order to punish Putin's antidemocratic regime only darken Russia's political future, hamper its economic development, and frustrate its democratic aspirations.

They go on to say:

> Jackson-Vanik is also a very useful tool for Mr. Putin's anti-American propaganda machine. It helps him to depict the United States as hostile to Russia, using outdated Cold War tools to undermine Russia's international competitiveness. We, leading figures of the Russian political opposition, strongly stand behind efforts to remove Russia from the provisions of the Jackson-Vanik amendment. Jackson-Vanik is not helpful in any way, neither for the promotion of human rights and democracy in Russia nor for the economic interests of its people.

Mr. Speaker, it's high time that we tackle this issue to ensure that we can promote human rights, the rule of law, and the development of democratic institutions in Russia and ensure that we, for the American worker, can create job opportunities right here in the United States.

HONORING ARA PARSEGHIAN

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

Mr. DONNELLY of Indiana. Mr. Speaker, I rise today to honor an American hero, Ara Parseghian, who has led a life dedicated to coaching and teaching others, serving others, and a life that has given hope to families all across the world. Many Americans know about Ara Parseghian through his legendary football career. Before that, though, he proudly served our Nation in the United States Navy during World War II. He went to college at Miami of Ohio and was lucky enough to marry Kathy Davis.

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He was a leader and role model as the head football coach at Miami of Ohio, Northwestern, and the University of Notre Dame, which is located in the congressional district that I'm honored to represent. Mr. Parseghian's impressive record at Notre Dame included two consensus national championships and three bowl victories, accomplishments that resulted in his induction into the College Football Hall of Fame in 1980 as a recognition of his tremendous achievements. More important, though, was his personal leadership and example, and the character he instilled in the players that he coached. To Ara Parseghian, it was a lot more important that his players be good citizens than good football players, although he made sure they were very good football players as well.

What many Americans may not know is that Mr. Parseghian's most important work began after his football career, when he devoted his life to finding a cure for Niemann-Pick type C disease and multiple sclerosis. In 1994, the Parseghian family learned that three of Ara and Katie's youngest grandchildren were diagnosed with Niemann-Pick type C. This tragic disease is a degenerative neurological disorder afflicting thousands of children and is ultimately fatal.

Rather than be overwhelmed by their grief, Mr. Parseghian and his family began a fight to find a cure for this disease. Together, they founded the Ara Parseghian Medical Research Foundation in 1994. It was devoted to funding research and finding a cure for Niemann-Pick type C. In 1997, scientists funded by the Parseghian Foundation were able to isolate the gene responsible for causing Niemann-Pick type C and have since made tremendous strides towards finding a cure.

The Parseghian family lost Michael, Christa, and Maria to this terrible disease, but the family and Katie and Ara have never lost hope. Their efforts will end Niemann-Pick type C and help families all across the world.

Mr. Parseghian's commitment to medical research did not stop with the disease that took the lives of his grandchildren. Ara, whose sister, brother-in-law, and daughter have been diagnosed with multiple sclerosis, has fought nonstop against the scourge of MS, which took away his beloved daughter Karen just last month.

While Ara Parseghian has accomplished much as a coach on the football field, his devotion to others will truly define the era of Ara. When I talk to my son about what it means to be a man and what it means to live a good life, I tell him about Coach Parseghian. He and Katie have epitomized devotion to family, faith, and country. May God bless Ara Parseghian, and may He keep the entire Parseghian family in the palm of His hand.

□ 1010

EVE OF THE BUDGET DEBATE

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

Mr. MCCLINTOCK. The House is about to consider a budget in a dangerous hour in the life of our country. Last year, we barreled past several urgent warning signals—the loss of our Nation's AAA credit rating; the size of the national debt surpassing our entire economy; and a record third straight year of trillion-dollar-plus annual deficits. I believe this is one of the last opportunities to avert a financial crisis unprecedented in our Nation's experience and on a magnitude far greater than that which is now destroying Greece.

The blueprint passed by the House Budget Committee last week is a disappointment to those who believe that the budget can and should be balanced much sooner, and I certainly don't entirely disassociate myself from those sentiments. But the immediate issue before us, as Lincoln put it, ''is not 'can any of us imagine better?' but, 'can we all do better?' ''

The approaching financial crisis demands first and foremost that we turn this country away from the fiscal precipice and place it back on a course to solvency. This budget does so. Indeed, it improves upon last year's House budget that died in the Senate, which, according to Standard & Poor's, would have preserved the AAA credit rating of the United States Government. This budget, I believe, will restore it.

It is, of course, a long road back, balancing by the late 2030s and ultimately paying off the entire debt by the mid 2050s. But even relying on the static scoring of the CBO which presents a worst-case scenario, it still means that my children, who are now in college, will be able to retire into a prosperous and entirely debt-free America.

True, there's a great deal in it for conservatives not to like, but that is not the issue. The issue is will this Congress and, ultimately, this government change its fiscal trajectory enough to avert the sovereign debt crisis that fiscal experts across the spectrum warn us is just a few years dead ahead.

This is not some moonless night on the Atlantic. We can see this danger right ahead of us, and we can see that it is big enough to sink this great ship of state. We have precious little time remaining to avert it. This budget will turn us just enough to avoid that calamity—and I fear we won't have many more opportunities to do so.

The alternative is unthinkable. The President's budget would subject our Nation to one of the biggest tax increases in its history, striking especially hard at the small businesses that we're depending upon to create two-thirds of the new jobs that Americans desperately need. And even so, by its own numbers, it never balances and, thus, courts the fiscal collapse of our Nation.

Hemmingway asked, ''How do you go bankrupt?''

''Two ways,'' he said. ''Gradually, then suddenly.''

For the last decade, this Nation has been going bankrupt gradually. History warns us that if we don't change course very soon, we will cease going bankrupt gradually and start going bankrupt quite suddenly. It may happen through a chain reaction set off by a seemingly minor international incident. It may happen one day when a routine bond auction sours. Interest rates will start rising rapidly. Financial panics will begin. The government will have to respond by increasingly frantic efforts to maintain a stream of capital, either through massive policy dislocations or catastrophic inflation.

The approach of great cataclysms that are so obvious to historians in retrospect are often unheeded by contemporaries at the time. Just 30 days before the outbreak of World War II, Neville Chamberlain recessed Parliament to go on extended holiday. Let that not be how history remembers this Congress. This budget is not perfect, but it is adequate to spare our country from the convulsions of Greece.

I wholeheartedly support this budget for that reason, and I expect that we'll have the overwhelming support of this House. I can only hope that the Senate this time will put aside its own differences and heed Lincoln's plea that:

> The dogmas of the quiet past are inadequate to the stormy present. The occasion is piled high with difficulty, and we must rise—with the occasion. We must disenthrall ourselves, and then we will save our country.

CYCLING: A COMPREHENSIVE APPROACH TO TRANSPORTATION

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

Mr. BLUMENAUER. Often, here on Capitol Hill, issues large and small get sort of lost in the fog, but it was a pleasure last week to watch some moments of clarity as hundreds of bicycle advocates flooded Capitol Hill delivering a simple, concise, powerful message that makes a difference in terms of how people live in their communities large and small. They were delivering a message that Congress ought to deal meaningfully, in a comprehensive fashion, with the transportation legislation that has been stalled. They were delivering a message of: Don't attack cycling. Embrace it as part of a comprehensive approach to transportation. It is, after all, the most efficient form of urban transportation ever designed.

Burning calories instead of fossil fuel doesn't just save you money and make you feel better, it's good for our communities. It's the cheapest, fastest way to reduce congestion and air pollution. A very simple illustration is you can

park eight to 10 bicycles where one automobile resides.

It's good for the economy. Over $6 billion a year is involved with the cycling industry, employing over a million people. They brought very specific examples. A study from Wisconsin, $1.5 billion of economic impact and 13,200 jobs in an industry that too often does not get its attention. In my community of Portland, Oregon, a medium-sized city, it's $100 million a year in our economy and well over 1,000 jobs.

Cycling is also very good for our children and our families. Being able to walk or bike safely to school helps kids actually perform better. Parents are less stressed. It could save some of the 6.5 billion trips a year of over 30 billion miles just shuttling kids back and forth to school.

People, frankly, were outraged that my Republican friends had targeted, in their transportation bill, elimination of the Safe Routes to School program. Other than them, I haven't met anybody in America who is against this program, that empowers our children and helps our families.

Now is a golden opportunity as the transportation bill collapsed and we're back at the drawing board to look at how we leverage that $8 billion that we have invested in Federal money over the last 20 years that has touched every State and hundreds of communities. Now is the time to celebrate that progress. Now is the time to commit ourselves to a comprehensive transportation bill that makes it safer to cycle and walk. Now is the time to have a transportation bill that will make every one of our communities more livable and our families safer, healthier, and more economically secure.

AFGHANISTAN

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

Mr. JONES. Last week, in the Armed Services Committee, we had General Allen, who oversees our military effort in Afghanistan. I have the utmost respect for General Allen. In fact, General Allen's former boss in the Marine Corps had some very kind words to say about General Allen, which I read before I got into my questions.

□ 1020

I would today like to quote the former boss of General Allen, who's been my adviser on Afghanistan for 3 years, and I actually read these comments to General Allen before I got to my question:

> Attempting to find a true military and political answer to the problems in Afghanistan would take decades, not years, and drain our Nation of precious resources, with the most precious being our sons and daughters. Simply put, the United States cannot solve the Afghan problem, no matter how brave and determined our troops are.

Mr. Speaker, I keep hearing the term, well, we're going to probably be out sometime around 2014. Well, it's kind of like what many of us, including myself, are guilty of, and that is putting it down the road, putting it down the road, we'll deal with it in some time. But the problem is our young men and women are dying, getting killed and severely wounded by IEDs. I hope that Congress, when we get into May of this year and we start debating the Department of Defense bill, will bring up some amendments dealing with Afghanistan.

History has proven time and time again that no one, no nation will ever change Afghanistan. And it was kind of ironic that last week I just happened to be on the floor Thursday when Mr. HOYER was asking Mr. CANTOR, on our side, what is going to be the schedule this week, meaning today. And then Mr. HOYER said to Mr. CANTOR, well, why don't we bring up the Senate transportation bill? And I was just taken aback by Mr. CANTOR's response. He said, ''We're just out of money.'' We're just out of money? And we're spending $10 billion a month in Afghanistan?

I don't understand the mathematics around here. We can't bring up a transportation bill, a 2-year bill, because we're just out of money. But, yet, Mr. Karzai, you can get your $10 billion a month and you can negotiate with the Taliban and take the $10 billion that we're borrowing from the Chinese to give to Karzai so they can buy weapons to kill the American soldiers and marines. It just does not make any sense.

Mr. Speaker, I have put together a resolution that I have asked the speaker of the North Carolina House of Representatives, Thom Tillis, who is a great gentleman, to introduce in the May session of the North Carolina House asking the Congress to bring our troops home out of Afghanistan before the 2014 deadline. And I'm pleased to say that the Tea Party in my district, who doesn't agree with me on everything, does agree with me on Afghanistan. They have passed this resolution at their meeting a month ago. We need to start bringing our troops home now, not later.

Mr. Speaker, I've got beside me today—and I'm going to close in just a minute—a reminder of the cost of war—all the families who have cried with pain and all the children who have cried because their moms or their daddies are not coming home. So I have about 14 of these posters when I do these little 5-minute speeches I bring to the floor. This is the latest one. I saw it in the newspaper. It's very profound. It is time for the American people to say to the United States Congress, if you have no money and you can't fix the roads, then you have no money to send to Afghanistan to waste on a corrupt leader.

With that, Mr. Speaker, I would like to close the way I normally do:

God, please bless our men and women in uniform; please bless the families of our men and women in uniform; please, God, bless the House and Senate that we will do what's right in the eyes of God for His people. I ask God to please bless the President of the United States, that he will do what is right in the eyes of God for His people. And I'll close three times by asking, God, please, God, please, God, please continue to bless America.

END RACIAL PROFILING

The SPEAKER pro tempore (Mr. CRAVAACK). The Chair recognizes the gentlewoman from Florida (Ms. WILSON) for 5 minutes.

Ms. WILSON of Florida. Twenty years ago, while serving as a school principal, I founded the 5,000 Role Models of Excellence project in Miami, Florida—a million dollar, nationally recognized and honored foundation that specifically addresses the trials and tribulations of young black boys and sends them to college. It serves almost 20,000 boys throughout Florida.

In spite of that, this sign stands outside the door of my congressional office, and I change the number every day. It speaks loudly. Trayvon Martin's murderer is still at large. Thirty-one days with no arrest. Trayvon died because of racial profiling 31 days ago.

If you walk into any inner city high school in the African American community, Mr. Speaker, and ask the students, ''Have you ever been racially profiled,'' trust me, every one of them will raise their hands, boys and girls. You might say to me, ''Congresswoman, what does that mean? Who is profiled? And who is doing the profiling?'' I will tell you:

Boys by police officers.

Boys by vigilante wannabe-police officers.

Boys who get into an elevator and then everyone else gets off.

Boys who walk down the sidewalk and everyone crosses the street.

Boys who watch people lock their car doors when they approach a car.

Boys who see women clutch their purse as they walk towards them.

Boys who will try to catch a cab but not one who will stop.

Boys who are followed around in stores while they shop.

Boys who wear hoodies.

Boys who wear dreads.

Boys who wear gold teeth.

Boys who sag their pants.

And boys who are walking while black, talking while black, shopping while black, eating while black, studying while black, and playing while black, and just being black.

How would you feel if you were treated with such disdain and such isolation? How do you think these little boys feel? It is a sociological problem that dates back to the days of slavery. These boys begin to see themselves not as real men, but as caricatures of real men whom people fear and despise.

Racial profiling for black boys is real, Mr. Speaker. It is not perceived. It is real, and it is happening as I speak

all over America today. Boys and girls, whom some would call a menace to society, will one day grow up to be good men in society. Those very same boys cry themselves to sleep at night because they don't know how to deal with the pressures and with the pain. You have to walk in their shoes to understand.

I call upon this Congress today and upon this Nation today:

Don't profile them.

Don't fear them.

Don't despise them.

Don't fill our prisons with them.

And please don't hunt them down like dogs and kill them.

Love them and educate them. They could be your son. They are all somebody's son. And they, too, are God's children.

Thirty-one days and still no justice. Shame, shame, shame. And today, I again demand justice for Trayvon. I demand justice for all murdered children. Power to the people and power to the children.

NATIONAL DEVELOPMENTAL DISABILITY AWARENESS MONTH

The SPEAKER pro tempore. The Chair recognizes the gentleman from West Virginia (Mr. MCKINLEY) for 5 minutes.

Mr. MCKINLEY. Mr. Speaker, March is National Developmental Disability Awareness month. This is a time that we can all take a moment to bring attention and understanding to both the needs and the potentials of people with developmental disabilities.

This awareness month was first declared by President Ronald Reagan in 1987 to recognize the bright future that these American citizens have in front of them. Thanks in part to proclamations like this, the perceptions of young people and adults with developmental disabilities has changed.

On a personal note, as an individual with a significant hearing disability and a grandfather of a child with special needs, I am very familiar with the hardships of overcoming the obstacles of disabilities. My grandson, Maxwell, has CHARGE syndrome and deals every day with intense developmental and medical challenges. He is a true inspiration to his mother and our entire family.

□ 1030

During Developmental Disabilities Awareness Month, I encourage everyone to engage with people in our communities who have developmental disabilities and recognize their talents and abilities that will make this a better Nation.

REVEREND AL SHARPTON AND TRAYVON MARTIN

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

Mr. AL GREEN of Texas. Mr. Speaker, I would like to say to all who are within the sound of my voice or may be viewing what is said that I am exceedingly grateful and I thank God for Reverend Al Sharpton.

Reverend Sharpton has been involved in the Trayvon Martin circumstance for some time now. That is not unusual. What may be considered unusual is that he is involved at a time when he has lost his mother, and he is acting under some courageous circumstances that require courage, I might say, under these circumstances. I admire what he does, but I especially admire the fact that he is doing it under these circumstances, and today he is funeralizing his mother.

So to Reverend Al Sharpton, I want to express my gratitude; and I would like to just take a very short brief moment of silence and express my sympathies silently to Reverend Sharpton and his family.

Thank you.

Mr. Speaker, I want to thank all of my colleagues who have supported what the Justice Department is doing. It is exceedingly important that people understand that this is a bipartisan effort across the length and breadth of this country. This transcends the lines that can divide us. This is not about being a conservative. It's not about being a liberal. It's about justice for Trayvon Martin. I believe that people of goodwill come in all stripes, they are affiliated with all parties, and people of goodwill want to see justice done.

My colleague before me expressed that it has been 31 days and there has not been an arrest. We are now hearing more about what may have happened. I say ''may have happened'' because we have not had an eyewitness to come forward and give statements. It's important to note that what we're hearing is not coming by way of eyewitness testimony. Someone has had someone say something that they are repeating.

My hope is that there will be a thorough investigation. There should be an investigation. My hope is that we will have the opportunity to produce evidence by and through the constabulary to show what actually happened to the extent that the standard that is commonly used to make an arrest is applied to this case. That standard is probable cause. It is not guilt beyond a reasonable doubt, not clear and convincing evidence, but, rather, probable cause. It is whether there is probable cause to make an arrest.

We have many laws that are coming into play, and I want to thank Chairman JOHN CONYERS. I call him chairman. He is now the ranking member of the Judiciary Committee. I want to thank him because he is taking the lead today on a forum that will take place. In fact, he's making it possible for us to have this forum today. At this forum today, there will be some clarity brought to how the Federal Government is involved in these kinds of circumstances.

In '09, there was a hate crimes law that was passed. There will be some considerable talk about this hate crimes law that was passed. Federal jurisdiction has been expanded under the '09 law, pursuant to the 14th Amendment and the equal protection provided thereunder. There will be talk about how the Justice Department has a role in these processes from time to time. There will be talk about how financial support can be accorded the local constabulary under certain circumstances. There will be talk about how Federal charges can be promulgated and enforced under certain circumstances. So I will be honored to have an opportunity to be at this forum today so that we can talk more about the Federal role.

In the final analysis, here's what we're dealing with. We're dealing with a circumstance wherein there are at least two people who deserve a fair trial. Trayvon Martin is one of the two people, at least, who deserves a fair trial. He deserves a fair hearing on what happened that day. He cannot speak for himself, but there is evidence that speaks volumes about what happened on this occasion. That evidence has to be considered such that some impartial body can make a determination as to whether or not there should be an arrest.

If there is an arrest—and I believe that the evidence exists such that there is probable cause—if there is an arrest, then there can be a trial and then there can be the transparency that the United States of America produces whenever we have trials, because there will be an opportunity for all sides to present their evidence in a court of law before a jury if a jury is desired. This is the way we do things in the United States of America.

Regardless of his color, he deserves a fair trial. Regardless of what he had on, he deserves a fair trial. And to those who say that hoodies make you a criminal, I say: Be careful, because you're getting dangerously close to saying women can cause themselves to become victims. You're dangerously close, so be careful.

LETTING THE ENTREPRENEURIAL SPIRIT TAKE HOLD

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

Mr. MCHENRY. Mr. Speaker, today I want to talk about something that is very important, a great opportunity for this Congress to lift the red tape from Washington and allow the entrepreneurial spirit of America to take hold.

We know that, 3 years into an economic recovery, America's labor and capital markets continue with unprecedented challenges. Entrepreneurship is at a 17-year low. Deeply troubling, as we know, is that 40 million jobs since 1980 have been created by small businesses or start-ups. What is interesting about this is that those are the folks

that are likely to fail when you create a small business. But still, we have netted 40 million new jobs out of this one sector over the last 30 years.

Fixing this mess that we've seen in this recent downturn won't happen overnight, and there is no silver bullet for fixing it; but we have to recognize that America has seen the world catch up, catch up to what once was the most vibrant capital market on the planet here in the United States. The world has caught up because they see what that does in terms of job creation. They have caught up in terms of regulation, and they allow capital to flow more easily in other jurisdictions around the world.

We also know, according to the World Bank, that the Doing Business report found that the U.S. fell from third to 13th in the ease of starting new businesses. It's fallen that quickly just in the last 5 years. And because of Dodd-Frank, credit is less available and more costly than it was before. We have restricted the opportunity for businesses to get the lending that they need.

At the same time, we haven't updated our securities regulations in the United States in 80 years. There has been no significant rewrite since the Securities Act of 1933 and the Securities and Exchange Act of 1934. They put in place restrictions that were right at the time. You had this new technology called the telephone. You had folks hawking securities on street corners in New York, and so they wrote regulations at the time that were applicable to the time.

We know that the Internet is a fully mature ecosystem now. We know that billions of dollars are transacted just on eBay alone. People have an online reputation with social networks that they can utilize. We want to take that power and actually allow businesses to use that power of the Internet and social networks. That's why I filed, and this House passed, the Entrepreneur Access to Capital Act that provides those updates, so you can actually have crowdfunding.

What is crowdfunding? crowdfunding is the best of microfinancing and crowdsourcing. You use a wide network of individuals and you can raise capital for your new business, your start-up, or your small business. We passed that and sent it to the Senate.

The Senate didn't do anything, they didn't act, so we repackaged the bill and put it within the JOBS Act. This House passed it with an overwhelming majority of nearly 400 votes. We sent it to the Senate and the Senate changed a few small provisions and is sending it back this week. We hope to pass that bill this week and send it to the President's desk.

What the legislation for crowdfunding does is remove that restriction on communicating, which the Securities Act of 1933 puts in place, and lifts the cap on investors that the Securities Exchange Act of 1934 provides for.

□ 1040

So, crowdfunding is a great opportunity for small businesses to raise equity. Unfortunately, the Senate decided to amend a few small provisions within this crowdfunding act that we were able to pass here in the House, I believe a few misguided, ill-informed provisions: one, expanding liability provisions for issuances of crowdfunding securities, and, number 2, banning general solicitation, which means that a company can't put up on their Facebook or post on their Twitter account, they can't tweet the fact that they're trying to raise capital. I think those restrictions are flawed and misguided, and I would ask the Senate to come around to fixing these provisions.

I think it's very important the House pass the JOBS Act this week so we can make capital formation more democratic, more in touch with the market as it is today. And so I ask my colleagues to vote for the JOBS Act, and I ask the President to sign this bill so that we can help capital formation in the United States and get people working again.

NUCLEAR WASTE REPOSITORIES

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

Mr. SHIMKUS. Mr. Speaker, it's been a couple of weeks since I've been able to come down to the floor and talk about high-level nuclear waste. As you know, through the past year, I've been coming to the floor. I am chairman of the Environment and the Economy Subcommittee. We have jurisdiction over a lot of different types of waste. One of those is nuclear waste.

I also have come to the floor to just give a short history lesson on where we're at, where we should be, and the problems that stand in our way. In 1982, the national government passed the Nuclear Waste Policy Act. In 1987 amendments were then offered that said we need to have a long-term geological repository and that repository should be Yucca Mountain.

So I've been going around the country and looking at the different places where we have high-level nuclear waste, whether it's on the west coast, the State of Florida, Massachusetts, in the central part. Today I go to the State of Colorado, which has nuclear waste in the State, and I want to compare it to where it should be.

As a review, Yucca Mountain is, by law, defined as the place where we should put high-level nuclear waste. Currently, there's no nuclear waste on-site. The waste would be stored a thousand feet underground. The waste would be a thousand feet above the water table because it's in a desert. And the waste is 100 miles from the Colorado River.

Now, compare that to the nuclear waste that is at a location called Fort St. Vrain. Currently, there are 30 million tons of uranium, of spent fuel, on-site. The waste is stored above-ground in vaults. The waste is less than 25 feet above the groundwater, and the waste is 1 mile from the South Platte River. A mile from the South Platte River, 100 miles from the Colorado River.

So part of this debate is, why haven't we moved and complied with Federal law? Well, we all know that. It's the Senator from the State of Nevada, who's made it his personal crusade to block our ability to proceed and has blocked funding for the final scientific study.

This whole debate has moved into the political arena, not the arena of law, and in the U.S. Senate you really need 60 votes to move public policy. So I've been coming down to the floor and looking at Senators from States that surround Colorado and see where they have either declared their position or cast votes on the national repository, Yucca Mountain.

As you see, from Texas, you've got Senator CORNYN, who's a yes; Senator HUTCHISON is a yes. Oklahoma, Senator COBURN's a yes; Senator INHOFE's a yes. New Mexico, Senator BINGAMAN has voted no. Senator BENNET from Colorado is new, hasn't really stated a position. We'd like to see him get on the record.

My two friends, the UDALL cousins, both TOM and MARK, we will check the record, but I believe that they've cast a vote in the Senate, and if not, they haven't stated a recent position.

Why is that important? Because we've been tallying where the Senators are, and right now we really need 60 votes to come to conclusion. We've already spent $15 billion, and we have no nuclear waste on-site. Right now, based upon our calculations, we have 45 Senators that would support moving of high-level nuclear waste to Yucca Mountain. We have 17 who we don't know their position, and we have 16 who have stated or they have voted in the past as no. So our challenge here is to get these Senators on record and show the collective will.

Now, we've done it in the House. We've had votes in the House in which we had about 300 Members of this Chamber, a bipartisan vote, in support of moving forward on the funding, the scientific funding to finally finish a single repository at Yucca Mountain.

It's very important for our national security. It's very important for all the locations around. We already have 104 nuclear power plants in this country; all have nuclear waste on-site.

We also have nuclear waste that's involved with our defense industry back at Fort St. Vrain. That waste was supposed to be transported to Idaho, but litigation has kept it there. If we don't move that waste, then by 2035 the Federal Government will have to pay the State of Colorado $15,000 a day until we take the responsibility that we have committed to as a national government.

I appreciate this time, Mr. Speaker, to come down. We'll continue to get

through all the U.S. Senators and attempt to try to get to the magic number of 60.

COMMEMORATING GREEK INDEPENDENCE DAY

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

Mr. BILIRAKIS. Today, I rise to honor and commemorate Greek Independence Day.

On March 25, 1821, Archbishop Germanos of Patras raised the flag of revolution over the Monastery of Agia Lavra in the Peloponnese, and ''Eleftheria i Thanatos,'' which means ''Liberty or Death,'' Mr. Speaker, became the battle cry. This day to start the Greek War of Independence was not chosen by chance because it coincides with the Greek Orthodox Church's celebration of the Annunciation to the Mother of God. Again, this was not a coincidence because to the Greeks of 1821, Mr. Speaker, the Mother of God was their champion and their protector.

As we all know, the price of liberty can be very high. Socrates, Plato, Pericles, and many other great minds throughout history warned that we must maintain democracy only at great cost. Our Greek brothers earned their liberty with blood, as did our American forefathers. The freedom we enjoy today is due to the sacrifices made by men and women in the past.

Like the American revolutionaries who fought for independence and established this great Republic, Greek freedom fighters began an arduous struggle to win independence for Greece and her people. After four centuries of Ottoman oppression, they faced what appeared to be insurmountable odds. This was the 19th century David versus Goliath.

The revolution of 1821 brought independence to Greece and emboldened those who still sought freedom across the world. It proved to the world that a united people, through sheer will and perseverance, can prevail against tyranny.

The lessons the Greeks taught us then continue to provide strength to victims of persecution throughout the world today. By honoring the Greek struggle for independence, we reaffirm the values and ideas that make our Nation great.

I take great pride in both my Greek and American heritage, and each time I perform my constitutional duties, I am doing so in the legacy of the ancient Greeks and early Americans.

□ 1050

As Thomas Jefferson once said:

> To the ancient Greeks, we are all indebted for the light which led ourselves, American colonists, out of gothic darkness.

Throughout American history, Greece and her people have stood as a staunch and unrelenting ally of the United States. In 1917, Greece entered World War I on the side of the Allies, as well as when they were invaded in 1940 during World War II. The enemy was then forced to divert troops to Greece to protect its southern flank in 1941. Alongside the American and Allied Forces, Greece played an integral role in defeating the enemies.

I would be remiss if I stood on the floor today and did not also pay homage to the American and Greek soldiers who fought side by side during the Korean War and, most notably, at Outpost Harry. As many of you know, each night the outpost was defended by only a single company of American or Greek soldiers. The Chinese had anticipated an easy capture; however, they did not anticipate the resolve of our soldiers to hold Harry at all costs and, therefore, making withdrawal not an option. Due to Harry's defense, the enemy ultimately called off their attacks due to the heavy losses suffered. This, ladies and gentlemen, was heroic.

For the first time in United States military history, five rifle companies together—four American and one Greek—would receive the prestigious Distinguished Unit Citation for the outstanding performance of their shared mission.

In expressing his sympathies with Greece revolting its Ottoman rulers, Thomas Jefferson said:

> No people sympathize more feelingly than ours with the sufferings of your countrymen, none offer more sincere and ardent prayers to heaven for their success. Possessing ourselves the combined blessing of liberty and order, we wish the same to other countries, and to none more than yours, which, the first of civilized nations, presented examples of what man should be.

I stand here before you today to commemorate the Greeks who fought against oppression. I stand here before you today to celebrate that day, March 25, 1821. By doing so, we reaffirm the common democratic heritage we share. And as Americans, we must continue to pursue this spirit of freedom and liberty that characterizes both of these great nations.

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 10 o'clock and 54 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:

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

Help us this day to draw closer to You so that, with Your Spirit, and aware of Your presence among us, we may all face the tasks of this day.

Bless the Members of the people's House. Help them to think clearly, speak confidently, and act courageously in the belief that all noble service is based upon patience, truth, and love.

May these decisive days through which we are living make them genuine enough to maintain their integrity, great enough to be humble, and good enough to keep their faith, always regarding public office as a sacred trust. Give them the wisdom and the courage to fail not their fellow citizens, nor You.

And may all that is done this day be for Your greater honor and glory.

Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

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

Mr. MCHENRY 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 with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

> H.R. 3606. An act to increase American job creation and economic growth by improving access to the public capital markets for emerging growth companies.

The message also announced that the Senate concurs in the amendment of the House of Representatives to the bill (S. 2038), ''An Act to prohibit Members of Congress and employees of Congress from using nonpublic information derived from their official positions for personal benefit, and for other purposes.'';

The message also announced that pursuant to Public Law 105–292, as amended by Public Law 106–55, and as further amended by Public Law 107–228, and Public Law 112–75, the Chair, on behalf of the President pro tempore, upon the recommendation of the Majority Leader, appoints the following individual to the United States Commission on International Religious Freedom:

Katrina Lantos Swett of New Hampshire, vice Dr. Don H. Argue.

ANNOUNCEMENT BY THE SPEAKER

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

LOWER THE PRICE OF GASOLINE AT THE PUMP

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

Mr. MCHENRY. Mr. Speaker, my constituents in western North Carolina and my neighbors and I are really upset about what's happening at the price of gasoline at the pumps.

What we see out of this administration and what we see out of some extreme environmentalists is an unwillingness to tap our natural resources to relieve the price at the pumps today. We've seen out of this administration Solyndra. We've seen scandal after scandal with this green energy policy lending coming out of the stimulus from a couple of years ago and out of liberal policies in Washington.

What my constituents want to see is real exploration so that we can lower the price at the pumps. That's what we deserve, and that's an action that I ask this administration to take.

REPUBLICAN PLAN TO END MEDICARE

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

Mr. BACA. Madam Speaker, here we go again. This week, the House will vote on yet another Republican plan to end Medicare as we know it.

America's seniors have given a lifetime of service to our Nation. They deserve better than to be left out in the cold.

If it becomes law, the Republican budget will end the Medicare guarantee of secure health coverage for our seniors and replace Medicare with a voucher system that would, instead, give our seniors a premium support payment.

Even worse, the Republican budget gives new tax breaks to millionaires, billionaires, and Big Oil companies. Economists agree the Republican budget plan would destroy 4.1 million American jobs by the end of 2014.

Last year the American people weren't fooled by the dangerous and unfair House Republican budget. If it didn't work the first time, it's not going to work this time.

Let us work together on a bipartisan budget that does not favor the superrich over seniors and the middle class.

REPUBLICAN BUDGET

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

Mr. SMITH of Nebraska. Madam Speaker, I rise today to discuss the budget, contrasting the Republican plan, which would actually strengthen and extend Medicare, and the President's plan that would actually maybe allow Medicare to go bankrupt only 2 years later than it would otherwise.

One particular provision in the President's budget, a cut in reimbursement to critical access hospitals, would endanger access to nearby hospital care for millions of seniors, including those served by the 48 critical access facilities in Nebraska's Third District.

However, the Republican budget provides an alternative which ensures access to care without relying on arbitrary cuts. Our plan would also focus future Federal support on the sick and poor, while ensuring no change for those at or near retirement.

Madam Speaker, inaction now will only guarantee Medicare is more problematic in future years. We must act now to ensure it remains solvent for those who depend on it most.

POSTAL SERVICE FACILITY CLOSURE PROCESS

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

Mr. HIGGINS. Madam Speaker, I rise to express my deep concerns about the postal service's facility closure process.

Testimony at a recent Postal Regulatory Commission hearing brought to light details of a study kept secret because it projected billions of dollars in losses, despite facility closures. It also revealed mail volume would take a huge hit due to service standard changes.

Yet the postal service has no plans to change its course, further proof that the postal service is operating under an ill-conceived ''decide now, justify later'' strategy.

The Buffalo Mail Processing Facility recently developed a training session for postal employees that is now the template for a national model. Surprisingly, this facility is scheduled for closing. It doesn't make any sense.

My colleague GERRY CONNOLLY is asking the postal service to release the full results from the study, and I agree. We should not—and cannot—stand by and watch these facilities close without taking all facts into account.

THE JOB-KILLING EPA MUST BE STOPPED

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

Mr. JOHNSON of Ohio. Madam Speaker, President Obama's job-killing EPA is at it again. Last year, the EPA proposed a rule on manganese alloy production that would close down the last two manganese alloy production facilities in America, costing over 500 direct American jobs and thousands of indirect jobs. One of the facilities is in my hometown of Marietta, Ohio.

These manganese alloys are vital raw components to the steel industry and are used in a wide variety of industries, including defense and the automotive industry, just to name two.

The proposed EPA rule would require scientifically unproven and costly process controls to be installed on the two facilities, and the EPA has ignored the warnings that if the proposed rule is finalized it will not be economically feasible for these plants to continue to operate.

Furthermore, if this rule is finalized, American steel companies will be forced to import this vital raw material from China or other foreign sources.

Today I will begin work with my House colleagues to ensure the EPA does not go forward with this job-killing rule.

STAND BEHIND OUR VETERANS

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

Mr. WALZ of Minnesota. Madam Speaker, I rise today to bring an important concern to my colleagues. Every one of us here has a sacred commitment to care for those warriors who are willing to serve us overseas, and one of our major concerns is making sure they're employed when they return back home.

What's alarming is the Department of Defense recently issued a change in their policy that will undermine our ability to do that. I'm referring to the Department of Defense Post-Deployment Mobilization Respite Account. This important policy is designed to give our brave warriors sufficient time to transition back into the private sector. PDMRA, as it's called, is an important tool that gives them that opportunity.

The change by the DOD reduces the number of paid transition days that were promised to our men and women after they deploy to the war zone. Halfway through, for many of them, their third or fourth deployment, DOD is now taking that back when their plans were set this spring when they returned home. While they're in Iraq and Afghanistan, that is certainly not the right thing to do.

Every single one of us wants to balance the budget and must focus us on that, simply not on the backs of veterans and warriors serving this Nation.

I ask my colleagues to join me in asking the Department of Defense to reverse course on this policy, hire our veterans, and keep our moral commitment to them.

□ 1210

HONORING DR. JEROL SWAIM FOR 48 YEARS OF SERVICE TO WILLIAMS BAPTIST COLLEGE

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

Mr. CRAWFORD. Madam Speaker, I rise today to recognize Dr. Jerol Swaim, president of Williams Baptist College in Walnut Ridge, Arkansas.

After 48 years of service to Williams Baptist, Dr. Swaim has announced his retirement. Although he will no longer be on the campus every day, his influence will certainly be felt there for years to come.

Dr. Swaim started his career at Williams Baptist as a professor of history, government and economics. In 1973, he became academic dean of the college and has also held the titles of vice president for academic affairs and executive vice president. In 1995, he agreed to become the fifth president of Williams Baptist, a role he has filled since that time.

Dr. Swaim is stepping down after presiding over a transformation of the Williams campus. Since the late 1990s, nearly every building on the campus has either been newly constructed or extensively renovated.

Under Dr. Swaim, Williams Baptist has expanded its academic offerings as well as its academic reputation. It broke into the top tier of U.S. News & World Report college rankings in 2010 and climbed in the rankings again this year.

Madam Speaker, today we honor Dr. Jerol Swaim for his 48 years of service to Williams Baptist College and the countless lives he has changed.

RYAN BUDGET IS SHAMEFUL

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

Mr. BUTTERFIELD. Madam Speaker, the Republican budget cuts at least $3.3 trillion from low-income programs over the next 10 years while it increases the defense budget. It reduces taxes to a level that will wreak havoc on the Federal Treasury.

The rate of poverty is at its highest level in nearly 30 years. The Republican budget would increase poverty and exponentially raise the misery index for hardworking American families.

The Ryan budget also wreaks havoc on seniors. The American people must know that this Republican budget—which has been endorsed by all three Republican Presidential candidates—will end Medicare as we know it. Their plan is to get the Federal Government out of the Medicare program. Republicans simply want to provide seniors a small voucher to purchase Medicare insurance on the private market. Most seniors will not have the money to do that.

The Ryan budget shows Medicaid cuts of $810 billion. They want to get the Federal Government out of the medical assistance program to low-income families and place that burden on States with an underfunded mandate.

Madam Speaker, the Ryan budget is absolutely shameful and misleading. House Democrats will fight it to the end.

REPUBLICAN BUDGET: ASSAULT ON MEDICARE AND MIDDLE CLASS

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

Ms. KAPTUR. Madam Speaker, once again, Republicans in the House have put forward a budget that ends Medicare as we know it. This is an all-out Republican assault on Medicare and our Nation's middle class.

Who benefits from this Republican budget? Millionaires certainly do. Think Wall Street Bonus Boys. This Republican budget would give them an additional tax cut of $187,000—that's for starters—yet lower and middle class Americans, people making $20,000 to $30,000 a year, they get no tax cut at all.

This Republican budget also gives away $3 trillion in tax cuts and benefits to corporations. Republicans' real priorities: cutting the safety net, giving the superrich a handout, and ignoring the damage to the deficit.

The Republicans would end the promise of Medicare for both current and future beneficiaries by shifting the program to private insurance financed by vouchers. The nonpartisan Congressional Budget Office says that the Republican budget would reduce benefits to seniors and force many to spend much more than they do today.

Why are the Republicans so intent on making seniors sacrifice first? Why not claw back Wall Street's bonuses?

I urge my colleagues to vote against the Republican budget. Support the Democratic alternative. Protect seniors and our middle class.

MOURNING THE LOSS OF POPE SHENOUDA III

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

Mr. SIRES. Madam Speaker, on March 17, the world lost a great spiritual leader, His Holiness Pope Shenouda III. I rise today to join the millions of Coptic Christians in mourning his death.

This past Sunday, St. Mary Coptic Church in East Brunswick, New Jersey, held a very moving memorial service for the Pope. An estimated 1,000 mourners gathered in the cathedral while a thousand more listened to the service in nearby rooms.

There was an outpouring of grief from people of all faiths. Leaders from many religions and sects were in attendance to pay homage to the Pope, including His Grace Bishop David, the Bishop of the Archdiocese of North America.

As we mourn the loss of a great leader and purveyor of faith and religious tolerance, we remember and embrace all that the Pope has done for the Coptic community in Egypt and around the world. The beloved leader of the Coptic Christian church has provided immeasurable contributions to further promote tolerance and interfaith dialogue in Egypt and serves as an example of how communities of different faiths can live in harmony.

As Egypt continues its transition, Egyptian leaders must work together to uphold the rights of all religious communities in Egypt and end all discrimination.

OBAMA CARES

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

Ms. HANABUSA. Madam Speaker, I read my local paper this morning and read a reference by Richard Borreca, a reporter who said that the Affordable Care Act is known as ObamaCare. At first I cringed because that's the way Republicans refer to it. But then I thought about it, and you know what? You're absolutely right; Obama cares. That's why we have that law.

Think about what he looked at in 2008 and 2009. There were 50 million people who were uninsured at a cost of $116 billion a year. That could bankrupt any family. But with the Affordable Care Act, think about what you have: women no longer have to be worried about being discriminated against as a preexisting condition; seniors don't have to worry, they can have preventative care and the doughnut hole will close; youth can be covered under their parents' plan to the age of 26; and small business can avail themselves of a tax credit.

Yes, Madam Speaker, Obama cares, as do the Democrats.

PUTTING AMERICANS BACK TO WORK

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

Mr. YODER. Madam Speaker, I rise today to again encourage my colleagues to support pro-growth economic policies that can help put Americans back to work.

With over 8 percent unemployment and slow economic growth, many Americans are struggling to pay their bills and provide for their families. Unfortunately, many of the policies coming out of Washington over the past few years have prolonged this economic stagnation and damaged our recovery.

With small businesses creating two out of every three jobs in this country, we need to support policies that keep business taxes down, eliminate costly regulations, and open up new avenues for access to capital. That's why I'm happy to support the JOBS Act. This bipartisan legislation will help new business formation, open up access to capital, and help new businesses create jobs.

Madam Speaker, let's work together in bipartisan fashion on the JOBS Act and other legislation, and let's help put Americans back to work.

REPUBLICAN BUDGET TO END MEDICARE

(Ms. EDDIE BERNICE JOHNSON of Texas asked and was given permission to address the House for 1 minute.)

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I rise today in strong opposition to the Ryan Republican budget that will end Medicare as we know it.

Reminiscent of last year, the Republican budget provides tax breaks for the millionaires and billionaires while ending the Medicare guarantees for our seniors, sticking them with the bill for rising health care costs.

The proposals in the Republican budget lack balance and jeopardize the health and economic security of our Nation's seniors. The 300,000 Texas seniors, who have saved almost $200 million on prescription drug costs since the Affordable Care Act was signed into law, will be forced back into the prescription drug doughnut hole.

I urge my Republican colleagues to end this attack on our seniors, as they have already been through enough, and we have given the rich too much leeway while the middle class and the poor pay the bills.

REPUBLICAN BUDGET

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

Mr. HIMES. Madam Speaker, as I reflect on where this country has been in the last 10 years, I see two wars fought at the cost of thousands of lives and $2 to $3 trillion; tax cuts during a time of war—something unprecedented in this country's history—and now we're seeing more of the same: a Republican budget that would increase spending on defense, despite the fact that we spend more than every other country combined on defense, and would provide tax cuts to the very wealthiest in this country. The Office of Management and Budget estimates that millionaires will see $150,000 in tax cuts with this budget.

So who pays? Anybody who relies on medical research for a cure or to stay healthy will pay. Our education will pay. Pell Grants and Head Start for poor children to get educated will be gutted. Medicare will pay. Medicaid will pay. In my district where highways and railways are critical, investment in those things will be gutted. We all pay if this budget becomes law. I urge—implore—my colleagues to reject the Republican budget.

□ 1220

ALL FOR ONE AND THE ONE GETS ALL

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

Mr. YARMUTH. Madam Speaker, a recent analysis of American tax revenues revealed that in 2010, as our country was recovering from the Great Recession, 93 percent of new income went to the top 1 percent of earners. That's $288 billion more exclusively for the 1 percent. I am sure my friends across the aisle were outraged that 7 percent could go to waste on the other 99 percent of American families.

Their solution: the Republican 1 percent budget—a gift basket for millionaires and billionaires. Inside is a permanent extension of the Bush tax cuts, which have created an income gap in this country on par with Cameroon and Rwanda. But the Republicans' 1 percent budget doesn't stop there. It gives an additional tax break of $150,000 to people earning more than $1 million a year while dismantling Medicare, slashing education, transportation, and the social safety net to pay for it.

I urge my colleagues to oppose this ''all for one and the one percent gets all'' budget and to support a plan that reflects our Nation's values of fairness and shared responsibility.

COMMENDING PRESIDENT OBAMA'S COMMITMENT TO DOMESTIC OIL PRODUCTION

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

Mr. FALEOMAVAEGA. Madam Speaker, rising gas prices are hitting families hard, adding to what is already a tough economic situation for our citizens across the Nation.

That is why I commend President Obama for his all-of-the-above energy strategy, which includes a strong commitment to domestic oil production. Oil and gas development has increased in every year of the Obama administration, and domestic oil production is now at an 8-year high. Furthermore, our foreign dependence on oil is at a 16-year low. Last year, we cut net oil and petroleum imports by 1 million barrels a day.

President Obama has also offered millions of acres of land for lease and has improved safety measures to prevent future spills. The President has also proposed opening up more undiscovered offshore oil and gas resources for development in the Gulf of Mexico.

I thank President Obama for his leadership in increasing oil production so that our Nation, our country, will depend less on imported foreign oil.

REJECT THE REPUBLICAN BUDGET

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

Mr. CLEAVER. You hear a lot about the Ryan budget. I've chosen not to call it the ''Ryan budget''—it's just my personal thing—because it becomes personal. So, when I criticize it, it seems like I'm criticizing a person when I'm not. I'm criticizing the Republican Budget Committee from which it came, and I'm criticizing it because 62 percent of all the cuts in that budget will be aimed at low-income individuals and seniors. The Medicare program is going to be threatened, and the AARP sent out a notice to all of its members explaining what would happen to Medicare if it is voucherized.

We are the only Nation in the history of planet Earth to give tax cuts as we enter and then are in the middle of a war—2003, 2005—giving tax cuts in the middle of a war. Last year, the 22 largest hedge fund managers earned $22 billion, and they paid only 15 percent on the tax of the capital dividends. The people who are watching this pay 27 to 30 percent.

It's not right. We've got to reject this budget.

THE BUDGET AND MEDICARE

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

Mrs. DAVIS of California. Madam Speaker, as my constituents remind me frequently, seniors have paid into the Medicare system their whole working lives. Seniors have done so with the understanding that, if they work hard and play by the rules, this country will provide for their health care needs during retirement. That is why I am committed to working with my colleagues and the administration to ensure the survival of Medicare, and that is why I strongly oppose the Republican budget.

The Republican budget would end Medicare by transforming it into a voucher program, and it would slash over $1 trillion in benefits over the next decade. So, with far less money in hand, our seniors would become dependent on insurance companies to decide the fate of their health care—insurance companies that could price our seniors out of the market or cut benefits at will. Also, while the Republican budget takes from seniors to cut costs, it gives millionaires an average tax cut of at least—at least and I've seen larger numbers—$150,000 in 2014.

Our seniors deserve better. I look forward to a real bipartisan effort to preserve the promise of Medicare for future generations.

REPUBLICAN BUDGET ENDS MEDICARE

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

Mr. LEWIS of Georgia. Madam Speaker, again this year, the Republican budget would end Medicare's guarantee to our seniors. The Republican budget takes aim at the very heart of our moral obligation to our seniors.

Medicare has been both a blessing and a lifeline for our seniors and the disabled. Our seniors have worked a

lifetime to make our country great, and we will not break our promise that Medicare will be there for them in their retirements. Medicare is at the core of our social compact. It is at the heart of what has made our Nation strong. We must not turn Medicare into a voucher program. We will not—we must not—balance our budget on the backs of our seniors.

JOBS AND THE TRANSPORTATION BILL

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

Mr. LANGEVIN. Madam Speaker, I rise today in support of the bipartisan, Senate-passed highway transportation reauthorization bill, or MAP–21.

We all know, in this global economy in which we now live, in order to truly be competitive we need to have a 21st century infrastructure to match a 21st century economy, but we're not there. Our Nation right now, of course, is facing a fragile economic recovery. Nowhere is that more apparent than in my home State of Rhode Island, which currently has an unemployment rate of 11 percent.

MAP–21 will help rebuild America's economy on a stronger, more sustainable foundation. It will provide the financing for critical highway and transit projects, and it will support almost 2 million jobs—9,000 of them right in my home State of Rhode Island. The failure to pass a long-term transportation bill could result in additional job losses, threatening our economic recovery and countless families who are barely getting by as it is.

The Senate has done its job. Now it is time for the House to do the same. Let's bring MAP–21 to a vote and move forward on the path to rebuilding our roads, our communities, and our economy.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore (Mrs. MILLER of Michigan) laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, March 27, 2012.

Hon. JOHN A. BOEHNER,
The Speaker, U.S. Capitol, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on March 27, 2012 at 9:15 a.m.:

That the Senate agreed to without amendment H. Con. Res. 108.

Appointments:

United States Commission on International Religious Freedom.

With best wishes, I am

Sincerely,

KAREN L. HAAS,
Clerk.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Any record vote on the postponed question will be taken later today.

JUMPSTART OUR BUSINESS STARTUPS ACT

Mr. BACHUS. Madam Speaker, I move to suspend the rules and concur in the Senate amendment to 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 Clerk read the title of the bill.

The text of the Senate amendment is as follows:

Senate amendment:

Strike title III and insert the following:

TITLE III—CROWDFUNDING

SEC. 301. SHORT TITLE.

This title may be cited as the ''Capital Raising Online While Deterring Fraud and Unethical Non-Disclosure Act of 2012'' or the ''CROWDFUND Act''.

SEC. 302. CROWDFUNDING EXEMPTION.

(a) SECURITIES ACT OF 1933.—Section 4 of the Securities Act of 1933 (15 U.S.C. 77d) is amended by adding at the end the following:

''(6) transactions involving the offer or sale of securities by an issuer (including all entities controlled by or under common control with the issuer), provided that—

''(A) the aggregate amount sold to all investors by the issuer, including any amount sold in reliance on the exemption provided under this paragraph during the 12-month period preceding the date of such transaction, is not more than $1,000,000;

''(B) the aggregate amount sold to any investor by an issuer, including any amount sold in reliance on the exemption provided under this paragraph during the 12-month period preceding the date of such transaction, does not exceed—

''(i) the greater of $2,000 or 5 percent of the annual income or net worth of such investor, as applicable, if either the annual income or the net worth of the investor is less than $100,000; and

''(ii) 10 percent of the annual income or net worth of such investor, as applicable, not to exceed a maximum aggregate amount sold of $100,000, if either the annual income or net worth of the investor is equal to or more than $100,000;

''(C) the transaction is conducted through a broker or funding portal that complies with the requirements of section 4A(a); and

''(D) the issuer complies with the requirements of section 4A(b).''.

(b) REQUIREMENTS TO QUALIFY FOR CROWDFUNDING EXEMPTION.—The Securities Act of 1933 (15 U.S.C. 77a et seq.) is amended by inserting after section 4 the following:

''SEC. 4A. REQUIREMENTS WITH RESPECT TO CERTAIN SMALL TRANSACTIONS.

''(a) REQUIREMENTS ON INTERMEDIARIES.—A person acting as an intermediary in a transaction involving the offer or sale of securities for the account of others pursuant to section 4(6) shall—

''(1) register with the Commission as—

''(A) a broker; or

''(B) a funding portal (as defined in section 3(a)(80) of the Securities Exchange Act of 1934);

''(2) register with any applicable self-regulatory organization (as defined in section 3(a)(26) of the Securities Exchange Act of 1934);

''(3) provide such disclosures, including disclosures related to risks and other investor education materials, as the Commission shall, by rule, determine appropriate;

''(4) ensure that each investor—

''(A) reviews investor-education information, in accordance with standards established by the Commission, by rule;

''(B) positively affirms that the investor understands that the investor is risking the loss of the entire investment, and that the investor could bear such a loss; and

''(C) answers questions demonstrating—

''(i) an understanding of the level of risk generally applicable to investments in startups, emerging businesses, and small issuers;

''(ii) an understanding of the risk of illiquidity; and

''(iii) an understanding of such other matters as the Commission determines appropriate, by rule;

''(5) take such measures to reduce the risk of fraud with respect to such transactions, as established by the Commission, by rule, including obtaining a background and securities enforcement regulatory history check on each officer, director, and person holding more than 20 percent of the outstanding equity of every issuer whose securities are offered by such person;

''(6) not later than 21 days prior to the first day on which securities are sold to any investor (or such other period as the Commission may establish), make available to the Commission and to potential investors any information provided by the issuer pursuant to subsection (b);

''(7) ensure that all offering proceeds are only provided to the issuer when the aggregate capital raised from all investors is equal to or greater than a target offering amount, and allow all investors to cancel their commitments to invest, as the Commission shall, by rule, determine appropriate;

''(8) make such efforts as the Commission determines appropriate, by rule, to ensure that no investor in a 12-month period has purchased securities offered pursuant to section 4(6) that, in the aggregate, from all issuers, exceed the investment limits set forth in section 4(6)(B);

''(9) take such steps to protect the privacy of information collected from investors as the Commission shall, by rule, determine appropriate;

''(10) not compensate promoters, finders, or lead generators for providing the broker or funding portal with the personal identifying information of any potential investor;

''(11) prohibit its directors, officers, or partners (or any person occupying a similar status or performing a similar function) from having any financial interest in an issuer using its services; and

''(12) meet such other requirements as the Commission may, by rule, prescribe, for the protection of investors and in the public interest.

''(b) REQUIREMENTS FOR ISSUERS.—For purposes of section 4(6), an issuer who offers or sells securities shall—

''(1) file with the Commission and provide to investors and the relevant broker or funding portal, and make available to potential investors—

''(A) the name, legal status, physical address, and website address of the issuer;

''(B) the names of the directors and officers (and any persons occupying a similar status or performing a similar function), and each person holding more than 20 percent of the shares of the issuer;

''(C) a description of the business of the issuer and the anticipated business plan of the issuer;

''(D) a description of the financial condition of the issuer, including, for offerings that, together with all other offerings of the issuer

under section 4(6) within the preceding 12-month period, have, in the aggregate, target offering amounts of—

''(i) $100,000 or less—

''(I) the income tax returns filed by the issuer for the most recently completed year (if any); and

''(II) financial statements of the issuer, which shall be certified by the principal executive officer of the issuer to be true and complete in all material respects;

''(ii) more than $100,000, but not more than $500,000, financial statements reviewed by a public accountant who is independent of the issuer, using professional standards and procedures for such review or standards and procedures established by the Commission, by rule, for such purpose; and

''(iii) more than $500,000 (or such other amount as the Commission may establish, by rule), audited financial statements;

''(E) a description of the stated purpose and intended use of the proceeds of the offering sought by the issuer with respect to the target offering amount;

''(F) the target offering amount, the deadline to reach the target offering amount, and regular updates regarding the progress of the issuer in meeting the target offering amount;

''(G) the price to the public of the securities or the method for determining the price, provided that, prior to sale, each investor shall be provided in writing the final price and all required disclosures, with a reasonable opportunity to rescind the commitment to purchase the securities;

''(H) a description of the ownership and capital structure of the issuer, including—

''(i) terms of the securities of the issuer being offered and each other class of security of the issuer, including how such terms may be modified, and a summary of the differences between such securities, including how the rights of the securities being offered may be materially limited, diluted, or qualified by the rights of any other class of security of the issuer;

''(ii) a description of how the exercise of the rights held by the principal shareholders of the issuer could negatively impact the purchasers of the securities being offered;

''(iii) the name and ownership level of each existing shareholder who owns more than 20 percent of any class of the securities of the issuer;

''(iv) how the securities being offered are being valued, and examples of methods for how such securities may be valued by the issuer in the future, including during subsequent corporate actions; and

''(v) the risks to purchasers of the securities relating to minority ownership in the issuer, the risks associated with corporate actions, including additional issuances of shares, a sale of the issuer or of assets of the issuer, or transactions with related parties; and

''(I) such other information as the Commission may, by rule, prescribe, for the protection of investors and in the public interest;

''(2) not advertise the terms of the offering, except for notices which direct investors to the funding portal or broker;

''(3) not compensate or commit to compensate, directly or indirectly, any person to promote its offerings through communication channels provided by a broker or funding portal, without taking such steps as the Commission shall, by rule, require to ensure that such person clearly discloses the receipt, past or prospective, of such compensation, upon each instance of such promotional communication;

''(4) not less than annually, file with the Commission and provide to investors reports of the results of operations and financial statements of the issuer, as the Commission shall, by rule, determine appropriate, subject to such exceptions and termination dates as the Commission may establish, by rule; and

''(5) comply with such other requirements as the Commission may, by rule, prescribe, for the protection of investors and in the public interest.

''(c) LIABILITY FOR MATERIAL MISSTATEMENTS AND OMISSIONS.—

''(1) ACTIONS AUTHORIZED.—

''(A) IN GENERAL.—Subject to paragraph (2), a person who purchases a security in a transaction exempted by the provisions of section 4(6) may bring an action against an issuer described in paragraph (2), either at law or in equity in any court of competent jurisdiction, to recover the consideration paid for such security with interest thereon, less the amount of any income received thereon, upon the tender of such security, or for damages if such person no longer owns the security.

''(B) LIABILITY.—An action brought under this paragraph shall be subject to the provisions of section 12(b) and section 13, as if the liability were created under section 12(a)(2).

''(2) APPLICABILITY.—An issuer shall be liable in an action under paragraph (1), if the issuer—

''(A) by the use of any means or instruments of transportation or communication in interstate commerce or of the mails, by any means of any written or oral communication, in the offering or sale of a security in a transaction exempted by the provisions of section 4(6), makes an untrue statement of a material fact or omits to state a material fact required to be stated or necessary in order to make the statements, in the light of the circumstances under which they were made, not misleading, provided that the purchaser did not know of such untruth or omission; and

''(B) does not sustain the burden of proof that such issuer did not know, and in the exercise of reasonable care could not have known, of such untruth or omission.

''(3) DEFINITION.—As used in this subsection, the term 'issuer' includes any person who is a director or partner of the issuer, and the principal executive officer or officers, principal financial officer, and controller or principal accounting officer of the issuer (and any person occupying a similar status or performing a similar function) that offers or sells a security in a transaction exempted by the provisions of section 4(6), and any person who offers or sells the security in such offering.

''(d) INFORMATION AVAILABLE TO STATES.—The Commission shall make, or shall cause to be made by the relevant broker or funding portal, the information described in subsection (b) and such other information as the Commission, by rule, determines appropriate, available to the securities commission (or any agency or office performing like functions) of each State and territory of the United States and the District of Columbia.

''(e) RESTRICTIONS ON SALES.—Securities issued pursuant to a transaction described in section 4(6)—

''(1) may not be transferred by the purchaser of such securities during the 1-year period beginning on the date of purchase, unless such securities are transferred—

''(A) to the issuer of the securities;

''(B) to an accredited investor;

''(C) as part of an offering registered with the Commission; or

''(D) to a member of the family of the purchaser or the equivalent, or in connection with the death or divorce of the purchaser or other similar circumstance, in the discretion of the Commission; and

''(2) shall be subject to such other limitations as the Commission shall, by rule, establish.

''(f) APPLICABILITY.—Section 4(6) shall not apply to transactions involving the offer or sale of securities by any issuer that—

''(1) is not organized under and subject to the laws of a State or territory of the United States or the District of Columbia;

''(2) is subject to the requirement to file reports pursuant to section 13 or section 15(d) of the Securities Exchange Act of 1934;

''(3) is an investment company, as defined in section 3 of the Investment Company Act of 1940, or is excluded from the definition of investment company by section 3(b) or section 3(c) of that Act; or

''(4) the Commission, by rule or regulation, determines appropriate.

''(g) RULE OF CONSTRUCTION.—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).

''(h) CERTAIN CALCULATIONS.—

''(1) DOLLAR AMOUNTS.—Dollar amounts in section 4(6) and subsection (b) of this section shall be adjusted by the Commission not less frequently than once every 5 years, by notice published in the Federal Register to reflect any change in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics.

''(2) INCOME AND NET WORTH.—The income and net worth of a natural person under section 4(6)(B) shall be calculated in accordance with any rules of the Commission under this title regarding the calculation of the income and net worth, respectively, of an accredited investor.''.

(c) RULEMAKING.—Not later than 270 days after the date of enactment of this Act, the Securities and Exchange Commission (in this title referred to as the ''Commission'') shall issue such rules as the Commission determines may be necessary or appropriate for the protection of investors to carry out sections 4(6) and section 4A of the Securities Act of 1933, as added by this title. In carrying out this section, the Commission shall consult with any securities commission (or any agency or office performing like functions) of the States, any territory of the United States, and the District of Columbia, which seeks to consult with the Commission, and with any applicable national securities association.

(d) DISQUALIFICATION.—

(1) IN GENERAL.—Not later than 270 days after the date of enactment of this Act, the Commission shall, by rule, establish disqualification provisions under which—

(A) an issuer shall not be eligible to offer securities pursuant to section 4(6) of the Securities Act of 1933, as added by this title; and

(B) a broker or funding portal shall not be eligible to effect or participate in transactions pursuant to that section 4(6).

(2) INCLUSIONS.—Disqualification provisions required by this subsection shall—

(A) be substantially similar to the provisions of section 230.262 of title 17, Code of Federal Regulations (or any successor thereto); and

(B) disqualify any offering or sale of securities by a person that—

(i) is subject to a final order of a State securities commission (or an agency or officer of a State performing like functions), a State authority that supervises or examines banks, savings associations, or credit unions, a State insurance commission (or an agency or officer of a State performing like functions), an appropriate Federal banking agency, or the National Credit Union Administration, that—

(I) bars the person from—

(aa) association with an entity regulated by such commission, authority, agency, or officer;

(bb) engaging in the business of securities, insurance, or banking; or

(cc) engaging in savings association or credit union activities; or

(II) constitutes a final order based on a violation of any law or regulation that prohibits fraudulent, manipulative, or deceptive conduct within the 10-year period ending on the date of the filing of the offer or sale; or

(ii) has been convicted of any felony or misdemeanor in connection with the purchase or sale of any security or involving the making of any false filing with the Commission.

SEC. 303. EXCLUSION OF CROWDFUNDING INVESTORS FROM SHAREHOLDER CAP.

(a) EXEMPTION.—Section 12(g) of the Securities Exchange Act of 1934 (15 U.S.C. 78l(g)) is amended by adding at the end the following:

''(6) EXCLUSION FOR PERSONS HOLDING CERTAIN SECURITIES.—The Commission shall, by rule, exempt, conditionally or unconditionally, securities acquired pursuant to an offering made under section 4(6) of the Securities Act of 1933 from the provisions of this subsection.''.

(b) RULEMAKING.—The Commission shall issue a rule to carry out section 12(g)(6) of the Securities Exchange Act of 1934 (15 U.S.C. 78c), as added by this section, not later than 270 days after the date of enactment of this Act.

SEC. 304. FUNDING PORTAL REGULATION.

(a) EXEMPTION.—

(1) IN GENERAL.—Section 3 of the Securities Exchange Act of 1934 (15 U.S.C. 78c) is amended by adding at the end the following:

''(h) LIMITED EXEMPTION FOR FUNDING PORTALS.—

''(1) IN GENERAL.—The Commission shall, by rule, exempt, conditionally or unconditionally, a registered funding portal from the requirement to register as a broker or dealer under section 15(a)(1), provided that such funding portal—

''(A) remains subject to the examination, enforcement, and other rulemaking authority of the Commission;

''(B) is a member of a national securities association registered under section 15A; and

''(C) is subject to such other requirements under this title as the Commission determines appropriate under such rule.

''(2) NATIONAL SECURITIES ASSOCIATION MEMBERSHIP.—For purposes of sections 15(b)(8) and 15A, the term 'broker or dealer' includes a funding portal and the term 'registered broker or dealer' includes a registered funding portal, except to the extent that the Commission, by rule, determines otherwise, provided that a national securities association shall only examine for and enforce against a registered funding portal rules of such national securities association written specifically for registered funding portals.''.

(2) RULEMAKING.—The Commission shall issue a rule to carry out section 3(h) of the Securities Exchange Act of 1934 (15 U.S.C. 78c), as added by this subsection, not later than 270 days after the date of enactment of this Act.

(b) DEFINITION.—Section 3(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)) is amended by adding at the end the following:

''(80) FUNDING PORTAL.—The term 'funding portal' means any person acting as an intermediary in a transaction involving the offer or sale of securities for the account of others, solely pursuant to section 4(6) of the Securities Act of 1933 (15 U.S.C. 77d(6)), that does not—

''(A) offer investment advice or recommendations;

''(B) solicit purchases, sales, or offers to buy the securities offered or displayed on its website or portal;

''(C) compensate employees, agents, or other persons for such solicitation or based on the sale of securities displayed or referenced on its website or portal;

''(D) hold, manage, possess, or otherwise handle investor funds or securities; or

''(E) engage in such other activities as the Commission, by rule, determines appropriate.''.

SEC. 305. RELATIONSHIP WITH 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 (D) and (E), 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, funding portal, or any other person or entity using the exemption from registration provided by section 4(6) of that Act.

(2) CLARIFICATION OF STATE JURISDICTION OVER UNLAWFUL CONDUCT OF FUNDING PORTALS AND ISSUERS.—Section 18(c)(1) of the Securities Act of 1933 (15 U.S.C. 77r(c)(1)) 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

''(A) with respect to—

''(i) fraud or deceit; or

''(ii) unlawful conduct by a broker or dealer; and

''(B) in connection to a transaction described under section 4(6), with respect to—

''(i) fraud or deceit; or

''(ii) unlawful conduct by a broker, dealer, funding portal, or issuer.''.

(c) NOTICE FILINGS PERMITTED.—Section 18(c)(2) of the Securities Act of 1933 (15 U.S.C. 77r(c)(2)) is amended by adding at the end the following:

''(F) FEES NOT PERMITTED ON CROWDFUNDED SECURITIES.—Notwithstanding subparagraphs (A), (B), and (C), no filing or fee may be required with respect to any security that is a covered security pursuant to subsection (b)(4)(B), or will be such a covered security upon completion of the transaction, except for the securities commission (or any agency or office performing like functions) of the State of the principal place of business of the issuer, or any State in which purchasers of 50 percent or greater of the aggregate amount of the issue are residents, provided that for purposes of this subparagraph, the term 'State' includes the District of Columbia and the territories of the United States.''.

(d) FUNDING PORTALS.—

(1) STATE EXEMPTIONS AND OVERSIGHT.—Section 15(i) of the Securities Exchange Act of 1934 (15 U.S.C. 78o(i)) is amended—

(A) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(B) by inserting after paragraph (1) the following:

''(2) FUNDING PORTALS.—

''(A) LIMITATION ON STATE LAWS.—Except as provided in subparagraph (B), no State or political subdivision thereof may enforce any law, rule, regulation, or other administrative action against a registered funding portal with respect to its business as such.

''(B) EXAMINATION AND ENFORCEMENT AUTHORITY.—Subparagraph (A) does not apply with respect to the examination and enforcement of any law, rule, regulation, or administrative action of a State or political subdivision thereof in which the principal place of business of a registered funding portal is located, provided that such law, rule, regulation, or administrative action is not in addition to or different from the requirements for registered funding portals established by the Commission.

''(C) DEFINITION.—For purposes of this paragraph, the term 'State' includes the District of Columbia and the territories of the United States.''.

(2) STATE FRAUD AUTHORITY.—Section 18(c)(1) of the Securities Act of 1933 (15 U.S.C. 77r(c)(1)) is amended by striking ''or dealer'' and inserting '', dealer, or funding portal''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Alabama (Mr. BACHUS) and the gentleman from Connecticut (Mr. HIMES) each will control 20 minutes.

The Chair recognizes the gentleman from Alabama.

GENERAL LEAVE

Mr. BACHUS. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and to add any extraneous material on this bill.

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

There was no objection.

□ 1230

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

I rise in strong support of the JOBS Act and urge the House to approve this bill today so that we can send it to the President for his immediate signature. The President has indicated that he strongly supports the legislation.

The JOBS Act is a victory for unemployed Americans who are literally crying out for more jobs. It is a victory for small companies and for entrepreneurs who want Washington to reduce the red tape that stifles innovation, economic growth, and job creation. The JOBS Act will do exactly what its title says, jump-start our economy by creating new job opportunities for America's start-up companies and small businesses. And I would like to introduce into the RECORD some statistics on the number of jobs created by new companies.

As chairman of the Financial Services Committee, I am proud that the JOBS Act is comprised of six pieces of legislation that originated in our committee and received overwhelming bipartisan support. In fact, managing this bill for the minority is the gentleman from Connecticut, who was the sponsor of one of those six bills; and I commend Mr. HIMES for his work on all of these bills. The JOBS Act is proof that Republicans and Democrats can come together to find common ground, work together, and offer legislation that will help small businesses. Small businesses are the growth engine of our economy.

A study between 1985 and 2005 found that 96 percent of the jobs created at new companies are created within 5 years of an IPO, and this will give those companies who want to offer an IPO the opportunity to do so at a much reduced cost.

Nearly 65 percent of new jobs traditionally are created by small businesses. Now, that's not the case in this economic recovery. Almost all the job growth has come from large corporations, which is really the opposite of what you normally see. Small businesses have not been created and have not been growing as they should, and there are two reasons for that: one is regulation. These regulations are costly; they're time consuming; and they're simply inhibiting the growth of small businesses. The second reason is a lack of capital.

Now, there are two ways traditionally to raise capital. One is to go to a bank, a lending institution, and ask for a loan. Well, because of tighter lending standards, these new companies don't have a track record, so they don't have

a record of generating profits. Many of them are offering new services, new products that have not really found a market or have a small market. And there is a risk involved. So when banks turn those companies down, the other path is for someone to invest in those companies; and that is exactly what that bill does. It offers those companies an opportunity to receive investments, capital investments from individuals who want to participate not only in the risk but in the reward.

With the JOBS Act, start-up companies—like those at the Innovation Depot in Birmingham, Alabama, where there are several start-up companies with new products, new services—the JOBS Act will allow those companies and companies throughout the United States, people with new ideas, new services, new products, like a Google of the future or an eBay or an Amazon. Take those companies, they didn't exist 20 years ago. Now they're the fastest-growing companies in America. There are other Googles, there are other eBays, there are other Amazons, there are other Costcos, there are other Chick-fil-A's that are just waiting to come to market.

And for that reason, I want to commend the Senate, and I want to thank the sponsors of this legislation. Finally, I want to salute this House for coming together when it counted to address the lack of growth in jobs in our small businesses.

There are some signs that hiring is coming back at larger companies, but not at our small businesses and startup companies. There are 2 main reasons for that The first is regulation—which has a bigger impact on small companies than large companies. The second is capital—it is harder for business startups to get traditional bank financing so they have to rely more on investors and capital markets for financing. The JOBS Act will make it easier for them to access capital, locate investors and go public.

This bill is designed specially to help the type of small business startups and emerging growth companies that you find at places like the Innovation Depot.

We know that small business is the growth engine of our economy. Nearly 65 percent of all new jobs created over the last 15 years were created by small businesses. Yet today, many small companies find it hard to obtain the investments and the financing they need to expand their operations and create jobs. That's why Congress mist cut the red tape that prevent many startup companies from raising capital and going public. The JOBS Act removes some of the unnecessary and outdated government barriers to capital formation—so entrepreneurs have more freedom to access capital, hire workers and grow their businesses.

We need to do everything we can to ensure that America remains a country of opportunity, where jobs are created and small businesses flourish without being stifled by costly and unnecessary red tape. The JOBS Act will help foster an environment that allows our small businesses, startups and entrepreneurs to raise the capital needed to get job creation going again.

I'm proud that all 6 bills that make up the JOBS Act originated in the Financial Services Committee and that all 6 received overwhelming, strong bipartisan support. It shows that Republicans and Democrats CAN find common ground and work together when it comes to helping America's small businesses.

Companies obtain capital through either borrowing, from places like community banks, or through equity financing.

Equity financing, in which investors purchase ownership stakes in a company in exchange for a share of the company's future profit, allows companies to obtain funds without having to repay specific amounts at particular times.

The tightening of credit has made equity financing all the more important as a means of providing small companies with the capital they need to grow and create jobs.

The JOBS Act will make it easier for small companies to access capital through both the public and private markets, which will facilitate economic growth and job creation. For example:

Title 3 of the bill will allow what is known as "crowdfunding"—which will allow groups of investors to pool money, typically comprised of very small individual contributions, to support an effort such as growing a new company like those that are found at the Innovation Depot. Investments would be limited to an amount equal to or less than the lesser of $10,000 or 10 percent of the investor's annual income. Before the JOBS Act, the SEC had outdated regulations that prohibited this type of investment.

Title 1 of the JOBS Act will provide smaller to mid-sized private companies with temporary exemptions from several government regulations, who could go public and raise capital needed to expand their business but for the expense associated with complying with them. These companies will have up to a five year timeframe to be on an "On Ramp" to comply with certain regulatory requirements (Section 404(b) of Sarbanes-Oxley or 953(b) of the Dodd-Frank Act). This "On-Ramp" status is designed to be temporary and transitional, encouraging small companies to go public but ensuring they transition to full compliance over time or as they grow large enough to have the resources to sustain the type of compliance infrastructure associated with more mature enterprises. A task force put together to study how to help smaller companies found that from 1980 to 2005, firms less than 5 years old accounted for all net U.S. job growth. On average, 92 percent of a company's job growth occurs after an "initial public offering" (IPO). Since 2006, companies have reported an average of 86 percent job growth since IPO.

Titles 5 and 6 of the JOBS Act would allow private companies and community banks to increase the number of shareholders they have before they are forced to register with the SEC. This will save these companies regulatory compliance costs from regulations that are generally intended for large companies and instead give small companies and banks more readily available capital to hire new employees and lend to local businesses to expand.

I reserve the balance of my time.

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

Madam Speaker, I am thrilled to be participating in the management of this debate today and want to start by thanking Chairman BACHUS and thanking my friends on the other side of the aisle for the bipartisan and collaborative spirit with which we moved this legislation.

This is important legislation, but the process by which it moved, I think, is something that we should celebrate. This is a time, of course, when the American people are none too happy with us; but this bill was done collaboratively with the support of the President of the United States, the majority and the minority in the House; and it will be good for our economy. So I thank the chairman for his leadership on this, the ranking member, and all who participated in the creation of this important legislation.

As the chairman said, this is good stuff. It has received the support of entrepreneurs, of industry associations, and of people on both sides of the aisle because it does something very, very important, which is acknowledge that regulation is always a balance. It's not always good; it's not always bad. And one of the duties of legislators and regulators is to make sure that our regulation is finely calibrated to protect us, to protect us from fraud, to protect us from mortgages that blow up, to keep our air clean, to keep our water clean. But if it's done in too ham-handed a fashion, it can compromise the vibrancy that provides so much economic opportunity in this country. Every day this institution should be focused on finding that balance, and that's what this bill is about.

It's been criticized here and there by people who I think are of the mindset that any retreat, any revisiting, any amendment to our current regulatory structure is a bad idea. That can't be the right way to think about this stuff. Regulation, like anything else, has to adapt to change with the times. And what we're doing here is particularly important because we are talking about the regulation of small banks which, let's face it, have a tough time competing against the big banks.

And it's about our start-up and emerging-growth companies that may not have the free cash flow in their first couple of years of existence to completely adopt all of the regulation, the disclosure that we might expect of a multibillion-dollar corporation. We have provided an onramp for entrepreneurs as they gain currency, as they increase their revenues, as they become more of a presence—and frankly, therefore, affect the lives of more people—to gradually work into the full regulatory structures of Sarbanes-Oxley and other regulation. And that's a good thing to do.

Today in Palo Alto, there are companies that might not have made it but for this legislation. In Connecticut and Massachusetts, there are start-up companies for which this legislation is going to make the difference between thriving, as the chairman said—maybe being the next Microsoft or the next

Google—and actually not making it. So I'm very happy that we have, in a bipartisan fashion, put forward this legislation which will be good for economic vibrancy and opportunity in this country. Again, I thank the chairman for his collaborative and thoughtful work on this bill.

With that, I reserve the balance of my time.

Mr. BACHUS. At this time, I yield 2 minutes to the gentlelady from Illinois (Mrs. BIGGERT), the chairman of the subcommittee.

Mrs. BIGGERT. I thank the chairman for yielding.

Madam Speaker, the American economy has the capacity and the resilience to overcome almost any obstacle. We've seen it time and time again. In the face of foreign crises, natural disaster, or fiscal adversity, American entrepreneurs and job creators never stop innovating. 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 H.R. 3606, the Jumpstart Our Business Startups, or JOBS, Act.

□ 1240

This legislation package includes six bipartisan proposals, many of which I cosponsored, to streamline or eliminate the regulatory and legal barriers that prevent emerging businesses from reaching out to investors, accessing capital, and selling shares on the public market. This legislation will make it possible for promising new 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.

Madam Speaker, for tens of millions of Americans, including families from my suburban Chicago district, there is no priority more important or urgent than job creation. Over the last few months, unemployment has slowly receded to 8.3 percent nationally and 9.1 percent in Illinois, but Washington must pick up the pace. And that means unleashing the drive and ingenuity of hardworking Americans.

I urge my colleagues to support the JOBS Act and empower American businesses to do what they do best.

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

Mr. BACHUS. I would like to inquire, Madam Speaker, as to how much time remains on our side.

The SPEAKER pro tempore. The gentleman from Alabama has 13½ minutes remaining, and the gentleman from Connecticut has 16½ minutes remaining.

Mr. BACHUS. At this time, Madam Speaker, I yield 2 minutes to another Illinois Congressman, Mr. DOLD.

Mr. DOLD. I certainly want to thank the chairman for yielding. I think it's important, and I'm delighted to be able to speak here on this bipartisan piece of legislation.

Madam Speaker, as part of any jobs agenda, I believe that increased access to capital for small businesses is absolutely critical. That's why I'm a supporter of this bipartisan JOBS Act. When we empower small businesses to grow and expand, we enable them to create jobs and get people back to work.

As a member of the Financial Services Committee, I cosponsored several of the bills that are in this package because they allow small businesses to increase capital formation, spur the growth of small businesses, and pave the way for our small businesses and entrepreneurs to create new jobs.

Two-thirds of all net new jobs, Madam Speaker, are created by small business. We have 29 million small businesses in our Nation. If we can create an environment here in Washington, D.C., that enables half of those businesses to create a single job, think about where we'd be then.

Finding new ways to spur the economy is not a Republican idea or a Democratic priority, but it certainly should be an American priority. As a small business owner, I know that we have to start putting people before politics and progress before partisanship and remain focused on finding solutions for the barriers that stand in the way of entrepreneurs and job creators. I want to encourage my colleagues to support this bipartisan piece of legislation.

Madam Speaker, pieces of this legislation, aspects of this bill passed this House with over 400 votes. We hear a lot about the gridlock that's going on in Washington, D.C. When we can get legislation that passes this body with over 400 votes, that is wildly bipartisan, things that I believe that the American public are asking for us to do: come up with solutions to the problems that they face; to try to stem the 8.3 percent unemployment, which we know is much larger if we count the underemployed and those that have left the workforce.

We certainly need the Senate to act. It's absolutely critical. And I ask my colleagues to support this legislation, find common ground, and move our country forward.

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

Mr. BACHUS. At this time, I yield 2 minutes to the gentleman from Arizona (Mr. SCHWEIKERT), a member of the committee, who sponsored and worked on these bills.

Mr. SCHWEIKERT. I thank the gentleman.

Madam Speaker, I rise in support of the JOBS Act.

Think about this. We literally started over a year ago putting together the pieces of legislation that moved forward with us today. Many of them were bipartisan. Many of them had to go through subcommittee and committee and then back through more hearings and more testimony. A couple of these bills have actually been to this floor multiple times. It's been well vetted. And I hold a great appreciation, because I've only been here 15 months and this is my first opportunity to actually have a piece of legislation with multiple bills I've sponsored heading on their way to the President, hopefully, after the votes today and tomorrow. And I owe a great thank you to Chairman GARRETT and Committee Chairman SPENCER BACHUS.

But I also want to share a bit of a concern.

Congressman MCHENRY has a really neat portion of this bill. We call it crowdfunding. The Senate has amended that in such a way that I believe it does great damage to the goal of a much more egalitarian, technologically advanced, using-the-Internet way for people to invest, for being able to reach out and gain that capital for very small companies. And I'm hoping I can reach out to my friends and say, Let's fix what the Senate did.

We still should be voting for this bill. This is wonderful. We're making progress. But there are things we have to do to fix this for the future.

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

I thank my friend, Mr. SCHWEIKERT, with whom I've enjoyed working on this legislation and in a spirit of bipartisanship; ultimately a bill that was designed to make it easier for small banks, which Congressman SCHWEIKERT and I worked together.

I would also like to highlight the work of Congressman STEVE WOMACK of Arkansas on that bill. It found its way into this legislation under another Congressman's name, but it is important and good legislation, and I continue to support it and am thrilled that it's part of this.

Madam Speaker, I would just take issue with one thing that my good friend from Arizona said. The crowdfunding provisions in this legislation should be subject to scrutiny and to careful regulatory oversight. When you combine the concept of the Internet and retail investors into one piece of legislation, be careful.

The Senate amendment to the House crowdfunding provisions in fact adds more protection to small investors who might be subject to being fooled by an Internet predator. And I would just say we should be careful.

We should be careful when we are talking about retail investors, the classic widows and orphans out there that are not necessarily financially sophisticated. They are not the big financial players who get labeled accredited investors or institutional investors and who, frankly, have the capability to take care of themselves. Retail investors who might be subject to the temptations of a deal that in fact is too good to be true offered on the Internet ought to be a cause of concern both for this body and for the regulators who ultimately will write the rules around crowdfunding.

With that, I reserve the balance of my time.

Mr. BACHUS. At this time, I yield 1 minute to the chairman of the Subcommittee on Financial Institutions, the gentlelady from West Virginia (Mrs. CAPITO), who also worked very hard on this legislation.

Mrs. CAPITO. I want to thank the chairman. I really want to thank the whole Financial Services Committee for working together on this bill, the JOBS bill, Jumpstart Our Business Startups.

Our unemployment in this country is over 8 percent. We've got to find and make every means available to create jobs and to give those great ideas to be able to grow from small businesses to large businesses. We want to make sure that our entrepreneurs are able to find the funding to be able to grow those seeds of a business that then could flourish and grow.

When we talk about some of the things that have started in this country as start-ups most recently, we might look at something like AOL or something like Apple or even FedEx when Fred Smith wrote that famous paper in business school that I think didn't get a very good grade but now has resulted in our FedEx. If they hadn't been able to find the funding to begin, many of them I think today would say that because of the regulatory structure, because of the inability to find funding, that they wouldn't even be able to get started today and grow to the thousands of jobs that they have.

This has great potential. It's bipartisan. I support the JOBS Act.

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

Mr. BACHUS. Madam Speaker, I would like to again inquire as to the amount of time remaining on our side.

The SPEAKER pro tempore. The gentleman from Alabama has 9 minutes remaining. The gentleman from Connecticut has 14½ minutes remaining.

Mr. BACHUS. I yield 3 minutes to an outstanding freshman on our committee, the gentleman from Tennessee (Mr. FINCHER).

Everyone speaking on our side has worked very hard on these bills or spent a lot of time, as have many of our Democratic colleagues.

□ 1250

Mr. FINCHER. Madam Speaker, I thank the chairman for his leadership and patience in working with us freshmen the last year, year and a half. I'm pleased to be the lead cosponsor of H.R. 3606, the Jumpstart Our Business Startups Act with Congressman JOHN CARNEY from Delaware. This bill has been a bipartisan effort from the beginning, and I want to thank the gentleman from Delaware and his staff, Sam Hodas, for working with us on this bill. I also want to thank the Financial Services Committee staff, Kevin Edgar, Jason Goggins, Walton Liles and Chris Russell, for their efforts on this legislation as well.

Small businesses and entrepreneurs are the backbone of our Nation and our economy. This bill puts the focus on the private sector, capitalism, and the free market, providing the jump-start our Nation's entrepreneurs and small businesses need to grow and create jobs. This is about certainty and removing government bureaucratic redtape. Our Nation has seen a decline in small business start-ups over the last few years, which means fewer jobs created for American workers. 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.

Title I of this bill is legislation I introduced with Congressman CARNEY called the Reopening American Capital Markets to Emerging Growth Companies Act. 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. This bill would help more small and mid-size companies go public by creating 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 revenue size, to transition to full compliance with a variety of new regulations that are expensive and burdensome to new companies. This ''onramp'' 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 businesses and create American jobs.

In addition, this bill would only require emerging-growth companies to provide audited financial statements for the 2 years prior to registration rather than 3 years, saving many companies millions of dollars. 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-size companies trying to raise capital that have less visibility in the marketplace.

I urge my colleagues to support this bill again, send it to the President to sign, and give our small businesses and entrepreneurs the opportunity to create jobs for Americans.

Mr. HIMES. Madam Speaker, I yield myself such time as I may consume and thank my friend from Tennessee for his hard work on this bill of which, as I said in my previous statement, I'm very supportive.

I do want to take the opportunity, though, having heard from the gentleman from Tennessee phrases that we hear all too often—phrases like ''one-size-fits-all regulation'' and ''bound up in redtape''—I do want to take this opportunity to remind the American people that those are phrases that sound scary: ''regulation,'' ''redtape,'' and ''one size fits all.'' But what we're talking about here is protection for the American people.

In my previous statement, I made the point that we have to get the balance right; but like everybody else in this Chamber, I woke up a couple of years ago to learn that 11 men were dead on a deep-sea drilling platform in the Gulf of Mexico and an ocean was poisoned, devastating the economy of the gulf. We've all seen what happens when you sell exploding mortgages to people who can't possibly repay them, even though the people who sold those mortgages know that. I come from a district which actually has some of the poorest air quality in the country.

Why do I enumerate these things? Because they are all a failure to regulate to provide a safe and good environment in which we can thrive. Nobody wants to see 11 men die on a deep-sea drilling platform. Nobody wants to see a return to the notion that anybody should buy an interest-only, reverse-amortizing mortgage that the bankers don't understand.

So I said it before, I'll say it again: the balance is key. And I will oppose those who say that more regulation is always the right idea, but I will also stand up, as I have now, and say there is a balance. And the other side needs to recognize that that balance does not come from opposing and labeling ''redtape'' and ''obstructionism'' and ''one size fits all.''

Mr. BACHUS. Would the gentleman yield?

Mr. HIMES. I yield to my friend from Alabama.

Mr. BACHUS. Let me say this. The gentleman from Connecticut mentioned crowdfunding, and I think that was what gave us more concern than anything else, some of the things he said about the Internet people making an investment being subject to fraud. That is a concern, and the Senate addressed those concerns. I'd like to stress what they amended was a very small part of this bill that dealt with crowdfunding. It is also important to know that all the antifraud protection, we didn't take any of that away. But I think we're getting there. The Senate and the House deliberated with the White House, and we will continue to look at crowdfunding. We'll see how this goes.

With any investment, particularly a new company, a new venture, there is a certain amount of risk. You can't take the risk out. If you take the risk out, you take the reward. But what the gentleman says I fully appreciate, and I think that's where our committee has come together, and we tried to get it right for the good of the Americans in creating these new jobs. So I appreciate the opportunity and thank you for yielding.

Mr. HIMES. Thank you, Mr. Chairman. I reserve the balance of my time.

Mr. BACHUS. At this time, I yield 4 minutes to the gentleman from North

Carolina (Mr. MCHENRY). Again, this is a bill that several Members worked very hard on, and he is very knowledgeable on these bills.

Mr. MCHENRY. I thank the chairman, and I appreciate the opportunity to address the crowdfunding section of this bill.

One year ago, Oversight Chairman DARRELL ISSA sent a letter with 33 questions to the Securities and Exchange Commission asking them to justify outdated securities laws that restrict capital formation and stunted job growth. It was a letter that really challenged the Commission's complacency and asked them about these 80-year-old regulations that were modern at the time where the new invention was the telephone and asked them if they had ways to update them.

One question specifically asked Chairman Schapiro if she had considered creating an exemption to enable everyday investors to invest, with reasonable limitations, in unregistered securities issued by start-ups. This is known as ''crowdfunding.''

At the time, I was only familiar with crowdfunding—which is a hybrid of microfinance and crowdsourcing—as a charitable method. It's done around the world, with billions of dollars of moneys raised. For example, a local brewery in my home State of North Carolina was able to raise $44,000 on a platform called Kickstarter. Now, that's done on the charitable side; but with crowdfunding, the success we see on the charitable side can be brought over on the investor side, on the equity side, of capital raising. We recognized the consequences of Dodd-Frank that limit the ability to get lending through traditional means and as a way to promote small business capital formation. Crowdfunding relieves part of that pressure.

In September of last year, after countless meetings, conferences, congressional hearings, and bipartisan negotiation, I introduced the Entrepreneur Access to Capital Act. The bill was simple and direct. It offered a means of capital formation that would forgo costly SEC and State registration if issuers and investors operated within reasonable limitations. Most importantly, the foundation of the legislation upheld investor protections by empowering regulators to prosecute those who participated in securities fraud or deceit. That is preserved.

In the Entrepreneur Access to Capital Act, our focus was on market innovation and investor protection to attract both political parties and well-known market participants to the table. As a result of that bipartisan bill, we had over 400 Members on this floor vote for that bill, the President said he would sign that bill, and we sent it over to the Senate with thousands of market participants saying it was good.

This year, that same language was included as a provision within this legislation, the JOBS Act. Regrettably, just before the House-passed version of the JOBS Act received an up-or-down vote on the Senate floor, a handful of Senators misunderstood the spirit and the promise of crowdfunding, resulting in last-minute changes to the bill.

Our essential framework is preserved for crowdfunding. Rather than recognizing that crowdfunding could create new markets and opportunities for small businesses and start-ups, these misguided Senators simply saw crowdfunding as unregulated activities. This misperception caused them to design a crowdfunding title that is riddled with burdens on issuers, investors, and intermediaries and limits general solicitation and enhances SEC rulemaking authority.

□ 1300

But, fortunately, as I said, the basic architecture of the Entrepreneur Access to Capital Act, crowdfunding, that bipartisan measure that we took through committee markup and House floor action, is preserved. Although I'm disappointed by the ill-conceived and burdensome changes within the crowdfunding title of this bill, I stand committed to working across the aisle to make sure that we fix this after the President signs it. That's what we intend to do.

I urge my colleagues to vote for this bill and move forward.

Mr. HIMES. Madam Speaker, I yield myself 1 minute.

I salute Mr. MCHENRY, my friend from North Carolina, for his work on this bill.

I think it's probably worth talking a bit more about crowdfunding. I appreciate the chairman's point of view, but let's be clear here that we are talking about marketing done at retail investors, up to $10,000 more.

Mr. MCHENRY called the Senate activity ill-conceived and burdensome. We are at the nexus here of potentially unsophisticated investors and people who see an opportunity.

I would remind Mr. MCHENRY in citing a charitable background for this bill, when you give to a charity, you know you're not getting your money back. When you invest in a company, you hope you're getting your money back. And we should be vigilant that that, in fact, occurs.

With that, I reserve the balance of my time.

Mr. BACHUS. Madam Speaker, we have the right to close. So I would ask the gentleman from Connecticut to proceed. Could I inquire as to time.

The SPEAKER pro tempore. The gentleman from Alabama has 2 minutes remaining, and the gentleman from Connecticut has 10 minutes remaining.

Mr. HIMES. Madam Speaker, in closing, let me again reiterate my thanks to Chairman BACHUS and to all of the members of the Financial Services Committee who worked hard on this bill.

I think we've had a lot of good debate around very real and important issues. Unusual for this institution is that we've actually managed to keep the ideology and the barbs out of it. I'm very appreciative of that, and I know that the American people are as well.

I appreciate coming, as I do, from a district and a State that will rise or fall on our ability to innovate, to grow small businesses into real world leaders, and to have a financial services sector which is vibrant and innovative, but safe.

I very much appreciate the intent of this legislation. We had good support from both sides of the aisle. The President is supportive. We heard from industry associations that this was a good thing.

With that, I encourage all of the Members of this body to support this legislation.

I thank again the chairman and the ranking member of the committee and yield back the balance of my time.

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

Let me say this: during this debate, we focused on crowdfunding, but I think we're all in agreement that this bill is a great improvement, and we will revisit that. That shouldn't distract from the fact that this is a major piece of legislation that will cause, I think, a great deal of new competition, innovation of new products and services.

In my revised remarks, which I intend to submit in the next week, I will highlight biomedical research, which we think has the potential to address some diseases that are rare diseases or degenerative conditions which would really receive a boost from this.

So I commend all of our Members. We've come together here, and we've accomplished great things, along with the Senate, the House, and the administration.

I yield to the gentlelady from Illinois.

Mrs. BIGGERT. Madam Speaker, the proposals contained in the JOBS Act are not political or partisan, as has been mentioned. It comes from the small business community in districts like mine where I meet regularly with local employers who tell me that accessing capital is the hardest part of enduring the current recession.

Many of these changes in this bill have bipartisan backing and have been endorsed by members of the President's Council on Jobs and Economic Competitiveness.

Today's legislation will enable America's start-up companies—the job engines of our economy—to access the equity markets, not just the debt market. This is a bill that will give investors and emerging growing companies—perhaps a future Google, Apple, or Home Depot—the opportunity to reach investors, cut through the red tape, and overcome the financial barriers to success.

I ask my colleagues on both sides of the aisle to support the bill.

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

Mr. NADLER. Madam Speaker, I rise in opposition to the Motion to Concur with the Senate Amendment to H.R. 3606, the Jumpstart Our Business Startups, JOBS, Act.

Many of us agree with the general principle that we should modernize the financial system to help small businesses raise capital, attract investors, and contribute to our economic recovery. However, this must be done in a balanced way that also protects those investors and the public interest. I had hoped that the Senate would have an opportunity to bolster the bill with key consumer- and investor-rights provisions—provisions that had no chance of passage in this House. While the Senate certainly strengthened the proposal, the Senate Amendment to H.R. 3606 does not go far enough to ensure that investors will be protected from unscrupulous actors.

Since the bill was introduced, numerous experts and organizations, including the current and former chairmen of the Securities and Exchange Commission, Americans for Financial Reform, AARP, and the Consumer Federation of America, have raised significant concerns about this legislation. According to the New York Times, many fear the bill will allow companies to raise money without having to follow rules on disclosure, accounting, auditing and other regulatory mainstays. The deregulation measures in this bill could actually raise the cost of capital by harming investors and impairing markets, making it harder for legitimate companies to thrive. In addition, the bill will allow certain companies to ignore, for the first five years that they are public, certain regulations, such as the requirement to hire an independent outside auditor to attest to a company's internal financial controls. Also, recent experience clearly shows that arguments that the market will have sufficient incentive to police itself have led to disaster in the recent past and cannot be relied upon in the future. We should have all learned a lesson when it comes to hasty deregulation of financial markets. Even if there is a short term gain to be had, the long term consequences can be quite costly.

In light of the fact that the Senate has not been able to add adequate consumer and investor protections, and the growing information about the potential long-term harm of these provisions, I must vote "No."

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Alabama (Mr. BACHUS) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 3606.

The question was taken.

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

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

The yeas and nays were ordered.

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

REQUESTING RETURN OF OFFICIAL PAPERS ON H.R. 5

Mr. WEBSTER. Madam Speaker, I send to the desk a privileged resolution and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 596

Resolved, That the Clerk of the House of Representatives request the Senate to return to the House the bill (H.R. 5) entitled "An Act to improve patient access to health care services and provide improved medical care by reducing the excessive burden the liability system places on the health care delivery system.".

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 3309, FEDERAL COMMUNICATIONS COMMISSION PROCESS REFORM ACT OF 2012

Mr. WEBSTER. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 595 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 595

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. 3309) to amend the Communications Act of 1934 to provide for greater transparency and efficiency in the procedures followed by the Federal Communications Commission. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on Energy and Commerce. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Energy and Commerce now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived. No amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. The Speaker may appoint Members to perform the duties of the Chair for the duration of the period from March 29, 2012, through April 16, 2012, as though under clause 8(a) of rule I.

□ 1310

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

Mr. WEBSTER. For the purpose of debate only, I yield the customary 30 minutes to my good friend and colleague from Florida (Mr. HASTINGS), 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. WEBSTER. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks.

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

There was no objection.

Mr. WEBSTER. Madam Speaker, I rise today in support of this rule and the underlying bill. House Resolution 595 provides for a structured rule for consideration of H.R. 3309, the Federal Communications Commission Process Reform Act of 2012.

The rule makes 10 of the 11 amendments submitted to the committee in order. Of these, eight are Democrat-sponsored amendments and two are Republican-sponsored amendments.

As noted by the subcommittee ranking member, Ms. ESHOO, during the Rules Committee meeting on this last night, H.R. 3309 has come to the floor under regular order. The Energy and Commerce Subcommittee on Communications and Technology held an oversight hearing and subsequently a legislative hearing on Federal Communications Commission process reform.

The subcommittee then circulated a discussion draft before holding an open markup and favorably reporting the bill to the full committee on November 16, 2011. On March 6, 2012, the full committee ordered the bill favorably reported to the House.

In 2010, the communications and technology industry invested $66 billion to deploy broadband infrastructure, $3 billion more than in 2009. New products and services are innovated by this sector on an almost daily basis. With the innovation come high-quality jobs and marked improvements for every American's quality of life.

As a result, all efforts should be made to avoid stalling this important economic engine. The FCC should strive to be the most open and transparent agency in the Federal Government, and any intervention into the marketplace should be the result of rigorous analysis demonstrating the need for government regulation.

The Federal Communications Commission Process Reform Act would change the process the FCC must follow in issuing regulations and limit the

agency's ability to set conditions on transactions relating to corporate mergers and acquisitions.

The legislation would require the FCC to be more transparent and methodical in determining whether to intervene in the communications marketplace in dealing with customers and regulated parties, and in reviewing transactions.

Customers, small businesses, and outside-the-beltway stakeholders, in particular, do not have the regulatory lawyers needed for rush review of proceedings. The only way to get their input is to give them time to provide feedback on well-delineated proposals.

Before it starts intervening, the FCC should make sure it has a full understanding of the state of competition and current technologies. By requiring the FCC to be more transparent, to find a market failure before proposing regulations, and to conduct cost-benefit analyses before adopting rules, H.R. 3309 helps promote jobs, investment, and innovation in one of the few sectors still firing on all cylinders in this economy.

In particular, the bill prohibits the FCC from coercing parties to accept concessions, such as network neutrality obligations, as a condition of approving their mergers. Such conditions are typically unrelated to the specifics of the transaction and involve requirements the FCC otherwise lacks the policy justification or legal authority to impose. They also chill transactions that might otherwise advance the economy, and impose unnecessary costs on businesses.

The bill requires the FCC to survey the marketplace through a notice of inquiry before proposing new rules that would increase costs for customers and businesses; to establish the specific text of proposed rules before their consideration so the public and industry know what is being considered and have adequate information to provide input, much as House leadership has adopted in the layover requirement for the bills that we now hear on the floor; to identify a market failure or customer harm and conduct a cost-effective analysis before adopting economically significant rules that cost more than $100 million; to set the shot clock and schedules for issuing decisions and to report to Congress on how well it is abiding by them so the public and industry know when issues will be resolved; and to create performance measures to evaluate the effectiveness or ineffectiveness of a program that costs more than $100 million.

These proposed process reforms are not radical, nor are they an attempt to cripple the FCC, as some opponents of the legislation have claimed. Instead, this legislation seeks to pull back the curtain on bureaucratic regulation of a sector of our economy that has provided high-tech innovation and investment, and the high-quality jobs that come with it, despite the economic downturn.

So, once again, Madam Speaker, I rise in support of the rule and the underlying legislation. I encourage my colleagues to vote ''yes'' on the rule and ''yes'' on the underlying bill.

I reserve the balance of my time.

Mr. HASTINGS of Florida. Madam Speaker, I thank my good friend from Florida for yielding the time to me, and I yield myself such time as I may consume.

Madam Speaker, this rule provides for consideration of H.R. 3309, the Federal Communications Commission Process Reform Act. There may be beneficial provisions in the underlying legislation to make the FCC's processes more transparent and more efficient.

I do suggest that the FCC has made great strides in this regard under the leadership of Chairman Genachowski, and certainly more can be done. But the fact remains that my friends on the other side of the aisle have squandered important opportunities in this process to walk the walk and talk the talk.

Now, last night an amendment was offered by my good friend and colleague, Congresswoman ANNA ESHOO, to require FCC disclosure of spending on political advertisements, which was opposed in committee but made in order to go forward today.

Recent Supreme Court rulings, especially the Citizens United case, have opened the door for unlimited spending by wealthy entities aiming to influence the electoral process. These individuals, organizations, and corporations have the financial resources to reach millions of Americans through cable, broadcast television, the radio, and other media.

Unfortunately, Americans do not yet have the right to know who is paying for these efforts. Under current law, Americans have no way of knowing whether an advertisement urging them to vote for a certain candidate or support certain legislation is being done at the behest of someone who stands to make a lot of money from that candidate or the bill.

That's no way to run a country. That's no way to hold an election. And that's no way to run a government.

Since Citizens United, our government is less like a democracy and more like a mystery. I firmly support the Eshoo amendment and ask all of our colleagues to do so. It aims to provide some clues by requiring the disclosure of any individual or corporation that contributes $10,000 or more for the purpose of airing political programming in an election cycle.

□ 1320

This amendment is modeled after the DISCLOSE Act, sponsored by my friend and colleague, Congressman CHRIS VAN HOLLEN, of which I am a proud cosponsor. Both these measures educate voters by disclosing who is donating money to influence the electoral process. It is as simple as that: transparency, accountability, and democracy.

Yet some of my Republican colleague friends continue to be baffled as to why the American people will want to know who is trying to influence them. Last night in the Rules Committee, my good friend from Georgia (Mr. WOODALL) was indicating his motions regarding this; and I said to him what I say to all of our colleagues and to all Americans, that the day somebody shows up with $500, you would be interested to know, if they are opposed to you, who they are.

So the question remains: Why do some Republicans oppose these efforts now?

Madam Speaker, we know full well about some of the biases that some Republicans have in favor of the wealthiest Americans. When they're not trying to eviscerate social safety net programs—as I suggested in the Rules Committee, and in 40 minutes we will be taking up the proposed budget that does just that—to make room for tax cuts for the well off in our society, it appears that Republicans are eager to allow the richest Americans to hijack the electoral process. Because that is what is about to happen, and it is and will be a hijacking.

When vast sums of money are used to influence the democratic process, the voices of those who do not have such resources get drowned out. When that influence is allowed to remain in the shadows, suddenly we find that the wealthiest interests in this country are the ones driving the bus, the train, the plane, and the rest of us do not know where the stops are.

This amendment, along with the DISCLOSE Act and similar efforts, aims to provide Americans with the basics of who is spending how much on what. It does not impose any new obligations on broadcasters or providers; it does not hold broadcasters or providers liable for inaccurate information; and it does not take action with respect to posting this information online. This is a simple disclosure requirement. It benefits all Americans. It is good for our democracy.

Quite frankly, I think that a commendable thing occurs when many of the amendments are made in order. In this particular instance, I'm especially pleased that my colleagues made the Eshoo amendment in order.

I reserve the balance of my time.

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

Mr. HASTINGS of Florida. Madam Speaker, I'm very pleased to yield 2 minutes to my good friend, the distinguished gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. I thank the gentleman for yielding.

I rise to urge Members to vote against the previous question.

Now, why would we do that?

Because we need to invest in America's crumbling infrastructure, and the Republicans are totally incapable of producing a transportation bill.

Here's a little bit of review of history.

February 8, 2011, Chairman MICA: We will have a bill by August.

Then we skip forward a little bit, August, Chairman MICA: I will agree to one additional highway program extension—meaning they didn't get the bill done by August.

Then we fast-forward to November, Speaker BOEHNER: House to pass highway bill this year.

That was, of course, November 2011. It's 2012. Now the Republicans are saying they need another 90 days to get agreement in their own caucus. They're never going to get agreement. There are 80 Members of the Republican caucus who believe that there is no Federal interest—get this—no Federal interest in the national transportation system. It should devolve to the 50 States, back to the good ol' days when Kansas built the turnpike and Oklahoma didn't, and the cars were launched off the end of the turnpike into a farmer's field for another 5 years until Kansas finally got around to it. Let's go back to those good old days.

They also say they don't want to create jobs. This won't create jobs, the Speaker has said. Well, guess what? Transportation investment is the best way to create made-in-America jobs: transit equipment made in America, steel made in America, construction jobs by Americans for Americans for our future. They can't get it done. No more 90-day extensions or whatever they're dithering around now. They've got the throttle on the floor and they're spinning doughnuts, but they've run out of gas.

So it's time to act. What we need to do is defeat the previous question, bring up the bipartisan, Senate-passed transportation bill, which half of the Republican Senators—some of the members of the Flat Earth Society even voted for. Bring that bill up here—we can get the votes on this side of the aisle—and pass it and put Americans back to work.

Mr. WEBSTER. Madam Speaker, I'd like to inquire if the gentleman from Florida has any more speakers because I am prepared to close.

Mr. HASTINGS of Florida. I appreciate my colleague for asking. I was hoping that Mr. BISHOP from New York would be here, but in light of the fact that he is not, I'm prepared to close.

Madam Speaker, I yield myself such time as I may consume. If Mr. BISHOP does arrive, then perhaps I would use some of my time to yield to him.

We all know that this legislation is never going to pass the Senate, and so this exercise remains just that, an exercise.

Republicans claim to be in favor of reducing the size of government, but this bill will require the FCC to hire 20 additional staff at a cost of $26 million over 5 years just to handle all the additional work created.

Rather than focus on stimulating the economy, funding infrastructure investments, and improving our democracy, my friends on the other side insist on devoting time and energy in a pursuit that is never going to go beyond this Chamber.

Rather than support transparency and our democratic process, my friends on the other side want to shield the best off in our society and corporations from having to disclose their financial influence on the political process. And rather than work with Democrats to craft comprehensive, bipartisan legislation that can pass the House and Senate, Republicans would rather see their partisan bills die than allow a compromise measure to live. I would say that I'm appalled, Madam Speaker, but this kind of thing seems to happen all the time around here.

Madam Speaker, if we defeat the previous question, I will offer an amendment to the rule to provide that, immediately after the House adopts this rule, it will bring up H.R. 14, the House companion to the bipartisan Senate transportation bill and to discuss our proposal, but before that, I yield 3 minutes to the gentleman from New York (Mr. BISHOP).

Mr. BISHOP of New York. I thank Mr. HASTINGS for yielding, and I apologize for my tardy arrival on the floor.

As Yogi Berra once said, it's déjà vu all over again. Here we are a week later and we still have not addressed the imminent expiration of our highway programs.

As we witnessed with the implosion of H.R. 7 six weeks ago, we once again saw last night the inevitable result of the Republican mantra: My way or the highway. Last night, House Republicans were forced to remove from floor consideration their short-term extension bill, in part because they absolutely refused to reach out to their Democratic colleagues to get anything done. Meanwhile, I have sponsored the Senate bill, MAP–21—now called H.R. 14 here in the House—a bipartisan path forward that makes meaningful reforms and provides certainty to States.

I'm proud to be offering this bipartisan legislation to refocus the discussion on jobs and economic opportunities rather than the Republican message this week of tearing down Medicare and protecting the 1 percent at the expense of middle class families.

□ 1330

As of today, House Republicans have yet to put forward a credible highway reauthorization that puts Americans back to work. Their only attempt, H.R. 7, which is the Boehner-Mica authorization, was called the worst highway bill ever by United States Department of Transportation Secretary LaHood, who is a former Republican Member of this body. It was drafted in the dark of night without Democratic input. It removed transit, the transit guarantee, from the highway trust fund, and it couldn't attract a single Democratic vote nor even a majority of Republican votes.

MAP–21 passed overwhelmingly in the Senate with a bipartisan majority, a vote of 74–22, and it is fully paid for—something House Republicans seem unable to come close to. MAP–21 pay-fors are less controversial than the House Republican bill. The Senate has estimated that MAP–21 will save 1.8 million jobs and will create up to 1 million more jobs. During a weak economic recovery that's looking for a jump-start, this is the kind of bill we need to be passing and passing as quickly as we possibly can.

Is MAP–21 the silver bullet to our surface transportation needs? No, but there is no silver bullet when it comes to our infrastructure needs.

We all would prefer a 5-year bill, but we need to get a bill passed. MAP–21, H.R. 14, is the path forward. I would urge my Republican colleagues to bring that bill to the floor so that we can vote for it in a bipartisan fashion and send it to the President.

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

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

There was no objection.

Mr. HASTINGS of Florida. Madam Speaker, I urge my colleagues to vote ''no'' and to defeat the previous question. I urge a ''no'' vote on the rule, and I yield back the balance of my time.

Mr. WEBSTER. I yield myself the balance of my time, and will get back to the issue at hand.

This is not necessarily a highway bill, but it does talk about a highway, one which is much faster than the ones we drive on. It is hard to imagine a world without a high-speed wireless Internet service. It is hard to imagine staffers walking down the hallways without some sort of wireless devices that they're communicating with others on, and usually their hands are glued to them.

Communications and technology innovations over the past several years have made us a more connected world. In some instances, the new global connectedness has brought us even closer together, allowing us to share in similarities and differences between our peers in distant cultures. It has given us a chance to marvel at the world's best athletes on the grandest stages, and in some cases it has exposed the atrocities of war, intolerance, and disregard for human life. We want our innovations to continue and our inventors to keep inventing. In the communications and technology fields they have, and they continue to amaze us with new breakthroughs every day.

This bill simply pulls back the curtain on the FCC, the agency charged with regulating the communications sector. It asks them to institute commonsense reforms to better keep the public informed on their actions. It requires the Commission to rigorously

examine the marketplace before intervening; to give increased time for public input and comment; and to increase transparency while approving new rules and amendments. These process reforms are simply good government, and they should be embraced in a nonpartisan fashion.

I ask my colleagues to join me today in voting in favor of this rule and the underlying bill.

The material previously referred to by Mr. HASTINGS of Florida is as follows:

AN AMENDMENT TO H. RES. 595 OFFERED BY MR. HASTINGS OF FLORIDA

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

SEC. 3. 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 a bill consisting of the text of the bill (H.R. 14) to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on Transportation and Infrastructure. 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. 4. Clause 1(c) of rule XIX shall not apply to the consideration of the bill specified in section 3 of this resolution.

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

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

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

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

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

In Deschler's Procedure in the U.S. House of Representatives, the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues: "Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

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

Mr. WEBSTER. 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. HASTINGS of Florida. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on ordering the previous question will be followed by 5-minute votes on adoption of House Resolution 595, if ordered; suspension of the rules with regard to H.R. 3606; and suspension of the rules with regard to H.R. 3298, if ordered.

The vote was taken by electronic device, and there were—yeas 236, nays 182, not voting 13, as follows:

[Roll No. 130]

YEAS—236

Adams
Aderholt
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
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Hensarling
Herger
Herrera Beutler
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jones
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Labrador
Lamborn
Lance
Lankford
Latham
LaTourette
Latta
Lewis (CA)
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Manzullo
Marino
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McKinley
McMorris Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Paul
Paulsen
Pearce
Pence
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Reed
Rehberg
Reichert
Renacci
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stearns
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
Yoder
Young (AK)
Young (FL)
Young (IN)

NAYS—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
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Edwards
Ellison
Eshoo
Farr
Fattah
Filner
Frank (MA)
Fudge
Garamendi
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hahn
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hochul
Holden
Holt
Honda
Hoyer
Israel
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kildee
Kind
Kissell
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Olver
Owens
Pallone
Pascrell
Pastor (AZ)
Pelosi
Perlmutter
Peters
Peterson
Pingree (ME)
Polis
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
Shuler
Sires
Slaughter
Smith (WA)
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Waxman
Welch
Woolsey
Yarmuth

NOT VOTING—13

Akin
Engel
Flores
Jackson (IL)
Landry
Lewis (GA)
Mack
Marchant
Neal
Rangel
Watt
Wilson (FL)
Woodall

□ 1401

Messrs. SCHRADER, SARBANES, SIRES, CHANDLER, Ms. LORETTA SANCHEZ of California, Messrs. BLUMENAUER, HONDA, and KEATING changed their vote from ''yea'' to ''nay.''

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

So the previous question was ordered.

The result of the vote was announced as above recorded.

Stated against:

Ms. WILSON of Florida. Madam Speaker, on rollcall No. 130, had I been present, I would have voted ''nay.''

MOMENT OF SILENCE IN REMEMBRANCE OF MEMBERS OF ARMED FORCES AND THEIR FAMILIES

The SPEAKER pro tempore (Mr. COFFMAN of Colorado). The Chair would ask all present to rise for the purpose of a moment of silence.

The Chair asks that the House now observe a moment of silence in remembrance of our brave men and women in uniform who have given their lives in the service of our Nation in Iraq and Afghanistan and their families, and of all who serve in our Armed Forces and their families.

PROVIDING FOR CONSIDERATION OF H.R. 3309, FEDERAL COMMUNICATIONS COMMISSION PROCESS REFORM ACT OF 2012

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. HASTINGS of Florida. 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 242, noes 177, not voting 12, as follows:

[Roll No. 131]

AYES—242

Adams
Aderholt
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
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
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Hensarling
Herger
Herrera Beutler
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jones
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kissell
Kline
Labrador
Lamborn
Lance
Lankford
Latham
LaTourette
Latta
Lewis (CA)
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Manzullo
Marino
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McKinley
McMorris Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (CT)
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Paul
Paulsen
Pearce
Pence
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Reed
Rehberg
Reichert
Renacci
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NOES—177

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

NOT VOTING—12

Akin
Blumenauer
Engel
Flores
Gohmert
Jackson (IL)
Landry
Lewis (GA)
Mack
Marchant
Neal
Rangel

□ 1410

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.

JUMPSTART OUR BUSINESS STARTUPS ACT

The SPEAKER pro tempore (Mr. CHAFFETZ). The unfinished business is

the vote on the motion to suspend the rules and concur in the Senate amendment to 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 bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Alabama (Mr. BACHUS) that the House suspend the rules and concur in the Senate amendment.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 380, nays 41, not voting 10, as follows:

[Roll No. 132]

YEAS—380

Ackerman
Adams
Aderholt
Alexander
Altmire
Amash
Amodei
Andrews
Austria
Baca
Bachmann
Bachus
Baldwin
Barletta
Barrow
Bartlett
Barton (TX)
Bass (CA)
Bass (NH)
Benishek
Berg
Berkley
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Black
Blackburn
Blumenauer
Bonamici
Bonner
Bono Mack
Boren
Boswell
Boustany
Brady (TX)
Braley (IA)
Brooks
Broun (GA)
Brown (FL)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Butterfield
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Capps
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castor (FL)
Chabot
Chaffetz
Chandler
Chu
Cicilline
Clarke (MI)
Cleaver
Clyburn
Coble
Coffman (CO)
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Cravaack
Crawford
Crenshaw
Critz
Crowley
Cuellar
Culberson
Davis (CA)
Davis (IL)
Davis (KY)
DeFazio
DeGette
DeLauro
Denham
Dent
DesJarlais
Dicks
Doggett
Dold
Donnelly (IN)
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellison
Ellmers
Emerson
Eshoo
Farenthold
Farr
Fattah
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Forbes
Fortenberry
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garamendi
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Green, Al
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Gutierrez
Hahn
Hall
Hanabusa
Hanna
Harper
Harris
Hartzler
Hastings (FL)
Hastings (WA)
Hayworth
Heck
Heinrich
Hensarling
Herger
Herrera Beutler
Higgins
Himes
Hinojosa
Hirono
Hochul
Honda
Hoyer
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Israel
Issa
Jackson Lee (TX)
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jones
Jordan
Kaptur
Keating
Kelly
Kind
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kissell
Kline
Labrador
Lamborn
Lance
Langevin
Lankford
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Long
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Maloney
Manzullo
Marino
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCotter
McGovern
McHenry
McIntyre
McKeon
McKinley
McMorris Rodgers
McNerney
Meehan
Meeks
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Moore
Moran
Mulvaney
Murphy (CT)
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Owens
Palazzo
Pallone
Pascrell
Paul
Paulsen
Pearce
Pelosi
Pence
Perlmutter
Peters
Peterson
Petri
Pitts
Platts
Poe (TX)
Polis
Pompeo
Posey
Price (GA)
Price (NC)
Quayle
Quigley
Rahall
Reed
Rehberg
Reichert
Renacci
Reyes
Ribble
Richardson
Richmond
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Rothman (NJ)
Roybal-Allard
Royce
Runyan
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sánchez, Linda T.
Sanchez, Loretta
Scalise
Schiff
Schilling
Schmidt
Schock
Schrader
Schwartz
Schweikert
Scott (SC)
Scott, Austin
Scott, David
Sensenbrenner
Serrano
Sessions
Sewell
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Southerland
Speier
Stearns
Stivers
Stutzman
Sullivan
Sutton
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiberi
Tipton
Tonko
Towns
Tsongas
Turner (NY)
Turner (OH)
Upton
Van Hollen
Velázquez
Walberg
Walden
Walsh (IL)
Walz (MN)
Wasserman Schultz
Waters
Watt
Webster
Welch
West
Westmoreland
Whitfield
Wilson (FL)
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yarmuth
Yoder
Young (AK)
Young (FL)
Young (IN)

NAYS—41

Becerra
Berman
Brady (PA)
Capuano
Clarke (NY)
Clay
Cohen
Cummings
Deutch
Dingell
Doyle
Edwards
Filner
Fudge
Green, Gene
Grijalva
Hinchey
Holden
Holt
Johnson (GA)
Johnson, E. B.
Kildee
Kucinich
Lee (CA)
Markey
McCollum
McDermott
Miller, George
Nadler
Napolitano
Olver
Pastor (AZ)
Pingree (ME)
Sarbanes
Schakowsky
Scott (VA)
Stark
Tierney
Visclosky
Waxman
Woolsey

NOT VOTING—10

Akin
Diaz-Balart
Engel
Flores
Jackson (IL)
Landry
Mack
Marchant
Neal
Rangel

□ 1417

So (two-thirds being in the affirmative) the rules were suspended and the Senate amendment was concurred in.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. MILLER of North Carolina. Mr. Speaker, on rollcall No. 132 for H.R. 3606, I inadvertently voted "yea" but my intention was to vote "nay."

HOMES FOR HEROES ACT OF 2011

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill (H.R. 3298) to establish the position of Special Assistant for Veterans Affairs in the Department of Housing and Urban Development, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Illinois (Mrs. BIGGERT) that the House suspend the rules and pass the bill.

The question was taken.

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

RECORDED VOTE

Mr. AL GREEN of Texas. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 414, noes 5, not voting 12, as follows:

[Roll No. 133]

AYES—414

Ackerman
Adams
Aderholt
Alexander
Altmire
Amodei
Andrews
Austria
Baca
Bachmann
Bachus
Baldwin
Barletta
Barrow
Bartlett
Barton (TX)
Bass (CA)
Bass (NH)
Becerra
Benishek
Berg
Berkley
Berman
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Black
Blackburn
Blumenauer
Bonamici
Bonner
Bono Mack
Boren
Boustany
Brady (PA)
Brady (TX)
Braley (IA)
Brooks
Brown (FL)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Butterfield
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castor (FL)
Chabot
Chaffetz
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Cravaack
Crawford
Crenshaw
Critz
Crowley
Cuellar
Culberson
Cummings
Davis (CA)
Davis (IL)
Davis (KY)
DeFazio
DeGette
DeLauro
Denham
Dent
DesJarlais
Deutch
Diaz-Balart
Dingell
Doggett
Dold
Donnelly (IN)
Doyle
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Edwards
Ellison
Ellmers
Emerson
Eshoo
Farenthold
Farr
Fattah
Filner
Fincher
Fitzpatrick
Fleischmann
Fleming
Forbes
Fortenberry
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Green, Al
Green, Gene
Griffin (AR)
Griffith (VA)
Grijalva
Grimm
Guinta
Guthrie
Gutierrez
Hahn
Hall
Hanabusa
Hanna
Harper
Harris
Hartzler
Hastings (FL)
Hastings (WA)
Hayworth
Heck
Heinrich
Hensarling
Herger
Herrera Beutler
Higgins
Himes
Hinchey
Hinojosa
Hirono

Hochul
Holden
Holt
Honda
Hoyer
Hultgren
Hunter
Hurt
Israel
Issa
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson (OH)
Johnson, E. B.
Johnson, Sam
Jones
Jordan
Kaptur
Keating
Kelly
Kildee
Kind
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kissell
Kline
Kucinich
Labrador
Lamborn
Lance
Langevin
Lankford
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Long
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Maloney
Manzullo
Marino
Markey
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McKinley
McMorris Rodgers
McNerney
Meehan
Meeks
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Moore
Moran
Mulvaney
Murphy (CT)
Murphy (PA)
Myrick
Nadler
Napolitano
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Olver
Owens
Palazzo
Pallone
Pascrell
Pastor (AZ)
Paulsen
Pearce
Pelosi
Pence
Perlmutter
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis
Pompeo
Posey
Price (GA)
Price (NC)
Quayle
Quigley
Rahall
Reed
Rehberg
Reichert
Renacci
Reyes
Ribble
Richardson
Richmond
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Rothman (NJ)
Roybal-Allard
Royce
Runyan
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schiff
Schilling
Schmidt
Schock
Schrader
Schwartz
Schweikert
Scott (SC)
Scott (VA)
Scott, Austin
Scott, David
Sensenbrenner
Serrano
Sessions
Sewell
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Southerland
Speier
Stark
Stearns
Stivers
Stutzman
Sullivan
Sutton
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiberi
Tierney
Tipton
Tonko
Towns
Tsongas
Turner (NY)
Turner (OH)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden
Walsh (IL)
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Webster
Welch
West
Westmoreland
Whitfield
Wilson (FL)
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Woolsey
Yarmuth
Yoder
Young (AK)
Young (FL)
Young (IN)

NOES—5

Amash
Broun (GA)
Flake
Huelskamp
Paul

NOT VOTING—12

Akin
Boswell
Dicks
Engel
Flores
Huizenga (MI)
Jackson (IL)
Landry
Mack
Marchant
Neal
Rangel

□ 1426

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. HUIZENGA of Michigan. Mr. Speaker, on rollcall No. 133, had I been present, I would have voted "aye."

PERSONAL EXPLANATION

Mr. AKIN. Mr. Speaker, on rollcall Nos. 130, 131, 132 and 133, I was delayed and unable to vote. Had I been present I would have voted "aye" on all four.

QUESTION OF PERSONAL PRIVILEGE

Mrs. MALONEY. Mr. Speaker, I rise to a question of personal privilege.

The SPEAKER pro tempore (Mr. CHAFFETZ). The Chair has been made aware of a valid basis for the gentlewoman's point of personal privilege.

The gentlewoman from New York is recognized for 1 hour.

Mrs. MALONEY. Mr. Speaker, I rise today to address an attack on my integrity and my reputation.

Last week, Representative DARRELL ISSA, the chairman of the Committee on Oversight and Government Reform, on which I have served for many years, gave an interview to a newspaper in San Diego. The story was published on March 21, and it quoted the gentleman as accusing me of lying, knowingly and intentionally, during a hearing that was held before the Oversight Committee on February 16.

That hearing received a significant amount of public attention because it addressed the issue of insurance for reproductive health care, yet included no witness testifying on behalf of the tens of millions of women across this country who seek access to coverage for reproductive health and contraception.

I certainly understand that Members on both sides of the aisle have different viewpoints on this issue, and I'm not here to discuss the underlying policy differences we may have.

Today I ask from Mr. ISSA the same commitment I ask of myself, to always strive to hear from all sides of a debate without resorting to name-calling or attacks on the personal integrity of others. Even when we disagree with what others might say, we have an obligation to listen to them and respect their viewpoints.

I am sure there are some who will accuse me of using these remarks to merely revisit the contraception issue. To the contrary, I am responding to statements published just last week by the gentleman from California, his arguments regarding my actions.

In his recent interview on the hearing, Mr. ISSA said this, to be absolutely clear, and I quote:

> Carolyn Maloney then made the famous statement, Where are the women? That was an outright lie, and she knew it when she said it.

First of all, I would like to point out that what I actually offered was an outright question. I asked it as I sat there looking directly at an all-male panel, the panel that you see in this now-famous picture. It is a picture that I believe is worth a thousand words.

And as I look at this picture again, my question is as pertinent and legitimate today as it was back then. Look at this picture and tell me, Where are the women? If you can point to one woman on this first panel, then I will happily withdraw and offer my apologies to Mr. ISSA.

Just to make sure we have my question in context, let me repeat remarks that I made that morning that Mr. ISSA and some found so objectionable. I said, and I quote:

> What I want to know is, Where are the women? I look at this panel, and I don't see one single individual representing the tens of millions of women across this country who want and need insurance coverage for basic preventive health care services, including family planning and contraception. Where are the women?

I still maintain, without fear of any contradiction, there is no one on this panel who is a woman, or who represents the tens of millions of women who want and need insurance basic coverage for family planning.

Now, if Mr. ISSA believes or tries to argue that that statement is somehow false because there were two women witnesses who appeared later that day on a second and separate panel, I would draw his attention to the fact that those witnesses were not there to represent the woman's point of view that is upheld primarily by the Democratic Party on this particular issue.

□ 1430

Those Republican-appointed witnesses were there only to represent the interests of institutions. So even in surveying both panels, I don't see one single individual representing the tens of millions of women across this country who want and need insurance coverage for basic preventive health care services, including family planning.

In conclusion, I would like to say, Mr. Speaker, rising for a point of personal privilege is sometimes accompanied by a call for a personal apology. Earlier today, Mr. ISSA apologized to me, and he sent me this letter just an hour or two ago. I am encouraged by his actions, and I accept his apology.

In the fallout of that unfortunate hearing, women were called far worse than liars. I know what I said that day, and I know it to be true. But I do think the Democratic witness, Sandra Fluke, and the women of America are owed an apology, an apology for denying them a voice, an apology for denying them a seat at the table. It was wrong then, and it is wrong each time that it happens. And it is especially wrong when women's health, women's lives, and women's rights are being discussed. And to cavalierly dismiss or deny that fact does greater damage to the fabric of democracy than words can ever redress.

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

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Any record vote on the postponed question will be taken later.

SURFACE TRANSPORTATION EXTENSION ACT OF 2012

Mr. MICA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4239) 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, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4239

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

SECTION 1. SHORT TITLE; RECONCILIATION OF FUNDS; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Surface Transportation Extension Act of 2012''.

(b) RECONCILIATION OF FUNDS.—The Secretary of Transportation shall reduce the amount apportioned or allocated for a program, project, or activity under this Act in fiscal year 2012 by amounts apportioned or allocated pursuant to the Surface Transportation Extension Act of 2011, Part II (title I of Public Law 112–30) for the period beginning on October 1, 2011, and ending on March 31, 2012.

(c) TABLE OF CONTENTS.—

Sec. 1. Short title; reconciliation of funds; table of contents.

TITLE I—FEDERAL-AID HIGHWAYS

Sec. 101. Extension of Federal-aid highway programs.

TITLE II—EXTENSION OF HIGHWAY SAFETY PROGRAMS

Sec. 201. Extension of National Highway Traffic Safety Administration highway safety programs.

Sec. 202. Extension of Federal Motor Carrier Safety Administration programs.

Sec. 203. Additional programs.

TITLE III—PUBLIC TRANSPORTATION PROGRAMS

Sec. 301. Allocation of funds for planning programs.

Sec. 302. Special rule for urbanized area formula grants.

Sec. 303. Allocating amounts for capital investment grants.

Sec. 304. Apportionment of formula grants for other than urbanized areas.

Sec. 305. Apportionment based on fixed guideway factors.

Sec. 306. Authorizations for public transportation.

Sec. 307. Amendments to SAFETEA–LU.

TITLE IV—HIGHWAY TRUST FUND EXTENSION

Sec. 401. Extension of trust fund expenditure authority.

Sec. 402. Extension of highway-related taxes.

TITLE I—FEDERAL-AID HIGHWAYS

SEC. 101. EXTENSION OF FEDERAL-AID HIGHWAY PROGRAMS.

(a) IN GENERAL.—Section 111 of the Surface Transportation Extension Act of 2011, Part II (Public Law 112–30; 125 Stat. 343) is amended—

(1) by striking ''the period beginning on October 1, 2011, and ending on March 31, 2012,'' each place it appears and inserting ''the period beginning on October 1, 2011, and ending on June 1, 2012,'';

(2) by striking ''½'' each place it appears and inserting ''⅔'' ; and

(3) in subsection (a) by striking ''March 31, 2012'' and inserting ''June 1, 2012''.

(b) USE OF FUNDS.—Section 111(c)(3)(B)(ii) of the Surface Transportation Extension Act of 2011, Part II (125 Stat. 343) is amended by striking ''$319,500,000'' and inserting ''$426,000,000''.

(c) EXTENSION OF AUTHORIZATIONS UNDER TITLE V OF SAFETEA–LU.—Section 111(e)(2) of the Surface Transportation Extension Act of 2011, Part II (125 Stat. 343) is amended by striking ''the period beginning on October 1, 2011, and ending on March 31, 2012.'' and inserting ''the period beginning on October 1, 2011, and ending on June 1, 2012.''.

(d) ADMINISTRATIVE EXPENSES.—Section 112(a) of the Surface Transportation Extension Act of 2011, Part II (125 Stat. 346) is amended by striking ''$196,427,625 for the period beginning on October 1, 2011, and ending on March 31, 2012.'' and inserting ''$261,903,500 for the period beginning on October 1, 2011, and ending on June 1, 2012.''.

TITLE II—EXTENSION OF HIGHWAY SAFETY PROGRAMS

SEC. 201. EXTENSION OF NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION HIGHWAY SAFETY PROGRAMS.

(a) CHAPTER 4 HIGHWAY SAFETY PROGRAMS.—Section 2001(a)(1) of SAFETEA–LU (119 Stat. 1519) is amended by striking ''$235,000,000 for fiscal year 2009'' and all that follows through the period at the end and inserting ''$235,000,000 for each of fiscal years 2009 through 2011, and $156,666,667 for the period beginning on October 1, 2011, and ending on June 1, 2012.''.

(b) HIGHWAY SAFETY RESEARCH AND DEVELOPMENT.—Section 2001(a)(2) of SAFETEA–LU (119 Stat. 1519) is amended by striking ''and $54,122,000 for the period beginning on October 1, 2011, and ending on March 31, 2012.'' and inserting ''and $72,162,667 for the period beginning on October 1, 2011, and ending on June 1, 2012.''.

(c) OCCUPANT PROTECTION INCENTIVE GRANTS.—Section 2001(a)(3) of SAFETEA–LU (119 Stat. 1519) is amended by striking ''$25,000,000 for fiscal year 2006'' and all that follows through the period at the end and inserting ''$25,000,000 for each of fiscal years 2006 through 2011, and $16,666,667 for the period beginning on October 1, 2011, and ending on June 1, 2012.''.

(d) SAFETY BELT PERFORMANCE GRANTS.—Section 2001(a)(4) of SAFETEA–LU (119 Stat. 1519) is amended by striking ''and $24,250,000 for the period beginning on October 1, 2011, and ending on March 31, 2012.'' and inserting ''and $32,333,334 for the period beginning on October 1, 2011, and ending on June 1, 2012.''.

(e) STATE TRAFFIC SAFETY INFORMATION SYSTEM IMPROVEMENTS.—Section 2001(a)(5) of SAFETEA–LU (119 Stat. 1519) is amended by striking ''for fiscal year 2006'' and all that follows through the period at the end and inserting ''for each of fiscal years 2006 through 2011 and $23,000,000 for the period beginning on October 1, 2011, and ending on June 1, 2012.''.

(f) ALCOHOL-IMPAIRED DRIVING COUNTERMEASURES INCENTIVE GRANT PROGRAM.—Section 2001(a)(6) of SAFETEA–LU (119 Stat. 1519) is amended by striking ''$139,000,000 for fiscal year 2009'' and all that follows through the period at the end and inserting ''$139,000,000 for each of fiscal years fiscal years 2009 through 2011, and $92,666,667 for the period beginning on October 1, 2011, and ending on June 1, 2012.''.

(g) NATIONAL DRIVER REGISTER.—Section 2001(a)(7) of SAFETEA–LU (119 Stat. 1520) is amended by striking ''and $2,058,000 for the period beginning on October 1, 2011, and ending on March 31, 2012.'' and inserting ''and $2,744,000 for the period beginning on October 1, 2011, and ending on June 1, 2012.''.

(h) HIGH VISIBILITY ENFORCEMENT PROGRAM.—Section 2001(a)(8) of SAFETEA–LU (119 Stat. 1520) is amended by striking ''for fiscal year 2006'' and all that follows through the period at the end and inserting ''for each of fiscal years 2006 through 2011 and $19,333,334 for the period beginning on October 1, 2011, and ending on June 1, 2012.''.

(i) MOTORCYCLIST SAFETY.—Section 2001(a)(9) of SAFETEA–LU (119 Stat. 1520) is amended by striking ''$7,000,000 for fiscal year 2009'' and all that follows through the period at the end and inserting ''$7,000,000 for each of fiscal years 2009 through 2011, and $4,666,667 for the period beginning on October 1, 2011, and ending on June 1, 2012.''.

(j) CHILD SAFETY AND CHILD BOOSTER SEAT SAFETY INCENTIVE GRANTS.—Section 2001(a)(10) of SAFETEA–LU (119 Stat. 1520) is amended by striking ''$7,000,000 for fiscal year 2009'' and all that follows through the period at the end and inserting ''$7,000,000 for each of fiscal years 2009 through 2011, and $4,666,667 for the period beginning on October 1, 2011, and ending on June 1, 2012.''.

(k) ADMINISTRATIVE EXPENSES.—Section 2001(a)(11) of SAFETEA–LU (119 Stat. 1520) is amended by striking ''and $12,664,000 for the period beginning on October 1, 2011, and ending on March 31, 2012.'' and inserting ''and $16,885,334 for the period beginning on October 1, 2011, and ending on June 1, 2012.''.

SEC. 202. EXTENSION OF FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION PROGRAMS.

(a) MOTOR CARRIER SAFETY GRANTS.—Section 31104(a)(8) of title 49, United States Code, is amended to read as follows:

''(8) $141,333,333 for the period beginning on October 1, 2011, and ending on June 1, 2012.''.

(b) ADMINISTRATIVE EXPENSES.—Section 31104(i)(1)(H) of title 49, United States Code, is amended to read as follows:

''(H) $162,762,667 for the period beginning on October 1, 2011, and ending on June 1, 2012.''.

(c) GRANT PROGRAMS.—Section 4101(c) of SAFETEA–LU (119 Stat. 1715) is amended—

(1) in paragraph (1) by striking ''2011 and $15,000,000 for the period beginning on October 1, 2011, and ending on March 31, 2012.'' and inserting ''2011 and $20,000,000 for the period beginning on October 1, 2011, and ending on June 1, 2012.'';

(2) in paragraph (2) by striking ''2011 and $16,000,000 for the period beginning on October 1, 2011, and ending on March 31, 2012.'' and inserting ''2011 and $21,333,333 for the period beginning on October 1, 2011, and ending on June 1, 2012.'';

(3) in paragraph (3) by striking ''2011 and $2,500,000 for the period beginning on October 1, 2011, and ending on March 31, 2012.'' and inserting ''2011 and $3,333,333 for the period beginning on October 1, 2011, and ending on June 1, 2012.'';

(4) in paragraph (4) by striking ''2011 and $12,500,000 for the period beginning on October 1, 2011, and ending on March 31, 2012.'' and inserting ''2011 and $16,666,667 for the period beginning on October 1, 2011, and ending on June 1, 2012.''; and

(5) in paragraph (5) by striking ''2011 and $1,500,000 for the period beginning on October

1, 2011, and ending on March 31, 2012.'' and inserting ''2011 and $2,000,000 for the period beginning on October 1, 2011, and ending on June 1, 2012.''.

(d) HIGH-PRIORITY ACTIVITIES.—Section 31104(k)(2) of title 49, United States Code, is amended by striking ''2011 and $7,500,000 for the period beginning on October 1, 2011, and ending on March 31, 2012,'' and inserting ''2011 and $10,000,000 for the period beginning on October 1, 2011, and ending on June 1, 2012,''.

(e) NEW ENTRANT AUDITS.—Section 31144(g)(5)(B) of title 49, United States Code, is amended by striking ''and up to $14,500,000 for the period beginning on October 1, 2011, and ending on March 31, 2012,'' and inserting ''and up to $19,333,333 for the period beginning on October 1, 2011, and ending on June 1, 2012,''.

(f) OUTREACH AND EDUCATION.—Section 4127(e) of SAFETEA–LU (119 Stat. 1741) is amended by striking ''2011 (and $500,000 to the Federal Motor Carrier Safety Administration, and $1,500,000 to the National Highway Traffic Safety Administration, for the period beginning on October 1, 2011, and ending on March 31, 2012)'' and inserting ''2011 (and $666,667 to the Federal Motor Carrier Safety Administration, and $2,000,000 to the National Highway Traffic Safety Administration, for the period beginning on October 1, 2011, and ending on June 1, 2012)''.

(g) GRANT PROGRAM FOR COMMERCIAL MOTOR VEHICLE OPERATORS.—Section 4134(c) of SAFETEA–LU (119 Stat. 1744) is amended by striking ''2011 and $500,000 for the period beginning on October 1, 2011, and ending on March 31, 2012,'' and inserting ''2011 and $666,667 for the period beginning on October 1, 2011, and ending on June 1, 2012,''.

(h) MOTOR CARRIER SAFETY ADVISORY COMMITTEE.—Section 4144(d) of SAFETEA–LU (119 Stat. 1748) is amended by striking ''March 31, 2012'' and inserting ''June 1, 2012''.

(i) WORKING GROUP FOR DEVELOPMENT OF PRACTICES AND PROCEDURES TO ENHANCE FEDERAL-STATE RELATIONS.—Section 4213(d) of SAFETEA–LU (49 U.S.C. 14710 note; 119 Stat. 1759) is amended by striking ''March 31, 2012'' and inserting ''June 1, 2012''.

SEC. 203. ADDITIONAL PROGRAMS.

(a) HAZARDOUS MATERIALS RESEARCH PROJECTS.—Section 7131(c) of SAFETEA–LU (119 Stat. 1910) is amended by striking ''2011 and $580,000 for the period beginning on October 1, 2011, and ending on March 31, 2012,'' and inserting ''2011 and $773,333 for the period beginning on October 1, 2011, and ending on June 1, 2012,''.

(b) DINGELL-JOHNSON SPORT FISH RESTORATION ACT.—Section 4 of the Dingell-Johnson Sport Fish Restoration Act (16 U.S.C. 777c) is amended—

(1) in subsection (a) by striking ''2011 and for the period beginning on October 1, 2011, and ending on March 31, 2012,'' and inserting ''2011 and for the period beginning on October 1, 2011, and ending on June 1, 2012,''; and

(2) in the first sentence of subsection (b)(1)(A) by striking ''2011 and for the period beginning on October 1, 2011, and ending on March 31, 2012,'' and inserting ''2011 and for the period beginning on October 1, 2011, and ending on June 1, 2012,''.

TITLE III—PUBLIC TRANSPORTATION PROGRAMS

SEC. 301. ALLOCATION OF FUNDS FOR PLANNING PROGRAMS.

Section 5305(g) of title 49, United States Code, is amended by striking ''2011 and for the period beginning on October 1, 2011, and ending on March 31, 2012'' and inserting ''2011 and for the period beginning on October 1, 2011, and ending on June 1, 2012''.

SEC. 302. SPECIAL RULE FOR URBANIZED AREA FORMULA GRANTS.

Section 5307(b)(2) of title 49, United States Code, is amended—

(1) by striking the paragraph heading and inserting ''SPECIAL RULE FOR FISCAL YEARS 2005 THROUGH 2011 AND THE PERIOD BEGINNING ON OCTOBER 1, 2011, AND ENDING ON JUNE 1, 2012.—'';

(2) in subparagraph (A) by striking ''2011 and the period beginning on October 1, 2011, and ending on March 31, 2012,'' and inserting ''2011 and the period beginning on October 1, 2011, and ending on June 1, 2012,''; and

(3) in subparagraph (E)—

(A) by striking the subparagraph heading and inserting ''MAXIMUM AMOUNTS IN FISCAL YEARS 2008 THROUGH 2011 AND THE PERIOD BEGINNING ON OCTOBER 1, 2011, AND ENDING ON JUNE 1, 2012.—''; and

(B) in the matter preceding clause (i) by striking ''2011 and during the period beginning on October 1, 2011, and ending on March 31, 2012'' and inserting ''2011 and during the period beginning on October 1, 2011, and ending on June 1, 2012''.

SEC. 303. ALLOCATING AMOUNTS FOR CAPITAL INVESTMENT GRANTS.

Section 5309(m) of title 49, United States Code, is amended—

(1) in paragraph (2)—

(A) by striking the paragraph heading and inserting ''FISCAL YEARS 2006 THROUGH 2011 AND THE PERIOD BEGINNING ON OCTOBER 1, 2011, AND ENDING ON JUNE 1, 2012.—'';

(B) in the matter preceding subparagraph (A) by striking ''2011 and the period beginning on October 1, 2011, and ending on March 31, 2012,'' and inserting ''2011 and the period beginning on October 1, 2011, and ending on June 1, 2012,''; and

(C) in subparagraph (A)(i) by striking ''2011 and $100,000,000 for the period beginning on October 1, 2011, and ending on March 31, 2012,'' and inserting ''2011 and $133,333,334 for the period beginning on October 1, 2011, and ending on June 1, 2012,'';

(2) in paragraph (6)—

(A) in subparagraph (B) by striking ''2011 and $7,500,000 shall be available for the period beginning on October 1, 2011, and ending on March 31, 2012,'' and inserting ''2011 and $10,000,000 shall be available for the period beginning on October 1, 2011, and ending on June 1, 2012,''; and

(B) in subparagraph (C) by striking ''2011 and $2,500,000 shall be available for the period beginning on October 1, 2011, and ending on March 31, 2012,'' and inserting ''2011 and $3,333,333 shall be available for the period beginning on October 1, 2011, and ending on June 1, 2012,''; and

(3) in paragraph (7)—

(A) in subparagraph (A)—

(i) in the matter preceding clause (i) by striking ''2011 and $5,000,000 shall be available for the period beginning on October 1, 2011, and ending on March 31, 2012,'' and inserting ''2011 and $6,666,667 shall be available for the period beginning on October 1, 2011, and ending on June 1, 2012,'';

(ii) in clause (i) by striking ''for each fiscal year and $1,250,000 for the period beginning on October 1, 2011, and ending on March 31, 2012,'' and inserting ''for each fiscal year and $1,666,667 for the period beginning on October 1, 2011, and ending on June 1, 2012,'';

(iii) in clause (ii) by striking ''for each fiscal year and $1,250,000 for the period beginning on October 1, 2011, and ending on March 31, 2012,'' and inserting ''for each fiscal year and $1,666,667 for the period beginning on October 1, 2011, and ending on June 1, 2012,'';

(iv) in clause (iii) by striking ''for each fiscal year and $500,000 for the period beginning on October 1, 2011, and ending on March 31, 2012,'' and inserting ''for each fiscal year and $666,667 for the period beginning on October 1, 2011, and ending on June 1, 2012,'';

(v) in clause (iv) by striking ''for each fiscal year and $500,000 for the period beginning on October 1, 2011, and ending on March 31, 2012,'' and inserting ''for each fiscal year and $666,667 for the period beginning on October 1, 2011, and ending on June 1, 2012,'';

(vi) in clause (v) by striking ''for each fiscal year and $500,000 for the period beginning on October 1, 2011, and ending on March 31, 2012,'' and inserting ''for each fiscal year and $666,667 for the period beginning on October 1, 2011, and ending on June 1, 2012,'';

(vii) in clause (vi) by striking ''for each fiscal year and $500,000 for the period beginning on October 1, 2011, and ending on March 31, 2012,'' and inserting ''for each fiscal year and $666,667 for the period beginning on October 1, 2011, and ending on June 1, 2012,'';

(viii) in clause (vii) by striking ''for each fiscal year and $325,000 for the period beginning on October 1, 2011, and ending on March 31, 2012,'' and inserting ''for each fiscal year and $433,333 for the period beginning on October 1, 2011, and ending on June 1, 2012,''; and

(ix) in clause (viii) by striking ''for each fiscal year and $175,000 for the period beginning on October 1, 2011, and ending on March 31, 2012,'' and inserting ''for each fiscal year and $233,333 for the period beginning on October 1, 2011, and ending on June 1, 2012,'';

(B) in subparagraph (B) by striking clause (vii) and inserting the following:

''(vii) $9,000,000 for the period beginning on October 1, 2011, and ending on June 1, 2012.'';

(C) in subparagraph (C) by striking ''and during the period beginning on October 1, 2011, and ending on March 31, 2012,'' and inserting ''and during the period beginning on October 1, 2011, and ending on June 1, 2012,'';

(D) in subparagraph (D) by striking ''and not less than $17,500,000 shall be available for the period beginning on October 1, 2011, and ending on March 31, 2012,'' and inserting ''and not less than $23,333,333 shall be available for the period beginning on October 1, 2011, and ending on June 1, 2012,''; and

(E) in subparagraph (E) by striking ''and $1,500,000 shall be available for the period beginning on October 1, 2011, and ending on March 31, 2012,'' and inserting ''and $2,000,000 shall be available for the period beginning on October 1, 2011, and ending on June 1, 2012,''.

SEC. 304. APPORTIONMENT OF FORMULA GRANTS FOR OTHER THAN URBANIZED AREAS.

Section 5311(c)(1)(G) of title 49, United States Code, is amended to read as follows:

''(G) $10,000,000 for the period beginning on October 1, 2011, and ending on June 1, 2012.''.

SEC. 305. APPORTIONMENT BASED ON FIXED GUIDEWAY FACTORS.

Section 5337(g) of title 49, United States Code, is amended to read as follows:

''(g) SPECIAL RULE FOR OCTOBER 1, 2011, THROUGH JUNE 1, 2012.—The Secretary shall apportion amounts made available for fixed guideway modernization under section 5309 for the period beginning on October 1, 2011, and ending on June 1, 2012, in accordance with subsection (a), except that the Secretary shall apportion 67 percent of each dollar amount specified in subsection (a).''.

SEC. 306. AUTHORIZATIONS FOR PUBLIC TRANSPORTATION.

(a) FORMULA AND BUS GRANTS.—Section 5338(b) of title 49, United States Code, is amended—

(1) in paragraph (1) by striking subparagraph (G) and inserting the following:

''(G) $5,573,710,028 for the period beginning on October 1, 2011, and ending on June 1, 2012.''; and

(2) in paragraph (2)—

(A) in subparagraph (A) by striking ''$113,500,000 for each of fiscal years 2009 and

2010, $113,500,000 for fiscal year 2011, and $56,750,000 for the period beginning on October 1, 2011, and ending on March 31, 2012,'' and inserting ''$113,500,000 for each of fiscal years 2009 through 2011, and $75,666,667 for the period beginning on October 1, 2011, and ending on June 1, 2012,'';

(B) in subparagraph (B) by striking ''$4,160,365,000 for each of fiscal years 2009 and 2010, $4,160,365,000 for fiscal year 2011, and $2,080,182,500 for the period beginning on October 1, 2011, and ending on March 31, 2012,'' and inserting ''$4,160,365,000 for each of fiscal years 2009 through 2011, and $2,773,576,681 for the period beginning on October 1, 2011, and ending on June 1, 2012,'';

(C) in subparagraph (C) by striking ''$51,500,000 for each of fiscal years 2009 and 2010, $51,500,000 for fiscal year 2011, and $25,750,000 for the period beginning on October 1, 2011, and ending on March 31, 2012,'' and inserting ''$51,500,000 for each of fiscal years 2009 through 2011, and $34,333,334 for the period beginning on October 1, 2011, and ending on June 1, 2012,'';

(D) in subparagraph (D) by striking ''$1,666,500,000 for each of fiscal years 2009 and 2010, $1,666,500,000 for fiscal year 2011, and $833,250,000 for the period beginning on October 1, 2011, and ending on March 31, 2012,'' and inserting ''$1,666,500,000 for each of fiscal years 2009 through 2011, and $1,111,000,006 for the period beginning on October 1, 2011, and ending on June 1, 2012,'';

(E) in subparagraph (E) by striking ''$984,000,000 for each of fiscal years 2009 and 2010, $984,000,000 for fiscal year 2011, and $492,000,000 for the period beginning on October 1, 2011, and ending on March 31, 2012,'' and inserting ''$984,000,000 for each of fiscal years 2009 through 2011, and $656,000,003 for the period beginning on October 1, 2011, and ending on June 1, 2012,'';

(F) in subparagraph (F) by striking ''$133,500,000 for each of fiscal years 2009 and 2010, $133,500,000 for fiscal year 2011, and $66,750,000 for the period beginning on October 1, 2011, and ending on March 31, 2012,'' and inserting ''$133,500,000 for each of fiscal years 2009 through 2011, and $89,000,000 for the period beginning on October 1, 2011, and ending on June 1, 2012,'';

(G) in subparagraph (G) by striking ''$465,000,000 for each of fiscal years 2009 and 2010, $465,000,000 for fiscal year 2011, and $232,500,000 for the period beginning on October 1, 2011, and ending on March 31, 2012,'' and inserting ''$465,000,000 for each of fiscal years 2009 through 2011, and $310,000,002 for the period beginning on October 1, 2011, and ending on June 1, 2012,'';

(H) in subparagraph (H) by striking ''$164,500,000 for each of fiscal years 2009 and 2010, $164,500,000 for fiscal year 2011, and $82,250,000 for the period beginning on October 1, 2011, and ending on March 31, 2012,'' and inserting ''$164,500,000 for each of fiscal years 2009 through 2011, and $109,666,667 for the period beginning on October 1, 2011, and ending on June 1, 2012,'';

(I) in subparagraph (I) by striking ''$92,500,000 for each of fiscal years 2009 and 2010, $92,500,000 for fiscal year 2011, and $46,250,000 for the period beginning on October 1, 2011, and ending on March 31, 2012,'' and inserting ''$92,500,000 for each of fiscal years 2009 through 2011, and $61,666,667 for the period beginning on October 1, 2011, and ending on June 1, 2012,'';

(J) in subparagraph (J) by striking ''$26,900,000 for each of fiscal years 2009 and 2010, $26,900,000 for fiscal year 2011, and $13,450,000 for the period beginning on October 1, 2011, and ending on March 31, 2012,'' and inserting ''$26,900,000 for each of fiscal years 2009 through 2011, and $17,933,333 for the period beginning on October 1, 2011, and ending on June 1, 2012,'';

(K) in subparagraph (K) by striking ''in fiscal year 2006'' and all that follows through ''March 31, 2012,'' and inserting ''for each of fiscal years 2006 through 2011 and $2,333,333 for the period beginning on October 1, 2011, and ending on June 1, 2012,'';

(L) in subparagraph (L) by striking ''in fiscal year 2006'' and all that follows through ''March 31, 2012,'' and inserting ''for each of fiscal years 2006 through 2011 and $16,666,667 for the period beginning on October 1, 2011, and ending on June 1, 2012,'';

(M) in subparagraph (M) by striking ''$465,000,000 for each of fiscal years 2009 and 2010, $465,000,000 for fiscal year 2011, and $232,500,000 for the period beginning on October 1, 2011, and ending on March 31, 2012,'' and inserting ''$465,000,000 for each of fiscal years 2009 through 2011, and $310,000,002 for the period beginning on October 1, 2011, and ending on June 1, 2012,''; and

(N) in subparagraph (N) by striking ''$8,800,000 for each of fiscal years 2009 and 2010, $8,800,000 for fiscal year 2011, and $4,400,000 for the period beginning on October 1, 2011, and ending on March 31, 2012,'' and inserting ''$8,800,000 for each of fiscal years 2009 through 2011, and $5,866,667 for the period beginning on October 1, 2011, and ending on June 1, 2012,''.

(b) CAPITAL INVESTMENT GRANTS.—Section 5338(c)(7) of title 49, United States Code, is amended to read as follows:

''(7) $1,303,333,340 for the period beginning on October 1, 2011, and ending on June 1, 2012.''.

(c) RESEARCH AND UNIVERSITY RESEARCH CENTERS.—Section 5338(d) of title 49, United States Code, is amended—

(1) in paragraph (1), in the matter preceding subparagraph (A), by striking ''and 2010, $69,750,000 for fiscal year 2011, and $29,500,000 for the period beginning on October 1, 2011, and ending on March 31, 2012,'' and inserting ''through 2011, and $29,333,333 for the period beginning on October 1, 2011, and ending on June 1, 2012,''; and

(2) by striking paragraph (3) and inserting the following:

''(3) ADDITIONAL AUTHORIZATIONS.—

''(A) RESEARCH.—Of amounts authorized to be appropriated under paragraph (1) for the period beginning on October 1, 2011, and ending on June 1, 2012, the Secretary shall allocate for each of the activities and projects described in subparagraphs (A) through (F) of paragraph (1) an amount equal to 42 percent of the amount allocated for fiscal year 2009 under each such subparagraph.

''(B) UNIVERSITY CENTERS PROGRAM.—

''(i) OCTOBER 1, 2011, THROUGH JUNE 1, 2012.—Of the amounts allocated under subparagraph (A)(i) for the university centers program under section 5506 for the period beginning on October 1, 2011, and ending on June 1, 2012, the Secretary shall allocate for each program described in clauses (i) through (iii) and (v) through (viii) of paragraph (2)(A) an amount equal to 42 percent of the amount allocated for fiscal year 2009 under each such clause.

''(ii) FUNDING.—If the Secretary determines that a project or activity described in paragraph (2) received sufficient funds in fiscal year 2011, or a previous fiscal year, to carry out the purpose for which the project or activity was authorized, the Secretary may not allocate any amounts under clause (i) for the project or activity for fiscal year 2012 or any subsequent fiscal year.''.

(d) ADMINISTRATION.—Section 5338(e)(7) of title 49, United States Code, is amended to read as follows:

''(7) $65,808,667 for the period beginning on October 1, 2011, and ending on June 1, 2012.''.

SEC. 307. AMENDMENTS TO SAFETEA–LU.

(a) CONTRACTED PARATRANSIT PILOT.—Section 3009(i)(1) of SAFETEA–LU (119 Stat. 1572) is amended by striking ''2011 and the period beginning on October 1, 2011, and ending on March 31, 2012,'' and inserting ''2011 and the period beginning on October 1, 2011, and ending on June 1, 2012,''.

(b) PUBLIC-PRIVATE PARTNERSHIP PILOT PROGRAM.—Section 3011 of SAFETEA–LU (49 U.S.C. 5309 note; 119 Stat. 1588) is amended—

(1) in subsection (c)(5) by striking ''2011 and the period beginning on October 1, 2011, and ending on March 31, 2012'' and inserting ''2011 and the period beginning on October 1, 2011, and ending on June 1, 2012''; and

(2) in the second sentence of subsection (d) by striking ''2011 and the period beginning on October 1, 2011, and ending on March 31, 2012,'' and inserting ''2011 and the period beginning on October 1, 2011, and ending on June 1, 2012,''.

(c) ELDERLY INDIVIDUALS AND INDIVIDUALS WITH DISABILITIES PILOT PROGRAM.—Section 3012(b)(8) of SAFETEA–LU (49 U.S.C. 5310 note; 119 Stat. 1593) is amended by striking ''March 31, 2012'' and inserting ''June 1, 2012''.

(d) OBLIGATION CEILING.—Section 3040(8) of SAFETEA–LU (119 Stat. 1639) is amended to read as follows:

''(8) $6,972,185,368 for the period beginning on October 1, 2011, and ending on June 1, 2012, of which not more than $5,573,710,028 shall be from the Mass Transit Account.''.

(e) PROJECT AUTHORIZATIONS FOR NEW FIXED GUIDEWAY CAPITAL PROJECTS.—Section 3043 of SAFETEA–LU (119 Stat. 1640) is amended—

(1) in subsection (b), in the matter preceding paragraph (1), by striking ''2011 and the period beginning on October 1, 2011, and ending on March 31, 2012,'' and inserting ''2011 and the period beginning on October 1, 2011, and ending on June 1, 2012,''; and

(2) in subsection (c), in the matter preceding paragraph (1), by striking ''2011 and the period beginning on October 1, 2011, and ending on March 31, 2012,'' and inserting ''2011 and the period beginning on October 1, 2011, and ending on June 1, 2012,''.

(f) ALLOCATIONS FOR NATIONAL RESEARCH AND TECHNOLOGY PROGRAMS.—Section 3046(c)(2) of SAFETEA–LU (49 U.S.C. 5338 note; 119 Stat. 1706) is amended to read as follows:

''(2) for the period beginning on October 1, 2011, and ending on June 1, 2012, in amounts equal to 42 percent of the amounts allocated for fiscal year 2009 under each of paragraphs (2), (3), (5), and (8) through (25) of subsection (a).''.

TITLE IV—HIGHWAY TRUST FUND EXTENSION

SEC. 401. EXTENSION OF TRUST FUND EXPENDITURE AUTHORITY.

(a) HIGHWAY TRUST FUND.—Section 9503 of the Internal Revenue Code of 1986 is amended—

(1) by striking ''April 1, 2012'' in subsections (b)(6)(B), (c)(1), and (e)(3) and inserting ''June 2, 2012''; and

(2) by striking ''Surface Transportation Extension Act of 2011, Part II'' in subsections (c)(1) and (e)(3) and inserting ''Surface Transportation Extension Act of 2012''.

(b) SPORT FISH RESTORATION AND BOATING TRUST FUND.—Section 9504 of such Code is amended—

(1) by striking ''Surface Transportation Extension Act of 2011, Part II'' each place it appears in subsection (b)(2) and inserting ''Surface Transportation Extension Act of 2012''; and

(2) by striking ''April 1, 2012'' in subsection (d)(2) and inserting ''June 2, 2012''.

(c) LEAKING UNDERGROUND STORAGE TANK TRUST FUND.—Paragraph (2) of section 9508(e) of such Code is amended by striking ''April 1, 2012'' and inserting ''June 2, 2012''.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on April 1, 2012.

SEC. 402. EXTENSION OF HIGHWAY-RELATED TAXES.

(a) IN GENERAL.—

(1) Each of the following provisions of the Internal Revenue Code of 1986 is amended by striking ''March 31, 2012'' and inserting ''June 1, 2012'':

(A) Section 4041(a)(1)(C)(iii)(I).

(B) Section 4041(m)(1)(B).

(C) Section 4081(d)(1).

(2) Each of the following provisions of such Code is amended by striking ''April 1, 2012'' and inserting ''June 2, 2012'':

(A) Section 4041(m)(1)(A).

(B) Section 4051(c).

(C) Section 4071(d).

(D) Section 4081(d)(3).

(b) EXTENSION OF TAX, ETC., ON USE OF CERTAIN HEAVY VEHICLES.—Each of the following provisions of such Code is amended by striking ''2012'' and inserting ''2013'':

(1) Section 4481(f).

(2) Subsections (c)(4) and (d) of section 4482.

(c) FLOOR STOCKS REFUNDS.—Section 6412(a)(1) of such Code is amended—

(1) by striking ''April 1, 2012'' each place it appears and inserting ''June 2, 2012'';

(2) by striking ''September 30, 2012'' each place it appears and inserting ''December 31, 2012''; and

(3) by striking ''July 1, 2012'' and inserting ''October 1, 2012''.

(d) EXTENSION OF CERTAIN EXEMPTIONS.—Sections 4221(a) and 4483(i) of such Code are each amended by striking ''April 1, 2012'' and inserting ''June 2, 2012''.

(e) EXTENSION OF TRANSFERS OF CERTAIN TAXES.—

(1) IN GENERAL.—Section 9503 of such Code is amended—

(A) in subsection (b)—

(i) by striking ''April 1, 2012'' each place it appears in paragraphs (1) and (2) and inserting ''June 2, 2012'';

(ii) by striking ''APRIL 1, 2012'' in the heading of paragraph (2) and inserting ''JUNE 2, 2012'';

(iii) by striking ''March 31, 2012'' in paragraph (2) and inserting ''June 1, 2012''; and

(iv) by striking ''January 1, 2013'' in paragraph (2) and inserting ''April 1, 2013''; and

(B) in subsection (c)(2), by striking ''January 1, 2013'' and inserting ''April 1, 2013''.

(2) MOTORBOAT AND SMALL-ENGINE FUEL TAX TRANSFERS.—

(A) IN GENERAL.—Paragraphs (3)(A)(i) and (4)(A) of section 9503(c) of such Code are each amended by striking ''April 1, 2012'' and inserting ''June 2, 2012''.

(B) CONFORMING AMENDMENTS TO LAND AND WATER CONSERVATION FUND.—Section 201(b) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460*l*–11(b)) is amended—

(i) by striking ''April 1, 2013'' each place it appears and inserting ''June 2, 2013''; and

(ii) by striking ''April 1, 2012'' and inserting ''June 2, 2012''.

(f) EFFECTIVE DATE.—The amendments made by this section shall take effect on April 1, 2012.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. MICA) and the gentleman from West Virginia (Mr. RAHALL) each will control 20 minutes.

The Chair recognizes the gentleman from Florida.

GENERAL LEAVE

Mr. MICA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous materials on H.R. 4239, as amended.

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

There was no objection.

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

My colleagues and Mr. Speaker, this is a 60-day extension that has been agreed to by our leadership and negotiated with the other side of the aisle. I believe it will ensure the surface transportation programs at the Department of Transportation will continue to function, and that we can continue programs across the country, ensuring our men and women stay in jobs at such a difficult time with our economy, again, needing some reliability in transportation programs from this Federal level.

So with that, I urge a ''yes'' vote on H.R. 4239, as amended, and I reserve the balance of my time.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON WAYS AND MEANS,
Washington, DC, March 26, 2012.

Hon. JOHN MICA,
Chairman, Committee on Transportation and Infrastructure, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN MICA: I am writing concerning H.R. 4239, the ''Surface Transportation Extension Act of 2012,'' which is scheduled for floor consideration this week.

As you know, the Committee on Ways and Means has jurisdiction over the Internal Revenue Code. Title IV of this bill amends the Internal Revenue Code of 1986 by extending the current Highway Trust Fund expenditure authority and the associated Federal excise taxes to June 1, 2012. However, in order to expedite this legislation for floor consideration, the Committee will forgo action on this bill. This is being done with the understanding that it does not in any way prejudice the Committee with respect to the appointment of conferees or its jurisdictional prerogatives on this or similar legislation.

I would appreciate your response to this letter, confirming this understanding with respect to H.R. 4239, and would ask that a copy of our exchange of letters on this matter be included in the Congressional Record during floor consideration,

Sincerely,

DAVE CAMP.
Chairman.

HOUSE OF REPRESENTATIVES, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,
Washington, DC, March 26, 2012.

Hon. DAVE CAMP,
Chairman, Committee on Ways and Means, Longworth House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter regarding H.R. 4239, the ''Surface Transportation Extension Act of 2012.'' The Committee on Transportation and Infrastructure recognizes the Committee on Ways and Means has a jurisdictional interest in H.R. 4239, and I appreciate your effort to facilitate consideration of this bill.

I also concur with you that forgoing action on this bill does not in any way prejudice the Committee on Ways and Means with respect to its jurisdictional prerogatives on this bill or similar legislation in the future, and I would support your effort to seek appointment of an appropriate number of conferees to any House-Senate conference involving this legislation.

I will include our letters on H.R. 4239 in the Congressional Record during floor consideration of the bill. Again, I appreciate your cooperation regarding this legislation and I look forward to working with the Committee on Ways and Means as the bill moves through the legislative process.

Sincerely,

JOHN L. MICA,
Chairman.

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

Mr. Speaker, I rise in opposition to H.R. 4239. This legislation is yet another example of the Republican leadership's ''my way or the highway'' approach to legislating. There was no consultation with anyone on this side of the aisle prior to this particular measure being introduced and scheduled for consideration. The extension is unduly long, and it ignores the fact that we do have a solution in hand in the form of a bipartisan Senate surface transportation bill which passed the other body the week before last.

With more than 2.7 million construction and manufacturing workers out of work, enough with the political games. With tens of millions more seeking a better life, it is far past the time to stop the brinksmanship.

As we approach the start of construction season, we need to come together to pass a highway bill that will improve our infrastructure and, most importantly, create jobs. Instead, Republicans in the House continue their ''my way or the highway'' approach that is now leading to a kick-the-can-down-the-road extension.

The other body has shown us the way. They passed an overwhelmingly bipartisan bill called MAP–21 with a vote of 74–22, with Senators BOXER and INHOFE leading the way across the ideological spectrum. The simple solution would be to take up that bill and pass it now. The President is prepared to sign it into law.

Yet, instead, we have before us another extension premised on the perverse notion that the Republican leadership will, over the next 60 days, garner enough votes on their side of the aisle to pass H.R. 7, the 5-year bill reported by the Transportation and Infrastructure Committee. That committee reported H.R. 7 on February 13. The Rules Committee approved a rule governing its consideration on the floor on February 15. That was almost 6 weeks ago. During that time, the Republican leadership has failed to find the votes among its Members to pass that bill. They do not have 218 votes, and they know it.

So the question is: What difference do they hope to achieve over the next 8 weeks that they were unable to achieve over the past 6 weeks? Not much, in my view, because the right wing of their party is holding H.R. 7 hostage to their ideological jihad that the Federal Government has no business in supporting a national transportation system.

On February 22, 1955, President Dwight Eisenhower stated:

Our unity as a Nation is sustained by free communication of thought and by easy

transportation of people and goods. The ceaseless flow of information throughout the Republic is matched by individual and commercial movement over a vast system of interconnected highways, crisscrossing the country and joining at our national borders with friendly neighbors to the north and south.

□ 1440

Promoted by a Republican President and passed by a Democratic-controlled Congress, America sought greatness as it embarked on the construction of the Interstate Highway System of 1956; and America achieved it, creating a transportation system that was once the envy of the world.

Yet H.R. 7 represents a full-scale retreat from that dynamic vision set forth 56 years ago. It mortgages America's future at subprime rates. It bankrupts the highway trust fund and endangers the future long-term integrity of transportation programs. It destroys American jobs at a time when legions of Americans are desperately seeking work and are trying to make ends meet. It is the wrong direction for America.

This day should be a day of glory. It should be a day when this body displays the courage and conviction necessary to address the pressing transportation needs of this Nation. Instead, it is a day of shame. It is a day when we are about to turn back the clock nearly half a century on America's greatness and on the incredible work we have done to grow our Nation, to build a thriving economy, and to lead the global market.

Unlike the House bill, which slashes funding and destroys 550,000 jobs, the other body's bill continues current funding levels, sustaining approximately 1.9 million jobs. Under the Senate bill, the States will receive $3.8 billion more in highway construction funding than the House bill over the course of 2 years.

The Senate bill eliminates many of the gaping loopholes in current law ''Buy America'' requirements—loopholes that are being exploited by foreign competitors, like China, who are stealing American jobs. MAP–21—that's the Senate bill—includes critical elements of my Buy America bill and the Invest in American Jobs Act, and it eliminates these loopholes in order to give American workers a fair shot. The Senate bill also does not contain poison pills like the House bill does, such as provisions to strip OSHA protections for hazmat workers and efforts to finance highway construction on the backs of middle class workers.

The Senate bill is not the bill I would have written, but it is a fair bipartisan compromise—a word some in this body don't like to hear, especially on the other side, but it is a word that is necessary for legislating. The bill will provide the certainty that States need to invest and proceed with their plans long on the books.

So, again, I call upon the Republican leadership to schedule that bill for consideration by this body now. Yet in the spirit of compromise—again, a word that's necessary in this body—I would remind the Republicans that it is a word in the dictionary, that it is a word that Americans use daily, and that I might consider supporting such a shorter extension than what is being proposed today, not this lavish 60-day, 8-week extension, but rather one that keeps our noses to the grindstone and that instills the sense of urgency that this matter deserves.

I reserve the balance of my time.

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

Mr. Speaker and my colleagues, let's deal with just a few facts.

First of all, the fact is that this would be the ninth extension. The fact is that the Democrats, who are on the other side of the aisle, when they controlled the entire House of Representatives and the United States Senate—the other body—in a huge majority and the White House, they did six extensions. That's the first fact.

The second fact is that the folks from the other side of the aisle, when they controlled it, they weren't even able to get a bill out from subcommittee to full committee. We passed it in committee, and we've gotten it this far to the floor with huge majorities. They did not pass it.

Let's just deal with the facts. The facts are, on June 17, 2009, after my cooperating with the previous chair on the other side of the aisle to go forward with a long-term bill, it was President Obama who sent then-Secretary Ray LaHood to tell us that they were going to kill a 6-year bill that we had agreed on to move forward, which they couldn't even get out of committee, to an 18-month extension.

These are the facts. The fact is that they had 6,300 earmarks in the last bill, and they were open to earmarks in the bill that they were about to propose. This bill is being brought forward without tax increases. It is responsibly funded with dramatic reforms and, again, devolves to the States and local governments, which actually build these projects, the streamlining and other financial opportunities that they can take advantage of.

As for the part about bankrupting the trust fund, let's deal again with facts. The facts are that the bill that is proposed by the other body is a 2-year bill, and the trust fund money expires in 18 months. That's not responsible. The bill we brought out has a pay-for.

With regard to the comments that we're slashing, we are continuing at current levels. It's $52 billion for 5 years. Do the math. It's 260. The Senate bill is $109 billion. It's 54.9. We are increasing spending at a time when we shouldn't be increasing spending, but we're maintaining the current level. They count no increase as a cut. That's the kind of math that's going on here.

So I came to the floor because there was a bipartisan agreement between the leadership of the House and the Senate to move forward because we have to get people to work. This is my third extension. I have had the honor and privilege of chairing the committee for—what?—14 months now. I have cooperated with the other side, including holding extensive hearings in the district of the first gentleman who spoke, Mr. RAHALL—in Beckley, West Virginia—all the way to the west coast. I've held dozens of hearings out in the field and here in Washington to try to develop legislation that could get the job done and so that we could do more with even the same amount of money and put people to work at this time in our country's history. So those are the facts.

Mr. Speaker, how much time do I have remaining?

The SPEAKER pro tempore. The gentleman from Florida has 15 minutes remaining.

Mr. MICA. I yield 5 minutes to the gentleman from Tennessee (Mr. DUNCAN), the chair of the Highway Subcommittee.

Mr. DUNCAN of Tennessee. I thank the gentleman for yielding me this time, and I thank him for his leadership of the Transportation and Infrastructure Committee.

H.R. 4239 extends the surface transportation programs through May 31, 2012, at funding levels consistent with the fiscal year 2012 transportation appropriations bill passed last November. This extension is clean and does not add any policy provisions. Without this extension, Mr. Speaker, these programs are set to expire this Saturday. This legislation will allow the highway and transit programs to continue to operate as the spring construction season kicks off.

During this 2-month extension, we fully expect the House to pass H.R. 7, the American Energy and Infrastructure Jobs Act of 2012, and conference this bill with the Senate's 18-month reauthorization bill. H.R. 7, as Chairman MICA just noted, is a 5-year reauthorization bill that provides the long-term funding at current levels. It provides the predictability that States and localities need and have requested in order to plan major transportation projects and critical improvements to their transportation systems. Additionally, H.R. 7 eliminates, or would eliminate, wasteful Federal programs and put important decisionmaking power back in the hands of the States. There is no reason to have a bureaucrat in Washington dictating which projects should be funded in my home State of Tennessee or in other States.

Federal aid transportation projects around the Nation are sitting idle because of inefficient and unnecessary project review requirements. H.R. 7 goes the extra mile by streamlining the project review process and by eliminating scores of unnecessary Federal requirements. My constituents in the Second District of Tennessee and those throughout this Nation want a more efficient and smarter process for investing our Federal transportation dollars,

and H.R. 7 would accomplish this by doing more with less.

□ 1450

We need to speed up these highway projects. The last two studies by the Federal highway officials have estimated that it takes 13 years—one said 13 years; one said 15 years—from conception to completion. All these other developed nations around the world are doing these projects in a half or a third of the time that we are. We've got to speed things up to become more globally competitive.

When Congress sends H.R. 7 to the President, it will be considered the signature jobs bill that Americans have been waiting for Congress to pass. Just this week, Time magazine has a cover which describes our recovery as ''wimpy.'' Yesterday, the chairman of the Federal Reserve Board, Chairman Bernanke, said that the job market continues to remain weak.

This bill, H.R. 7, if we can pass it, will create millions of jobs for hard-working Americans right here in the United States—not in China or India—and will leave a lasting impact with tangible improvements to our transportation infrastructure. By passing the long-term reauthorization bill that the business community and State and local officials across this country want, Americans will be able to see their tax dollars working to rebuild and strengthen our Nation's highways, bridges, and transit systems. In addition, people all over this country want us to stop rebuilding other countries and start doing what we need, rebuilding our own country and putting our own citizens first once again.

I urge my colleagues to pass this brief 2-month extension so that the House can continue its work and then pass H.R. 7, the long-term reauthorization reform bill that this country needs.

Mr. RAHALL. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Oregon, the ranking member on our Subcommittee on Highways and Transit.

Mr. DEFAZIO. I thank the gentleman.

Well, the Republicans have got the wheel hard over, pedal to the metal. They are spinning doughnuts. And they want another 90 days or 60 days—it was 90 days yesterday; 60 days today—to spin doughnuts until they run out of fuel on their side of the aisle.

Look, the Senate, which previous to this leadership was the most dysfunctional legislative body in the land, has passed a 2-year bill with reforms and streamlining with half of the Republican Senators, including some members of the Flat Earth Caucus, voting for it. It received 74 votes in the Senate. Nothing gets 74 votes in the Senate. But you're refusing to bring that bill up because—we might get something done around here. So how about another 60 days to spin our wheels?

Well, let's have a little bit of history here: February 8, 2011, Chairman MICA: ''We'll have a surface transportation bill by the August recess.'' That was, what, 2011. Oops. Well, then in August of 2011, Chairman MICA: ''I will agree to one additional highway program extension.'' Oops. He's asking for yet another and another and today yet another.

Well, then, spin forward quickly to November of 2011, Speaker BOEHNER: ''House will pass a highway bill this year.'' That was last year. Then we go forward to February 1, 2012. Here's the problem: they've got a bunch of people on their side who hate government so much that they're willing to destroy the national transportation program to kill it. We are not making the claim, Speaker BOEHNER, that spending taxpayer money on transportation projects creates jobs, are we, huh?

They hate government so much, they will say that investment by the government in building a national transportation system and maintaining it and rebuilding it with ''Made in America'' requirements does not create jobs. Why would he say that? Because they've got 80 people on their side of the aisle who do not believe we should have a national transportation plan or policy. They're willing to let our roads, bridges, and highways crumble.

This is the pre-Dwight David Eisenhower—a Republican President—National Highway System program. This is the brand-spiffy-new Kansas Turnpike that ended in this farmer's field on the Oklahoma border. This went on for years because Oklahoma didn't deliver its section. They want to go back to those good old days. No Federal mandates. No Federal transportation system. Oh, okay. So the Port of Los Angeles and the people of southern California should pay for everything that relates to getting freight in and out of L.A. It doesn't affect the rest of the United States of America. Or the Port of Portland or the Port of Seattle or the ports on the east coast.

Our competitor nations get it. They're spending. They're investing. Even countries with austerity programs, like Britain, they're putting people back to work. Despite what the Speaker had to say to the Flat Earth Caucus over there, it does create jobs and investments. We need to move forward.

Now they're saying, Oh, no problem, just another temporary delay while we get our act together on our side of the aisle. Well, again, we already heard the statement, no more, only one more temporary extension. That was about 9 months ago. And we're finding now that actually the delays are costing jobs, uncertainty costs jobs. States can't make commitments for major projects and investments if they don't know if there is going to be Federal money there in 90 days. Ninety days? Oh, 60 days. I forgot. In 60 days. They're going to plan a long-term project that can last 60 days? No, I don't think so.

So in North Carolina, the Secretary of Transportation says: The delays have cost 41,000 jobs. That seems a little high to me. But Nevada, 4,000 jobs. Maryland, 4,000 jobs. Michigan, 3,500 jobs. Adding it up across the country, even if we use the low numbers, we're talking tens of thousands of job opportunities lost because they can't get their act together.

Just let us vote on the Senate bill. That's all we're asking. I mean, I think there might be a few people on your side of the aisle who would agree with their Republican colleagues in the Senate and support it. And I can guarantee we would get almost every Democrat on this side of the aisle to vote for it.

You can't even get your own people to vote for your own bill. You are wrapped around the axle on your own caucus day after day. You have to pretend it won't create jobs. Well, that's not enough for them.

PAUL RYAN has now proposed in the budget, which we're going to vote on next, that we should decrease funding in transportation by 35 percent. But you're saying over there that you want to continue the current levels. Well, you'd better get it together because if you're going to support the Ryan budget, then you've just voted to cut transportation beginning October 1 by 35 percent. That's about 500,000 jobs. But what the heck.

You guys hate government so much, you hate America so much that you won't do what's necessary to put this country back together, to rebuild the infrastructure that was given to us by Democrats and Republicans alike for more than half a century, never in a partisan way. This is the first experiment, the first attempt to pass a totally partisan bill, and you're failing on your own side of the aisle.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will remind Members to address their remarks to the Chair.

Mr. MICA. Mr. Speaker, I am pleased at this time to yield 4 minutes to the gentleman from Pennsylvania (Mr. SHUSTER), the chair of our Rail Subcommittee.

Mr. SHUSTER. I thank the chairman.

Listening to the last speaker, I believe that the other side of the aisle has got a case of amnesia because I was here in 2007 and 2011 when they had the majority in the House, the majority in the Senate, and the Presidency, and they did nothing. Well, that's not true. In fact, the last speaker, the gentleman from Oregon, he was the chair of the Highway Subcommittee; and we passed a bill by voice vote out of the subcommittee, a Democratic version. Voice vote. That means it came out of subcommittee in a bipartisan way.

Now, there was a lot in that bill I didn't like. But it was probably what the gentleman from Oregon, the last speaker, and the majority party wanted to do was to expand government control of the highway system, expand

the decision-making process to the bureaucrats in Washington instead of allowing the people in the States to make more of those decisions.

So it's startling to me to hear the criticism and insults hurled at our side of the aisle. I do take offense to the fact that he said we hate America. We love America. We love the American people and the wisdom of the American people and the wisdom of those in State government to make decisions, also.

I believe there is a national role in the transportation system in this country. It is a national policy. It's based on our founding. It's our history. We've always been part of this national system. So I want to pass a bill, a 5-year bill. I don't believe my colleagues have gone home and listened to their DOT directors and the people that build roads and sell equipment and the business people. They want a 5-year bill. They do not want a 2-year bill because they won't make decisions on expanding their businesses, buying equipment, hiring people on an 18-month bill.

□ 1500

And oh, by, the way, by the time we pass—if we pass—the Senate bill, it will be a 16-month bill. It's just another extension. It doesn't have reforms in it. Our bill does reform. It will allow that $260 billion to be spent faster. And anybody that's been in business and had to deal with the day in and day out knows that time is money. If it takes 14 to 15 years to build a highway versus 7 or 8, that's going to cost us a lot more money. That's common sense. That's why this 5-year bill is a commonsense bill and we need to pass it.

But I've come here on the floor today to debate not the 5-year bill because I believe it's the best way to go; I've come here to support the bipartisan agreement—I thought it was a bipartisan agreement; I guess we'll find out shortly—a bipartisan agreement for a 60-day clean extension that will give us the time to move forward and put a commonsense bill on the floor that will encourage growth in America. It will encourage people to hire and invest in their businesses when they're building roads and bridges in this country.

Failing to pass this extension is really not an option, so I hope that my friends will get behind this extension and pass it so that we can work to pass a bill that makes a lot of sense—and that is H.R. 7—and that will help to create jobs.

Again, I would remind my colleagues if they're watching this or colleagues in the Chamber, from 2007 to 2011 our Democratic colleagues that controlled both branches of government, both Houses of Congress, did not pass a highway bill. They passed a stimulus bill that didn't work. Only 8 percent of it went to highway and infrastructure projects. We as Republicans offered an alternative: half of the amount of money that the Democrats passed, and half of that money going to rebuilding our infrastructure.

If they truly cared about rebuilding the infrastructure of this country, they would have passed a highway bill from 2007 to 2011, but they failed to do it; and now they've come to the floor to criticize our side. And we've worked very, very hard. Chairman MICA has put together a bill that really does do significant reform. And I don't know why the other side resists reform when we can spend money quicker and we can get that money out there and rebuild the roads and bridges we need today.

Mr. RAHALL. May I inquire of the time remaining?

The SPEAKER pro tempore. The gentleman from West Virginia has 8½ minutes remaining. The gentleman from Florida has 7 minutes remaining.

Mr. RAHALL. Mr. Speaker, I am pleased to yield 3 minutes to the gentlelady from Florida, the distinguished ranking member of our Subcommittee on Railroads.

Ms. BROWN of Florida. Thank you, Mr. RAHALL, for your leadership on this transportation bill.

You can fool some of the people some of the time, but you can't fool all of the people all of the time.

When President Barack Obama came to the floor, he mentioned to the House that Republicans used to like to build some roads. Well, it is a sad state of affairs in this House of Representatives and a sad day as far as the committee is concerned because we used to have a process that was bipartisan. We worked together.

We can't pass a transportation bill. The only thing we passed was a new bridge for Minnesota. We had to transfer 30 acres of land in one individual congressional district. But the leadership of the Transportation Committee of this House of Representatives can't find floor time to debate a piece of legislation that would create and maintain millions of good-paying jobs for hardworking Americans. Republicans refuse to work with Democrats in crafting a transportation reauthorization bill that has caused us the opportunity to deliver much-needed relief to the States and to the traveling public.

Certainly, at a time when our Nation's unemployment rate remains at 9 percent, an adequately funded 6-year surface transportation reauthorization bill is critical. What our country needs is a surface transportation bill. But let me be clear: we don't need a 5-year bill with 2-year money.

Transportation and infrastructure funding is absolutely critical to our Nation. We know for every billion dollars we spend, it generates 44,000 permanent jobs. We need and deserve a long-term transportation bill, but the Tea Party members won't be happy until we are riding horses on dirt roads again.

We need to pass the Senate transportation reauthorization bill and add some sanity to this process and send a bill to the President that actually helps the traveling public and puts the American people back to work.

Mr. MICA. Mr. Speaker, may I inquire as to the balance of time on each side?

The SPEAKER pro tempore. The gentleman from Florida has 7 minutes remaining, and the gentleman from West Virginia has 6 minutes remaining.

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

Mr. RAHALL. Mr. Speaker, I am happy to yield 2 minutes to the gentleman from New York (Mr. BISHOP), who has introduced the other body's bill in this House. It's labeled H.R. 14 and is twice as good as H.R. 7.

Mr. BISHOP of New York. I thank Mr. RAHALL for yielding.

I rise in opposition to H.R. 4239, the Republican 60-day highway bill extension.

As prime construction season begins, thousands of construction workers and their families will continue to struggle because our Republican colleagues would rather engage in hyperpartisan politics than put Americans back to work. Today's highway extension is yet another example of the failed leadership and absent policies of the Republican Party.

Unlike the successful bipartisan efforts of SAFETEA–LU, TEA–21, and ISTEA that put millions of Americans to work and made our highways and transit systems the envy of the world, today's Republican extension merely allows the Nation to limp forward, impeding our ability to rejuvenate our economy.

Let me be clear. This extension does nothing to create jobs or provide certainty to States. It does nothing to rebuild our crumbling infrastructure, and it does nothing to improve safety on our roadways and bridges.

It's been 6 weeks since the Rules Committee approved the rule for H.R. 7, the Republican highway reauthorization that was drafted in the dark of night and was passed out of the Transportation and Infrastructure Committee without a single person other than Chairman MICA having read the bill. When our Republican colleagues finally did read the bill, they, too, were struck by the overwhelmingly negative consequences for many of their States. The bill has been in limbo ever since.

If the priority of the Republican caucus was to create jobs, they would immediately take up and pass H.R. 14, the bipartisan Senate highway bill that will save 1.8 million jobs and create up to another million jobs, supporting over 113,000 jobs in my State of New York alone.

If the priority of the Republican caucus was to reduce the deficit, they would take up and pass H.R. 14, the only proposal in town that is fully paid for.

If the priority of the Republican caucus was to provide certainty to the markets and the States, then we would take up H.R. 14, the 2-year Senate bill, and not the 60-day extension the House Republicans now propose.

H.R. 14 not only passed by an overwhelming bipartisan majority in the

Senate—74–22—the bill enjoys 114 cosponsors in the House.

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

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

Mr. BISHOP of New York. As House Republicans continue to isolate themselves from the mainstream, Americans continue to wait for much-needed infrastructure jobs and the thousands of businesses they support.

I urge my colleagues to reject this shortsighted extension of our Nation's transportation programs and pass H.R. 14, the bipartisan Senate bill.

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

Mr. RAHALL. Mr. Speaker, I am honored to yield the customary 1 minute to our distinguished Democratic leader, the gentlelady from California (Ms. PELOSI).

Ms. PELOSI. I thank the gentleman for yielding.

I couldn't resist the opportunity to come to the floor to speak on the situation that we have before us.

I thank the gentleman from West Virginia for his ongoing leadership in terms of bipartisanship and constructive legislation to rebuild America, which is so important to us. It has been the tradition—Mr. MICA will admit—that this has always been a bipartisan effort. That is the history. That is the tradition. That has served the country well.

□ 1510

For the first time, however, the Republicans have chosen to do a strictly Republican bill which our very respected Secretary of Transportation who served in this House as a Republican, served as a Member of Congress as well as served the minority leader, Mr. MICA, as a staff person, so he has a long history of knowledge of legislation in the Congress, said this was the worst transportation bill he had seen in his 35 years of public service—and, again, this is a field in which he is an expert.

He said the bill loses jobs, the bill Republicans want to put forth, H.R. 7, and it also diminishes safety. That is not a formula for a good transportation bill—less safety, fewer jobs, losing jobs. And so, we have an opportunity to support a bipartisan bill that has come from the Senate, three-quarters of the Senate in a bipartisan way passed it out. March 31 is the deadline when all of this will expire unless Congress acts, and Congress is not acting because the Republican majority does not have its act together. Their ''our way or the highway'' attitude means no highway bill that creates jobs and promotes public safety.

It's really so sad because in the tradition of our country, from the start, from the very start, Thomas Jefferson understood the need for building the infrastructure of America. He tasked his Secretary of the Treasury, Gallatin, to come up with a project that would expand into America, the Louisiana Purchase, and the Lewis and Clark expeditions. And out of that initiative came the Cumberland Road, the Erie Canal, and other things like that over time, and in that tradition, the Transcontinental Railroad and the rest that would come later.

Then in our century, a Republican President, President Eisenhower, at a time of bad economic times, bad economic times, he went forward and took the initiative for the interstate highway initiative, which was so important to our country. It was a security issue to unite America. It was a jobs initiative to build that interstate highway system. And it was about promoting commerce, connecting people, and improving the quality of life. It was a great initiative, and it, too, was a bipartisan initiative. In fact, in the Senate, our friend, Senator Gore, Vice President Gore, his father took the lead on that legislation, the distinguished gentleman from Tennessee, as we heard earlier from the gentlemen from Tennessee.

So this has all been a bipartisan initiative. It's about rebuilding America, which is part of our reigniting the American Dream to build ladders of opportunities so people who work hard, play by the rules, and take responsibility can have a ladder of success to climb and then put down for others to do. And part of that is A, Make It In America so that people can make it in America; and B, and I get to this point, build America, build America, build the infrastructure of America. And that means everything from the highways with mass transit, rapid transit, high-speed rail, and all kinds of technological infrastructure that we need with broadband and the rest.

It doesn't have any political or partisan cast to it at all. It never has—until now. And until now, for reasons that are very hard to explain to the American people, while we have a solution, we have a challenge. The authorization expires March 31. We have a bill that can be sent to the President in a matter of hours from this House of Representatives this day. And instead of smoothing the way, the road to jobs, we have the Republicans putting up, yet again, another obstacle because they have not been able to get unity in their caucus on a bill that promotes commerce, builds America, promotes safety, and creates jobs, jobs, jobs, jobs.

So what are we doing wasting the public's time with a 60-day extension? I support the leadership of our ranking member, Mr. RAHALL, when he talks about why we have to do something better, something more important, something more worthy of the concerns of the American people than a parliamentary maneuver that isn't going to produce anything. It doesn't even have anything attached to it that says, let's do this now so that we can do something better later. It has a bill that they cannot even pass on the House floor, their own H.R. 7. If they could pass that, they would. Their own caucus doesn't support what they're putting forth. So they expect the rest of us to cover for them.

Well, that is a real disservice to the American people. It is a real disservice to the hundreds of thousands of construction workers who are out of work. This job in its totality, and the jobs it would save and the jobs it would create, over 2 million jobs, and yet instead of doing that, we have a tactical maneuver for God knows what reason.

Everything we do is about time. It's about time, shortening the time in which people have to wait for jobs, shortening the times in which people get to and from their jobs. And it's about time that we put the American people back to work by passing the biggest jobs bill that Congress can ever pass, and that is a transportation bill. We have it right at our disposal. Mr. BISHOP introduced it as H.R. 14, we brought it up earlier today, and the Republicans resoundingly voted against the Senate bill. And I understand it was a procedural vote.

Now in a substantive vote, why don't you bring that bill to the floor? Why don't you bring that bill to the floor? And I ask the question again to my Republican colleagues: Why don't you bring the bill to the floor that three-quarters of the United States Senate in a bipartisan way passed out? We all want a longer bill. This is the bill they can pass. This is the bill we should pass so that the President can sign it into law. Anything else is just a conversation. Taking action, taking the votes, that is what the American people expect us to do. So we can talk all we want. What the American people want us to do is to act. And so I reject 60 days when we can do something much better for the American people.

Mr. MICA. I yield 2 minutes to Mr. SHUSTER, the gentleman from Pennsylvania.

Mr. SHUSTER. I thank the gentleman from Florida, and I appreciate the opportunity to be able to ask my Democratic colleagues, following up on the distinguished leader's question but with a little twist to it, why didn't your side, when you had control of both Houses of Congress and the Presidency, why didn't you pass a bill, a highway bill? You had the votes. You could have done anything you wanted to.

In fact, the former distinguished Speaker that just spoke said that this is going to be the biggest jobs bill we pass. I thought your stimulus was supposed to be the biggest jobs bill we ever passed. It's amazing to me to come down here on the floor—and I have so much respect for my colleagues on the other side of the aisle—but to hear this argument going round and round, and as I said earlier, there's amnesia on the other side of the aisle. You had control of Congress. The bill expired in 2009. You still had control of both Houses and the Presidency. You didn't pass a bill.

I also would like to make note, if you look back in the history of the highway bill, we've never been in the financial situation that we are today. We've never faced the kind of debt that we face today. And what this bill does is it lives within our means. But it does more than just that, living within our means, which we should do, and I would add, Thomas Jefferson would be appalled if he saw the kind of debt we've racked up today. He would be appalled by that.

So we're living within our means, and we're streamlining the process. We are saying we can do more with less if we change the process. The Senate bill doesn't have the kind of reforms. What the Senate bill does is it bankrupts the highway trust fund. It bankrupts the highway trust fund. And then we even have a bigger problem 2 years down the road, actually maybe 18 months, maybe 17 months, probably 16 months by the time we get it passed. The Senate bill requires States to incorporate livability and smart growth policies, as if the States aren't smart enough to do it themselves? As if the States and cities in this country can't figure out how they want to improve the livability of their cities? No. The Federal Government has to do it. The Federal Government has to insist that they do that.

Look, I think that Members of Congress ought to have the ability to direct where some of these funds go, but the Senate bill, what it allows are the bureaucrats.

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

Mr. MICA. I yield the gentleman from Pennsylvania an additional 30 seconds.

Mr. SHUSTER. The bureaucrats in Washington will decide how the money is spent, not even the folks back in the States. The Senate fails to streamline the project delivery process which we do. That will allow us to build roads faster, and time is money. Anybody that's been in business knows time is money. And that is extremely important to this. The Senate bill discourages private sector investment, and it increases the regulation. Like I said, this bill is a good bill, it's a solid bill, it's one that the people out there want to see, a 5-year bill, not a 17- or 16-month extension.

□ 1520

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. All Members are advised to refrain from referring to one another in the second person.

Mr. RAHALL. Can you give us the time remaining, please, Mr. Speaker?

The SPEAKER pro tempore. The gentleman from West Virginia has 2½ minutes remaining, and the gentleman from Florida has 4½ minutes remaining.

Mr. RAHALL. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Massachusetts, a member of the House Appropriations Committee, Mr. OLVER.

Mr. OLVER. I thank the gentleman for yielding.

Mr. Speaker, America's whole economy depends upon the efficient movement of people and goods. A modern, well-maintained transportation network is absolutely necessary for our economy to grow and the country to prosper, and its influence on the economy is staggering.

Our auto manufacturing industry and its enormous parts-supplier base, the national network of gas stations and its complex distribution system, and the oil industry itself all thrive because we have an efficient highway system that people need to use.

The physical construction of roads and railroads requires aggregate materials processed locally, steel trusses and rebar made by American companies and crews manned by American workers.

Our transit system supports the domestic manufacturing of buses, streetcars, and trains, while providing businesses with cost-effective access to the labor pool.

Furthermore, every good product produced or consumed in the U.S. must be transported via our network of roads, rails, and ports. As a result, the efficiency with which our system operates determines whether American goods can compete in the global marketplace.

Unfortunately, the 60-day extension Republicans offer on the floor today keeps our transportation system bogged down in a state of uncertainty. It slows down ongoing projects by only providing partial funding; it jeopardizes a major part of this construction season in northern States by hindering and delaying their ability to determine how many projects can be funded; and it shuts down the planning and design pipeline for future projects because they don't know what resources will be available.

Consequently, this being the ninth extension since 2009, State transportation programs are being forced to move forward only with projects that meet the lowest common denominator.

Mr. Speaker, if the Republican goal is to slow economic growth and keep unemployment high into the fall, this 60-day extension will accomplish that spectacularly.

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

Mr. RAHALL. I yield the gentleman 15 more seconds.

Mr. OLVER. I can think of nothing that would be more effective at slowing economic growth and keeping unemployment high.

Mr. Speaker, there is a better option. Bring it to the floor and let us vote on the Senate's multiyear bipartisan bill that was passed by a vote of 74–22, with majority support from both parties.

Mr. MICA. I have no further speakers, and I would reserve my time to close.

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

Mr. Speaker, to respond to the other side of the aisle about which party was in control when nothing was done or vice versa, whatever, as that side of the aisle knows, it takes so much to get the other body to agree on anything these days, to get the 60 votes necessary. It doesn't matter which party controls the other body; to get them to agree on something is difficult.

So I conclude by saying vote against these delays and pass the Senate bill.

I yield back the balance of my time.

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

Unfortunately, this has turned into, I guess, sort of a political ''gotcha'' game. If this was a sporting event right now, the umpire would probably come out, throw down the flag, and say a foul has been committed.

It's kind of sad that bipartisanship has become a one-way street. No one has worked harder than I have to try to accommodate the other side of the aisle.

Mr. Speaker, one of the former speakers said we had refused to work with the Democrats. That's not true. We took 60 percent of their recommendations. And one reason we took longer than I had hoped was to make certain that everybody had a fair and open opportunity. The process was completely open by going to the ranking member's district for the first hearing and all the way to the west coast.

In the amendment process, I told Members that everyone would be heard and everyone would have an opportunity to offer an amendment. Yes, we sat for 18 hours. We took over 100 amendments from the other side of the aisle, and each of them was considered with the respect and dignity that every Member of this body should have before everybody.

This is not true. Again, I just don't think it's fair.

Mr. Speaker, the gentleman from New York (Mr. BISHOP) came to the floor and said that I was the only one that had a copy of the bill. In fact, the irony of it is that Mr. BISHOP and his staff, everyone—in fact, all the Members were given a copy beforehand, which is twice the period of time in the past; and copies of the bill were distributed from his office, which he also admitted to in committee long before the bill came to the committee.

The Secretary said this is the worst bill he has seen, and it is for bureaucrats and for people in those tall buildings in Washington, because we're consolidating programs. We went from six core programs to 130. We have offices that we don't need, duplicate programs. Someone is trying to actually do reform.

Yes, we do substantial reform. They throw money at problems. We, at least, keep it level and we responsibly pay for it. But even when they threw money at things, like the stimulus that Mr. SHUSTER brought forward, 35 percent of the money and 2½ years later, that money was still sitting in the Federal Treasury because shovel-ready became a national joke; and it is a national joke

because of the red tape, the bureaucracy, all by those people who may lose their jobs in those glass buildings right here in our Nation's Capital.

Again, I don't think it's fair. I'm disappointed. We tried to do a 90-day bill. The House and the Senate are going to be out for 2 weeks for Easter. Then they come back, and one body is out and the other body is out and nobody is here. They weren't happy with 90 days, and we tried to accommodate the 60 days.

This is a political game of ''gotcha,'' and it's unfortunate because there are many Americans who are counting on us for jobs and many people who have lost their home, particularly in the construction industry. They don't want rhetoric. They want action from this Congress. If we just had a cooperative effort on this, and true bipartisanship, we could get so much done for the American people.

I'm saddened in a way, but I tell you I've done everything I can to move this forward. For some of those people I've talked to that don't have a job, that have lost their homes and their life savings, we need to put a few of them to work. And we can if people would stop the nonsense and move forward in a responsible fashion.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. MICA) that the House suspend the rules and pass the bill, H.R. 4239, as amended.

The question was taken.

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

Mr. RAHALL. 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.

□ 1530

FEDERAL COMMUNICATIONS COMMISSION PROCESS REFORM ACT OF 2012

GENERAL LEAVE

Mr. WALDEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks on the legislation and to insert extraneous materials on H.R. 3309.

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

There was no objection.

The SPEAKER pro tempore. Pursuant to House Resolution 595 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. 3309.

The Chair appoints the gentleman from Illinois (Mr. KINZINGER) to preside over the Committee of the Whole.

□ 1533

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. 3309) to amend the Communications Act of 1934 to provide for greater transparency and efficiency in the procedures followed by the Federal Communications Commission, with Mr. KINZINGER 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 Oregon (Mr. WALDEN) and the gentlewoman from California (Ms. ESHOO) each will control 30 minutes.

The Chair recognizes the gentleman from Oregon.

Mr. WALDEN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, ladies and gentlemen of the Assembly, the communications and technology sector is one of the most competitive, innovative, and open sectors of our economy. From fiber optics to 4G wireless service, from the smartphone to the tablet, to the connected TV, this sector has been creating new services and new devices and high quality jobs that come with high-tech innovation and investment.

Now, despite a lackluster economy, wire line, wireless, and cable providers invested $66 billion in broadband infrastructure in 2010. The U.S. is now leading in the cutting-edge wireless technologies. If we want this to continue, though, we need to avoid needless bureaucratic red tape and fix broken processes at the FCC.

Communications and technology companies and the public deserve a more transparent and responsive government agency, and that's exactly what the legislation before us now would accomplish, bringing transparency, bringing accountability to the Federal Communications Commission.

The bill is the fruit of the Energy and Commerce's own open and transparent process. Last May we invited the commissioners of the FCC to testify about improving their processes, and we heard from them about the process problems that have occurred at the agency when it's been headed by chairs from both parties. This is not about this commission. It may be about a prior commission, but it's about a systemic problem.

In June, staff released a discussion draft, and we held a legislative hearing with a diverse panel of experts representing industry, think-tanks, consumer groups, academia, and the States. We listened to what they had to say about the various ideas that were on the table, and we began to work to modify those ideas into something that was workable.

In response to the views presented at the hearings, as well as additional input from stakeholders and colleagues on both sides of the aisle, we refined the draft legislation.

Then, in November, the Subcommittee on Communications and Technology held an open markup of the bill at the subcommittee level. The text is there. Everybody had a chance to see it, everybody had a chance to work on it and amend it.

Earlier this month, the committee marked up the bill, the full committee did, with several bipartisan amendments that continued to improve the FCC processes. So, in large part, the FCC Process Reform Act asked the FCC to go through a process similar to what we just went through in the committee, on the Energy and Commerce Committee, to actually craft this reform legislation. And then we asked the FCC to implement the kinds of reforms that we implemented in this very House to avoid abuses that had taken place in the past.

Now, the FCC regularly issues final decisions without giving the public an opportunity to even review the text that they're considering. I want you to think about that for a moment. They actually issue final decisions without giving the public an opportunity to review the text.

We don't operate that way in the House, at least not anymore. The transition team that Speaker BOEHNER asked me to chair after the last election adopted a requirement that people have time to read the bill. A 3-day layover provision's in place in this House now so that the public has a chance to read the bills, we have a chance to read the bills, the press corps in the gallery behind us has a chance to read the bills.

What's wrong with asking a Federal agency that writes regulations that affect one of the most dynamic industry in our Nation—what's wrong with asking them to make their text available? We do that in this legislation.

Let me tell you part of the problem here. Last October, the agency introduced more than 100 new documents into the record of its universal service proceeding in the last few days of public comment. Giving the public as few as 2 days to comment on thousands of pages of new data isn't right. These are some of the drafts of documents right here behind me in these binders. Can you imagine, in 2 days, you're supposed to evaluate everything there?

As the president and CEO of the Wireless Association said, there are other elements of H.R. 3309, such as the provision aimed at preventing data dumps—this we would call a data dump—right before an item goes on sunshine, that would represent significant improvement in the regulatory process. Sensible regulatory policies can contribute to the wireless industry's ability to continue serving as a catalyst for innovation, economic growth, and job creation.

So we're trying to get the commission not to do data dumps, to be more transparent. The bill would require the FCC to provide the public a minimum amount of time to review filings and

comment on proposed rules. It is your business, after all. The agency ought to let you have a chance to participate.

Now, unlike executive agencies, these are the ones under the direct command and control of the President of the United States. The FCC never assesses the costs and benefits of regulations. Not required to, so they don't do it always. They can, but they don't.

Now, President Obama issued an Executive order that required executive agencies to actually assess costs and benefits of every single regulation they issue. That's from the President of the United States. And his Executive order requires a more stringent test for major rules. These are the ones affecting the economy in the area of, like, $100 million.

The FCC is not one of those executive agencies. It does not have to follow what the President of the United States tells the other agencies to do because it's an independent agency. So everything the President's asking all the other agencies to do, in this legislation we're saying, FCC, you should do it as well.

Now, President Obama appointed a jobs council. How do we make America more competitive? How do we improve the processes that really drive economic growth?

That jobs council called on this Congress last year to require independent agencies like the Federal Communications Commission to actually conduct a cost-benefit analysis before putting more red tape on industry. Go find out what it's going to cost to do what you propose to do.

Now, I want to make it clear. We didn't require the FCC to do the more onerous test that the President requires. The bill is less onerous than his own Executive order because it takes a lighter touch regulation applied to all regulations and applies it to the FCC's major rules. So we ratchet it down.

We're not trying to overburden this agency, but if every other agency of the government can do a cost-benefit analysis and even do a higher, more sophisticated level, what's wrong with asking the Federal Communications Commission to do a light-touch review of costs and benefits?

And you'll hear arguments that this is all brand new stuff, that it's never been done before, can't be done. By golly, we're going to litigate for 15 years. The whole world's going to end.

Look, this uses language right out of President Obama's order. The bill requires for major rules ''a reasoned determination that the benefits of the adopted rule, or the amendment of an existing rule, justify its costs, recognizing that some benefits and costs are difficult to quantify.'' That's in our language. It's also in the President's language, taking into account alternative forms of regulation and the need to tailor regulation to impose the least burden on society, consistent with obtaining regulatory objectives.

□ 1540

Virtually all of that language I just read to you is what the President of the United States has put as a requirement on the Agencies over which he has direct control. We're saying the FCC is under our control as an independent Agency. We're sort of the mother ship for the FCC as the Congress. It's up to us to carry out these provisions. They're good public-policy changes.

The FCC has a substantial backlog that affects small businesses and consumers—4,984 petitions, 3,950 applications that are more than 2 years old. All across the country people have been asking the FCC to take actions, to solve things, to come to decisions. They do it in a clouded, behind-the-curtain sort of way. And you sit on the outside as the public trying to grow jobs, invest and innovate, and you wait. You wait.

Two years is a lifetime for an entrepreneur in the communications marketplace. My wife and I were small business owners for 22 years. We were broadcasters. We've been before the FCC. We're not in that business anymore, been out of it since December of '07. So this isn't about me, except I've witnessed what you have to deal with so I'm trying to fix it here. 1,083 consumer complaints are more than 2 years old. The FCC has done nothing on them.

The bill requires the FCC, therefore, to set shot clocks for decisions so the public will know when to expect an answer. We don't tell them the length of those shot clocks or how they should be done. We're just saying look at your workload and give the public a gauge of when you will reach a decision. You decide the decision. You decide how long those shot clocks will be because you know better in terms of the management flow of your workload what's appropriate, but set some timelines.

In recent years, the FCC has leveraged its authority to review transactions to accomplish unrelated policy goals and insulate its rulemakings from judicial review. Now, what does that mean? It does so through last-minute side deals with applicants that are often not disclosed until just a few days or even hours before the FCC approves a deal. One problem with these voluntary commitments is they're not voluntary.

If you're trying to get the FCC to approve your transfer of license, the FCC, in recent years, has used that approval authority to go way beyond any statutory authority they have to issue rules in an area and they hold you hostage. Outside of the portals, we'd call it extortion, probably. Because what they do is say, look, we only have authority here to decide on transferring your license, that's true. Yeah, we're looking at that. But we want you to go off here and agree to do all these other things—over which we have no authority to mandate that you do them. We could not do a rulemaking if we wanted to because we don't have the authority under the statute to do it. But, by the way—wink, nod, twist your arm—if you don't, and you don't call it voluntary, then you can probably kiss this merger good-bye.

I don't think that's an appropriate role for the Federal Government. Nobody in this Chamber should support that kind of activity; and yet if you oppose this bill, in effect you're supporting that activity.

Now, I know there are some companies out there who aren't real wild about this because they see this as an ability to affect their competitors. Because they say, oh, that's great, we'll twist them at the FCC and we'll force them to do things the FCC couldn't force them to do on their own absent a merger or condition outside of their regulatory and legal authorities, and we'll get a little edge in the market, we'll put our finger on the scale. That's what happens. That should stop.

Some argue we should not treat the FCC differently from other Agencies. Well, in effect, that's what's happening today. Every other Agency is being directed by the President of the United States to do these things we're directing it to do through this legislation. But because it is different, it is an independent Agency, none of what the President is suggesting can be applied to the independent Agency.

Now, they say, well, we're going to do this on our own. Well, they may. And, frankly, the chairman of the FCC right now, Julius Genachowski—I've spent a lot of time talking to him—he has done some really excellent reforms. But the day he leaves and a new chairman comes in, all those could be wiped out. I think this needs to be in statute so we have good processes and procedures going forward, regardless of who controls what around the FCC in the future.

The FCC does act differently. Now, the Federal Energy Regulatory Commission, known as FERC, is a similar independent Agency, but it doesn't operate this way. It actually puts the text of its proposed rules out for the public to see before it votes on it. It actually builds its case before it makes its decision.

We have an issue going on right now where I've asked the FCC to give me the document they actually voted on as part of this effort on the Universal Service Fund rewrite versus what came out the back end when they were finished weeks later: 751 pages of regulations. They won't give me documents. You see, it changed behind the curtain. They circulate it around in private. They edit it. They've issued their press release and said, here's what we're doing, and then they change it. And then you wait. So the public doesn't have a chance to see what they're actually considering until it's too late and it's final. I think that's wrong.

Both sides of the aisle are for institutional reform at the FCC. Former White House adviser Philip Weiser said

that the agency ''is in dire need of institutional reform.'' State commissioners have been calling for the reform of the FCC rulemaking process for years. In fact, the National Association of Regulatory Utility Commissioners—these are the people who are looking out for the ratepayers and the consumers; that is their job—endorses several provisions of this bill, including the actual language of the proposed rule be published for comment; specify a 60-day comment cycle; mandate that all commissioners have adequate time to review any draft decision before voting on it; and on and on. This is good, solid government reform legislation.

It does not protect the status quo. It does not say to the FCC, keep doing what you're doing, you're doing it great. Because some of us came here to change how the Federal Government operates in Washington to open up the process and make it more accountable and transparent. That's what this legislation does.

With that, I reserve the balance of my time.

Ms. ESHOO. Mr. Chairman, I rise in opposition to H.R. 3309.

Essentially, this bill guts the Federal Communications Commission, the FCC, by requiring new onerous process requirements which will result in an Agency that's less effective, less agile, and less transparent, the opposite direction, I think, of where we all want to go.

As ranking member of the Subcommittee on Communications and Technology, I want to thank the chairman for the work that he has done with us. He has always been very respectful, and the process I think has been a good one.

Democrats support modernizing the FCC because we want to enable the Agency to operate with increased openness and transparency, as I said. But, unfortunately, the bill doesn't accomplish these goals. Over the past year, our subcommittee has heard from countless industry representatives, administrative law experts, and public interest advocates; but there aren't any public interest advocates that support this bill, which I think in and of itself is instructive.

□ 1550

Amongst those experts the chairman mentioned is Phil Weiser, dean of the University of Colorado Law School, who is often cited and who has implied that adopting some of his proposed reforms is the way to go; but Dean Weiser tells us ''passing this law would be a grave mistake.''

Yet, despite the feedback of a bipartisan group of administrative law experts who suggested that this legislation could tie up the FCC in 15 years of litigation—that's a real job creator for lawyers—the House is going to vote today on this, on a bill which requires unique statutory mandates that apply only to the FCC, thus altering the way in which the FCC reviews transactions and exposing the Agency to new litigation risks.

H.R. 3309 mandates that the FCC undertake a cost-benefit analysis of any rule with ''economically significant impact.'' This requirement ignores the fact that the FCC already takes into account the impact of its rules on small businesses. Then to add insult to injury, the CBO estimates that, if enacted, H.R. 3309 would cost $26 million and require the agency to hire an additional 20 employees to handle the new rulemaking, reporting, and analysis activities required under the bill.

The chairman has said, well, it's a fee-driven agency. Fees from businesses? Fees from anywhere. It's still going to cost $26 million more and will add more to the bureaucracy that I think the majority really doesn't have much affection for. For nearly 80 years, the FCC has operated as an independent agency, responsible for regulating interstate and international communications by radio, television, wire, satellite, and cable. By most accounts, the FCC continues to innovate and implement reforms. The chairman was very gracious to outline what Chairman Genachowski has done under his leadership, including removing 120 obsolete regulations, drastically reducing the number of pending applications, and taking steps to increase transparency and stakeholder participation.

So, for all of these reasons, Mr. Chairman, I don't believe that H.R. 3309 is the solution, and that's why I am urging my colleagues to oppose this legislation even though there are some parts of it that I support. We need to ensure that the FCC's ability remains to protect consumers and to ensure a competitive marketplace in the years to come.

With that, I reserve the balance of my time.

Mr. WALDEN. Mr. Chairman, I now yield 2 minutes to the gentleman from Illinois, the original cosponsor of this legislation, Mr. KINZINGER.

Mr. KINZINGER of Illinois. Thank you, Mr. Chairman, and thank you for the time to speak on this very important piece of legislation.

Having the opportunity to help lead the effort in committee and now on the House floor to get FCC process reform passed is something I am passionate about because I feel that this legislation will make great strides towards improving the predictability, efficiency, and transparency of the FCC and its operations.

A common theme I've witnessed throughout my time here in Congress is that of bureaucrats coming up with solutions in search of problems. In terms of the FCC in particular, I feel that they sometimes do so without following a standard set of procedures, statutory law, or regulatory guidelines. I believe this can be seen in some of the recent mergers in which certain concessions have been extracted from the concerned parties in order to push the wills of those at the Commission. This is not the way to run what should be an open and transparent rulemaking process.

Government transparency is a major key to gaining the trust of the public, and this legislation will put into place some really commonsense reforms. Key among those is telling the FCC that they must publish the specific text of the proposed rules for all to see before the adoption of those rules. They must also allow enough time for the public to comment on those proposed rules so that their voices can also be heard.

I have seen that Chairman Genachowski has made some very good progress in implementing much of what is in this legislation, but the fact of the matter is that many of those efforts are done at his discretion and are no longer in place when he leaves. Statutory and regulatory authority should be what moves the decision-making process of the FCC, and I believe the efforts of this bill will put the FCC in line with the intent of Congress.

Ms. ESHOO. At this time, I yield 5 minutes to the ranking member of the full committee, the gentleman from California (Mr. WAXMAN).

Mr. WAXMAN. Mr. Chairman and my colleagues, today the House is taking up H.R. 3309, which the Republicans say is a modest proposal to make the Agency operate more efficiently. I could not disagree more strongly. This bill would not reform the FCC. It would disable it.

The bill erects procedural hurdles that make it more difficult for the FCC to protect consumers. It strips the FCC of its power to ensure that mergers between telecommunications companies are in the public interest. If this bill is enacted, it would stymie the ability of the Agency to do much of anything except to produce reports for Congress. Although I have many problems with the bill, I have three major concerns I want to highlight.

First, it creates a new set of procedures for the FCC. For more than 65 years, the Administrative Procedure Act has governed administrative agencies across the Federal Government. This bill creates a special procedural set of rules for the FCC alone. Let me give you an example.

The bill requires the FCC to include in every notice of proposed rulemaking the specific language of the proposed rule. Although this should be a best practice—and the Genachowski FCC does it 86 percent of the time—it makes no sense to strip the Agency of flexibility and require it to do it in every instance.

Just last week, the FCC adopted unanimously a notice of proposed rulemaking on interoperability requirements in the 700 megahertz spectrum. It did this without including the specific language of proposed rules. As Republican Commissioner Robert McDowell stated, it made sense to refrain from including draft rules because ''putting forth proposed rules at

this delicate stage may only distort the private sector's creative process.'' He added that the open-ended nature of the notice allows the Commission to ''elicit greater insight regarding the costs and technical feasibility of potential implementation.''

Administrative law experts have ridiculed the provisions of this bill. One said: ''Why would anyone want to tie the Agency up in knots like this and subject it to endless challenges?'' Another told us that industry lawyers would have a ''field day'' in challenging and in delaying FCC actions. Other experts told us it could take 15 years of litigation for the courts to clarify the meaning of the new requirements in the bill.

Even the Congressional Budget Office agrees that this bill would wrap the FCC up in red tape. According to CBO, the Agency ''would require 20 additional staff positions to handle the new rulemaking, reporting, and analysis activities required under the bill.''

Secondly, this legislation alters fundamentally the way in which the FCC reviews transactions to ensure that they are in the public interest. Under current law, the FCC is directed to protect the public interest when reviewing proposed mergers. This bill would curtail this authority significantly. The bill strips the FCC of its authority to require merger conditions that promote broadband adoption, require minimum broadband speeds, require the repatriation of jobs from overseas, or ensure broadband coverage in rural or low-income areas. Conditions to protect smaller companies from harm could also fall by the wayside.

This is not process reform but is a fundamental assault on the FCC's authority to protect the public interest.

Finally, H.R. 3309 gives telephone, cable, or wireless companies vast new tools to tie the Agency up in litigation for years if they don't like what the Agency is doing. It does this by making all the regulatory analyses that accompany a regulation subject to judicial review.

□ 1600

Well, if it's AT&T or Verizon or some other company that's subject to a regulation, they could sue the Agency on the grounds that the cost-benefit analysis was deficient or the analysis of the market failure was inadequate or the Agency failed to consider alternatives to regulation. These lawsuits, which no other Agency in government would face, could effectively paralyze the FCC.

The Acting CHAIR (Mr. SCHOCK). The time of the gentleman has expired.

Ms. ESHOO. I yield the gentleman an additional 15 seconds.

Mr. WAXMAN. Democrats want to work with House Republicans to develop bipartisan Federal communications policies to help our economy and the American public and to make sure the FCC is doing its job. But we can't do this when the only proposals that are brought to the House floor would turn the FCC watchdog into a lapdog for industry. We should stop wasting time on ideological fights and start cooperating together. Otherwise, this will be another House-passed bill that will not go anywhere in the other body, will not become law; and it is for good reason that it shouldn't.

Mr. WALDEN. Before I yield to the vice chairman of the subcommittee, I just want to make a couple of corrections here to at least explain things.

The Federal Communications Commission would still have the public interest standard that it has today to deny a transfer if it's not in the public interest. We don't take that away. We don't take that away.

And on interoperability, the ranking member talked about this interoperability standard the Commission is now taking up. Ironically, that actually was first raised as part of a request by some to include in the AT&T-Qualcomm merger. Instead, the Commission actually did the right thing. It, in effect, is doing a notice of inquiry. It says, Before we do draft rules, let's go out and survey the marketplace and find out what the issues are. Then the next logical step is to come back with a notice of proposed rulemaking, i.e., the draft rules. This is what we are suggesting occur as regular practice as a result of this legislation.

Now I would yield 2 minutes to the gentleman from Nebraska (Mr. TERRY), the distinguished vice chair of the subcommittee.

Mr. TERRY. I thank the chairman.

Mr. Chairman, may I submit that my friend, who just spoke on the other side, maybe was a victim of some poor staff work that took some liberties to revise and extend the real bill that we are debating here today because, frankly, the reforms here are fairly practical and necessary.

What this really does is puts into the process of developing rules some simple changes that we think are reasonably necessary, keeping in mind that transparency is the key. So, for example, let's take the recent USF reform rule that came out. I have been active in USF, Mr. Chairman, for several years trying to get some of these reforms done through Congress. It was taken up through the FCC process. I was anxious to see the proposed rule and was very disappointed when it was basically a rough outline of what turned out to be then passed. Then several days later, or weeks later, the full order came out, 750 pages.

Now, don't you think that if you are going to vote on a proposed rule that you would know what the rule says before you vote on it? It seems rather simple, and I would expect that people that are watching this debate would think that a bureaucracy issuing a proposed rule, that there would actually be a transcript of the rule. So we're just asking for simple things like that.

And last, during this proposed rule, there's a time for comment. And at the end of the comment period this last time—and this is why a shot clock is really necessary—the FCC then dumped volumes of documents that it said it was going to use as evidence in this process, giving people 48 hours.

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

Mr. WALDEN. I yield the gentleman an additional 15 seconds.

Mr. TERRY. The only ones that are least disadvantaged by that are the biggest entities that have a houseful of lawyers that could go over it and read it. Rural Nebraska doesn't have the opportunity to do that and reply. So giving them sufficient time to review that just makes common sense.

Ms. ESHOO. Mr. Chairman, earlier the chairman of the subcommittee said that the bill doesn't change the public interest standard for reviewing mergers. That simply is not the case. The bill does change it. It alters the ability of the FCC to impose conditions for the public interest, which is a very serious issue.

I would now like to yield 3 minutes to the gentleman from Michigan (Mr. DINGELL), the chairman emeritus of the Energy and Commerce Committee and dean of the House of Representatives.

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

Mr. DINGELL. Mr. Chairman, I will begin by praising my good friend, the chairman of the subcommittee. It is just that he has brought us a bad piece of legislation. It should be rejected instantly by the House of Representatives because it does nothing to help anything. I refer to the Federal Communications Commission Process Reform Act, which it is not.

Time and time again, we Democrats accuse our Republican colleagues of passing bills that are in search of problems. I would like to say that this is the same. But worse than that, I can say that we have before us a bill that is a prime example of trying to cure the disease and kill the patient at the same time.

In point of fact, H.R. 3309 would take the FCC entirely out of the Administrative Procedure Act and make it subject to a unique set of procedural requirements totally understood by no one. And there will have to be a bunch of lawyers hired, as the gentleman from Nebraska has pointed out, because they're sure going to need them to understand what has been done.

Everybody in this Chamber should have real fears about turning over 60 years of solid administrative jurisprudence and standing it on its head and how that will bring about disastrous results not only to the Commission but to all of the entities regulated by that body, because nobody is going to understand what this has done.

Mr. Chairman, Charles James Fox wrote something called the ''India Resolution'' in 1783. It goes as follows: ''Resolved, that we have seen your work, and it will not do.'' H.R. 3309 evokes the same sorry sentiment.

My friends on the other side of the aisle like reminding me that no Democrat has been a bigger critic of the FCC than I have. They're right. But that doesn't necessarily mean that I agree with what they've proposed to do in H.R. 3309. Instead of passing a bad bill which they don't understand, on which no adequate hearings have been held, and on which the industry is scared to death, we should get down to the business of having decent proceedings in which we would go into this matter thoroughly as a matter of oversight, to compel the Commission to come forward to address the question of their accountability, of their transparency, and of their regulatory consistency.

This Commerce Committee has skinned many cats in my days with that authority, and by the great horn spoon, we could do it again. But we shouldn't come on the floor waving a silly bill like this around which is going to do nothing to benefit society and which the committee doesn't understand and cannot explain.

Now, if I have got any time left, I will yield to my friend from Oregon.

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

Mr. WALDEN. If the gentleman would yield, the only comment I would make is, we did have hearings on this legislation.

Mr. DINGELL. Of course, but they didn't relate to the matters that you have brought before the House at this time. You can't explain what's in this bill, and nobody here knows what it does.

□ 1610

Mr. WALDEN. We can easily explain the bill. We know what's in it. We've had a lot of work on it. We've done public hearings. We've listened to people. We've modified it to accommodate some of the great suggestions we have. We have bipartisan pieces in this bill. And the Commission still has the authority to deny transfers of broadcast license. They just can't go outside of their statutory authority to promulgate rules and kind of grab other issues and force people to do things that they couldn't do under their statutory authority.

I yield 3 minutes to the gentleman from Georgia (Mr. GINGREY).

Mr. GINGREY of Georgia. Mr. Chairman, I rise in strong support of H.R. 3309, the FCC Process Reform Act, and I would like to take a moment to commend Communications and Technology Subcommittee Chairman GREG WALDEN for his leadership on this legislation and his diligent work in moving it through regular order.

Among the many reasons that it is necessary to make statutory reforms at the FCC, I would like to speak to one particular aspect of this legislation that I think is critically important to improving the way in which the FCC operates.

H.R. 3309 will require the FCC to establish shot clocks to set timelines to compel the Commission to act. Under current law, where shot clocks are not compulsory, inconsistencies at the FCC continue to plague the telecommunications industry and have placed unnecessary burdens on our job creators. For example, there's an Atlanta-based company by the name of Cbeyond that specializes in providing IT and communications services to small businesses across the country. They employ, Mr. Chairman, approximately 1,600 people, and like many employers within the industry, they're forced to wait on the whims of the FCC. Unfortunately, many case proceedings linger for years with no resolution, and this stifles growth for companies within the telecommunications industry.

Just over 2 years ago, I, along with our former colleague and now Governor of Georgia, Nathan Deal, sent a letter to the FCC asking that they look closely at broadband infrastructure initiatives that would bolster one of our greatest assets for economic recovery—small businesses. In that letter we referenced a petition filed in November of 2009 that is now part of an FCC proceeding commonly referred to as the Business Broadband Docket, which is a proceeding focused on broadband infrastructure used to serve small businesses. Mr. Chairman, both the petition and the Business Broadband Docket remain pending at the FCC—not only with no resolution, but also no movement toward any conclusion.

This behavior by the FCC is unacceptable and has occurred under both Democrats and Republicans. This anecdote highlights the need for a shot clock placed on the FCC. Not only do these shot clocks need to be established, but they also need to be honored. This alone will make the FCC work in a more efficient manner by creating more regulatory certainty in the telecommunications industry.

I urge all of my colleagues to support establishing a shot clock at the FCC and support H.R. 3309.

CONGRESS OF THE UNITED STATES,
Washington, DC, February 16, 2010.

JULIUS GENACHOWSKI,
Federal Communications Commission,
12th Street, SW., Washington, DC.

DEAR CHAIRMAN GENACHOWSKI, As you know, the American Recovery and Reinvestment Act requires the FCC to develop a national plan to ensure that all Americans have access to broadband and the FCC must deliver its plan to Congress by March 17, 2010. The plan also must provide a strategy for achieving maximum utilization of broadband infrastructure and greater affordability of the service for all Americans.

As our country grapples with the worst unemployment numbers we have faced in decades, it is critical that we do all we can to assist small businesses, the driving force of our economy. Yet continuing to add to the deficit is not the solution. The proposal Mr. Geiger outlines in the attached Opinion Editorial would not require any additional federal spending, and incumbent local exchange carriers would be permitted to provide access to competitors at retail rate.

This proposal would allow telecom innovators to gain access to the bandwidth necessary to push efficiency-enhancing, cloud-based applications to small businesses, applications such as virtualized desktops, hosted digital image and file management, high-resolution video conferencing, broadcast/live video streaming, robust data protection, cloud-based backup, and sophisticated video security systems. These advanced applications would lower start-up costs for small businesses and enable them to implement their business plans, innovate and create jobs. At the same time, the incumbent local exchange carriers would sell more bandwidth at the same prices as they sell to any other customer.

The National Broadband Plan presents an opportunity for the FCC to bolster one of our nation's greatest assets for economic recovery—small business. As members of the House Energy and Commerce Committee which has jurisdiction over this issue, we are hopeful that the FCC's National Broadband Plan will include broadband initiatives which will specifically address the broadband needs of our small business community.

Sincerely,

NATHAN DEAL,
Member of Congress.
PHIL GINGREY,
Member of Congress.

[From the Atlanta Journal-Constitution, Dec. 20, 2009]

OPINION: A CASHLESS STIMULUS FOR SMALL BUSINESS

(By Jim Geiger)

With the unemployment rate hovering around 10 percent and our economy still mired in recession, we need our small business innovators and job creators now more than ever. Yet another round of fiscal stimulus shouldn't be the only option, particularly when recent polls indicate many Americans are growing increasingly wary of adding more to the deficit and our national debt.

So what else can the Obama administration do to help small businesses? Simple: the government can quickly adopt a few sensible rule changes that will unlock the job-creating potential of broadband businesses and drive market-based investment in innovative technology. Call it a ''cashless stimulus.''

The problem is that small businesses lack access to the most effective telecommunications applications—those used routinely used by larger firms. Why? The existing regulatory structure allows the big phone companies to preserve market share by denying competitors access to fairly priced bandwidth. The result is that the companies best able to build the innovative applications small businesses need to grow and compete are unable to access the bandwidth necessary to deliver those applications.

I should know: my company, Cbeyond, provides broadband applications exclusively to small businesses. Back in 1996, Congress enacted far-sighted legislation that promoted competition in the telecom markets, and that action drove years of investment, innovation and growth across our industry. New competitors introduced small businesses to innovative technologies that the Bell providers had deliberately delayed deploying for fear of undermining the monopoly profits they made from slower, older technologies.

But the age of innovation and investment in broadband technology ended several years ago. The Bush administration adopted rules that had the perverse effect of locking small businesses into the broadband status quo of six years ago, undercutting the normal business cycle of innovation and denying small businesses benefits they should have received as broadband technology improved. These rules leave the rollout of the best broadband technologies almost exclusively

to the large enterprise customers; telecom competitors—the companies that were once the catalysts of innovation—are left trying to serve small businesses, the jobs engine of our economy, with antiquated technology.

For example, because the Bells hoard the bandwidth they control, small businesses cannot hope to match large enterprises in the emerging field of cloud computing. Nor do current FCC rules allow small businesses the efficiencies and cost-savings of high-resolution video conferencing, highly secure data protection and sophisticated video security systems.

Broadband applications like these don't get delivered to small businesses because the most innovative competitors are denied access to the bandwidth necessary to support them. Small businesses have no choice but to try to use 20th century business tools to create new jobs in a 21st century global marketplace.

This is not a minor issue. Small businesses inject almost a trillion dollars into the economy each year. They have created more than 93 percent of all new jobs over the last twenty years and employ more than half of the U.S. workforce. They also employ 41 percent of the nation's high-tech workers who generate about thirteen times more patents per employee than do workers at large firms.

Hence the opportunity for the administration to adopt a ''cashless stimulus'': the FCC can fix this problem simply and almost without cost. The FCC should require the Bell monopolies to sell—at retail prices—the bandwidth necessary for competitors like Cbeyond to provide next generation broadband applications to small businesses.

With new broadband rules in place, services like cloud computing could replace high-end desktop computers. Small businesses could look to carriers for affordable, offsite data security instead of paying more for on-site services. Reliance on expensive and inefficient travel for in-person meetings would give way to high-resolution video conferencing. Start-up costs for small businesses would fall as the hardware necessary for running their operations moved off the business premise and into the cloud. The list goes on and on.

It's time we took advantage of the one approach to economic recovery that doesn't come with a long-term economic cost.

Ms. ESHOO. Mr. Chairman, I would like to inquire how much time we have remaining.

The Acting CHAIR (Mr. YODER). The gentlewoman from California has 17¼ minutes remaining. The gentleman from Oregon has 9¼ minutes remaining.

Ms. ESHOO. Thank you.

At this time, I yield 4 minutes to a very distinguished and valued member of the subcommittee, Mr. DOYLE of Pennsylvania.

Mr. DOYLE. Thank you to my colleague and friend, ANNA ESHOO, the ranking member of the Communications and Technology Subcommittee, for yielding.

Mr. Chairman, I rise today in opposition to H.R. 3309, the FCC Process Reform Act. This legislation would place severe procedural burdens on the FCC at a time when telecommunications is such a major part of the lives of my constituents and the American public. H.R. 3309 would create harmful restrictions on the FCC's ability to enact consumer protections, and it could also limit the Agency's ability to respond to communications-related emergencies and cybersecurity threats.

One of the restrictions imposed by H.R. 3309 is a requirement that the FCC issue a Notice of Inquiry before the Agency begins work on an actual rulemaking unless the FCC can demonstrate that a Notice of Inquiry is not necessary. A Notice of Inquiry, Mr. Chairman, is basically an information-gathering exercise that lets the public know about the FCC's intention to examine an issue and collects initial comments from stakeholders. While in many cases a Notice of Inquiry is a very important part of the FCC's rulemaking process, a congressional mandate to conduct a Notice of Inquiry in every FCC proceeding would be an enormous procedural burden for the Agency.

Mr. Chairman, I'm concerned that the potential impacts of this legislation have not been fully considered.

If I could, I would like to share just one example of the harmful potential consequences this legislation would have, even for bipartisan goals.

Last year, Congress enacted a bill that I authored to create more community-run radio stations around the country. This bill was broadly supported by both sides of the aisle because so many of our constituents will benefit from more news reporting on local issues and emergency responses. The FCC is currently implementing that law and expects to open a window for radio station licensing sometime next year. But provisions in H.R. 3309, such as the requirement for a Notice of Inquiry, could slow down the implementation of this law and many other rulemakings by several years by adding procedural hurdles for the Agency to jump through before it can implement rules.

In the case of my legislation, the FCC would have to delay its licensing window because of an unnecessary Notice of Inquiry, forcing communities to wait longer to get their new radio stations. I think most people would find this kind of delay very frustrating. And this is just one example, Mr. Chairman. In the case of more contentious policy issues, this bill would create years, maybe decades of deadlock at the FCC.

Mr. Chairman, we don't have to look very far this week to witness that our Nation's laws and regulations are already been extensively litigated in the court. This legislation would open up the FCC's process to even further litigation, and it would severely limit the FCC's ability to protect consumers and create new rules.

I urge my colleagues to oppose this bill.

Mr. WALDEN. Mr. Chairman, before I yield to my colleague from New Hampshire, I just want to point out that we're not quite understanding the bill here on the other side because we do allow the FCC to maintain flexibility where necessary. The bill only requires the Notice of Inquiry on new rulemakings. The requirement does not apply to deregulatory rulemakings. And the FCC may waive the Notice of Inquiry in emergencies or where conducting both a Notice of Inquiry and a Notice of Proposed Rulemaking would be unfeasible.

So we tried to put some balance in here. But what's wrong with having the FCC, even in that case as raised by Mr. DOYLE, take 60 days? They can decide how long this is and go out survey the market and say what effect and what are the issues and then come back and then they write their rules. It's like us having a hearing. This isn't a burdensome requirement.

I yield 1 minute to the gentleman from New Hampshire (Mr. BASS).

Mr. BASS of New Hampshire. Mr. Chairman, I thank the gentleman from Oregon for yielding to me. He's a cosponsor of this legislation. I'm pleased that the House is considering it. It's important to reform procedures at the FCC.

H.R. 3309 will improve the transparency, fairness, and consistency of this regulatory agency with oversight over telecommunications and technology and will provide certainty to these markets that are so critical to our Nation's economic recovery and growth. Indeed, over the past 8 years, landline, wireless, and cable providers have vested more than half a trillion dollars in broadband infrastructure. This investment has created countless jobs for our Nation and has positively affected our economy many times over.

H.R. 3309 contains the commonsense and nonpartisan thrust of ensuring transparency and accountability of unelected bureaucrats by applying the regulatory reform principles endorsed by the President's own January, 2011 Executive order.

Establishing clear timeframes for requiring the FCC to perform a cost benefit analysis before implementing new regulations will provide our Nation's small businesses and innovators with the regulatory certainty necessary to invest and create new jobs.

I urge passage of this important legislation.

Ms. ESHOO. At this time, I yield 3 minutes to the man that I call Mr. Telecommunications, the real expert in the House of Representatives, the gentleman from Massachusetts (Mr. MARKEY).

□ 1620

Mr. MARKEY. I thank the gentlelady so much.

I think all of us on the Democratic side would agree that if there were a way to streamline and strengthen the FCC's procedures, and if we could find a way to improve the way in which it carries out its duties, well, we would support that. However, the aim of the Republican legislation is not to streamline the Federal Communications Commission; it is to straitjacket the Federal Communications Commission. This is a bill which would severely restrict the Commission's ability to operate effectively.

If this bill becomes law, then the ''FCC'' would stand for ''Fully Constrained Commission''; and that, ladies and gentlemen, is the goal of the Republicans in this legislation. It would establish a separate administrative process to govern the FCC's internal operations that would be different from and more cumbersome than any other Agency's in the entire Federal Government, without producing any policy benefits.

Now, we know who supports the bill. AT&T, big companies, they support this legislation. We also know who opposes this legislation. Every consumer group and every public interest group in the country says this is a particularly bad bill from a public interest perspective. But if you're AT&T, if you're a big company, you'll love this. This is going to tie the Commission in knots. You can continue to do whatever you feel like doing indefinitely because the Republicans have decided to create the most cumbersome—the most cumbersome—regulatory process of any Agency in this country.

They're a model. They're pioneers here, the Republicans out here on the floor. They want to create the most modern ''redtape, tie them in knots'' agency possible with the hopes that other Federal Agencies would wind up emulating them. And it's going to be the first jobs bill that the Republicans have passed so far in this Congress because this bill is going to create so many jobs for lobbyists, so many jobs for lawyers, and so many jobs for all of the people who are now going to be put to work trying to untangle and untie this mess of a bill of a regulatory Agency that is going to be created by this process.

So, ladies and gentlemen, this bill takes the public interest standard, the public benefits that have always been the test of whether or not the Agency can, in fact, make a decision that ensures that the interests of all Americans are being protected, and turns it into something which is going to wind up with a harmful, drastic departure from current law.

This bill is a wolf in sheep's clothing. Vote ''no.''

Mr. WALDEN. Mr. Chairman, I've never heard a finer defense of a broken bureaucratic process than I've just heard.

Let me point out that the National Association of Regulatory Utility Commissioners—now, these are the folks who stand up for consumers and ratepayers—again, support many of the proposals in this bill. Specifically, they point out that the minimum 60-day comment cycle is good, the mandate that all commissioners have adequate time to review any draft decision before voting on it is good, and to require the actual language of a proposed rule to be published for comment is a good idea.

Again, the President's own Executive orders ask for these things in many cases to be done to the other Agencies, but he can't do it to this one. It's our job to do it here and to fix, reform, and drive for accountability and transparency against those who defend the bureaucracy as broken as it is.

I now yield 3 minutes to the gentlewoman from Tennessee, an extraordinary member of our subcommittee, Mrs. BLACKBURN.

Mrs. BLACKBURN. I thank the gentleman for yielding.

I find it so interesting, as we are here debating this bill, that this is only a 21-page bill. And I don't find, Mr. Chairman, in this bill, I don't find the words ''constrained'' and ''straitjacket'' anywhere. It does not exist in this bill. And as I've heard my colleagues talk about this bill, I think that they have not read the bill. So, unlike the 2,300-page bill that is being debated at the Supreme Court across the street, I would encourage them to pick up this little 21-page bill and give it a read.

I've also found it very interesting: the White House and this administration like to say transparency is the cornerstone of their administration, but I have seen them going to just extreme lengths, it seems, the White House and the Senate, to block bringing this process reform bill forward.

Yesterday, the White House released its Statement of Administration Policy, saying, and I'm quoting: ''It is generally recognized that the FCC has improved its practices and procedures to make it more effective.''

But the truth is, in the last 50 years, what we have seen is that their rules and regulations, their impact, their footprint, has grown 800 percent—not doubled, not a little bit a year, 800 percent. That is why we need this bill, and I commend the chairman for bringing the bill forward.

Let me tell you a few things that this bill does. I think that they are common sense. It would do a few things like allowing more time for public comments.

Well, my constituents want more time to weigh in on these issues. As they find out about these issues, more time is a very good thing. Measuring the Agency's performance with scorecards, our children have report cards. Knowing where you are and what you're doing and what kind of goal you're trying to reach, that is very healthy. That is a good thing.

Making sure the Agency doesn't attach extraneous regulations and conditions on business transactions, we're talking about jobs and the effect of regulation on jobs. It is such a positive thing to pull back regulation and free up free enterprise. That is what we should be about is making certain that we can move forward on these issues.

Requiring the Agency to do cost-benefit analysis for rules that cost more than $100 million, well, how about that? Cost-benefit analysis. Is a rule going to be worth the cost? Is it going to be worth the effort, or is it going to be too expensive to afford?

My goodness, we've had all sorts of things that they're too big to fail and too expensive to afford, so let's certainly make sure that we are evaluating these rules before they get put onto the books and before they have force of law. Let's make certain that we pass this reform bill.

Ms. ESHOO. At this time, Mr. Chairman, I would like to yield 2 minutes to the gentleman from Vermont (Mr. WELCH).

Mr. WELCH. This is a bad bill. H.R. 3309 would create a special set of very vague and unique procedural hurdles for the FCC that apply to no other Agency. It will result in decades of litigation.

We have to have simplicity, and we have to have clarity. This legislation will open up the floodgates of confusion.

It significantly reduces the FCC's ability to take the public into account, and that is the fundamental interest that should be on the minds of this Congress.

It provides endless routes for potentially misguided litigation making every single one of the FCC's regulatory analyses in support of a new rule, not just the rule itself, subject to judicial review. There's going to be regulation or not regulation. This legislation means there's endless litigation.

These requirements would also amend the Communications Act to mandate how the Agency should operate internally, with detailed requirements for the most basic regulatory actions such as specific timelines associated with notice-and-comment rulemaking procedures. This is Congress micromanaging.

Mr. Chairman, I urge the Congress to defeat this legislation.

Mr. WALDEN. May I inquire as to the time remaining on each side?

The Acting CHAIR. The gentleman from Oregon has 3¾ minutes remaining, and the gentlewoman from California has 9½ minutes remaining.

Mr. WALDEN. I yield 2 minutes to the gentleman from Texas, the distinguished former chairman of the committee, my friend, Mr. BARTON.

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

Mr. BARTON of Texas. I thank the distinguished subcommittee chairman.

Texas Congressmen don't often quote Shakespeare, but I'm going to attempt it. There's a line in Hamlet that goes something to the effect: Methinks the lady doth protest too much.

□ 1630

And my friends on the Democratic side of the aisle seem to be protesting too much. It's a very modest bill, 20-something pages in length. It's basically a good government bill.

The bill basically says that the FCC, before they issue a rule, they've got to actually put it out for public comment for at least 30 days. Then once they formalize it, they have to let people have another 30 days to comment on what they actually are proposing.

Subcommittee Chairman WALDEN circulated a draft bill. To my knowledge, he circulated it to the entire committee and to the industry and the stakeholders. I know in my case I had a few modest suggestions that were incorporated in the bill. Then when it went to subcommittee, I offered an amendment that was accepted.

He did the same process at full committee.

It came to the Rules Committee. I'm told that there were 10 amendments that had been made in order, with eight of those by my friends on the Democratic side of the aisle. We'll have that debate and the vote on those later today or tomorrow.

So here you have a very modest bill with good government transparency reporting that brings the FCC into the 21st century on how to do business, and you would think that we're going back to the dark ages. Nothing could be further from the truth.

I'm in very strong support of the process, which is important, and also the policy and the legislation that has resulted from it. I would hope that on a bipartisan basis, at the appropriate time, we vote in the affirmative on H.R. 3309.

It's a good piece of legislation. It can pass the Senate. It can be signed by the President, and it should be.

Ms. ESHOO. Mr. Chairman, I would like to use some of our remaining time on this side to respond to several points that have been raised by my colleagues on the other side of the aisle.

First, while the majority argues that H.R. 3309 is only a ''light touch'' in making sure that the FCC follows the Obama Executive order on cost-benefit analysis, they failed to mention that such cost-benefit review is not judicially reviewable. That's a very important fact here.

The Executive order states that it's ''not intended to and does not create any right or benefit, substantive or procedural, enforceable, at law, or in equity by any party against the United States.''

H.R. 3309, therefore, would create another avenue for appeal and litigation by corporate interests that oppose the FCC's efforts to take actions in the public interest, and no other Federal Agency would be subjected to such challenges. That's number one. That speaks to, I think, the public interest which, I think, is at the heart of what the FCC's responsibilities are.

Second, Mr. GINGREY mentioned the shot clocks. There are 73 types of proceedings the FCC must consider, and each item can be, as we all know and anyone that is tuned in and listening to this knows, can be very complex. No wonder CBO estimated that H.R. 3309 would require the hiring of 20 additional employees.

Thirdly, as the majority placed in the RECORD those that support the bill—even Mr. MARKEY spoke of some of the large telecommunication companies—I think it's important to set down for the record who opposes the bill and what they have to say about it.

Bruce Gottlieb in the National Journal:

> Layering new procedural requirements on top of existing ones would effectively halt the creation of nearly any contentious new FCC rules—in other words, achieve a result more or less like what Texas Governor Rick Perry had in mind for the Commerce and Education Departments.

Susan Crawford in Wired Magazine:

> Although the bill's proponents say they aim to make things work more quickly at the FCC, the legislation will have the opposite effect: it will make it very difficult for the FCC to deal with any of the real-time telecom problems the country faces. What the Republicans seem to want, at bottom, is to grant the giant companies that sell us basic communications capacity—an essential utility for the 21st century—the ability to throw sand in the works at every opportunity.

From Philip Weiser, the dean at the University of Colorado Law School:

> I am against passing this bill, which would give rise to unfortunate and unintended consequences that would undermine the FCC's future effectiveness without providing any real benefits.

From the Consumers Union:

> The bill would require the FCC to adopt rules as long as they do not impose an additional burden on industry. The bill limits the FCC's ability to consider the public interest and protect consumers when considering mergers.

Mr. Chairman, this is no small item.

Then the Public Interest Groups Coalition letter of February 9 of this year:

> These bills would severely hinder the FCC's ability to carry out its congressional mandate to promote competition, innovation, and the availability of communication services.

With that, Mr. Chairman, I would like to inquire how much time we have left on our side.

The Acting CHAIR. The gentlewoman from California has 5½ minutes remaining.

Ms. ESHOO. I will reserve that time.

Mr. WALDEN. Given the limited amount of time we have, I will reserve as well.

Ms. ESHOO. I yield back the balance of my time, Mr. Chairman, as I don't have anymore speakers on the legislation.

Mr. WALDEN. Mr. Chairman, I yield myself the balance of my time.

The Acting CHAIR. The gentleman from Oregon is recognized for 1¾ minutes.

Mr. WALDEN. I thank the Chairman.

I appreciate the debate we've had today. I think it's been helpful. It hasn't always been enlightening, but it's been helpful.

Again, I would point out that the National Association of Regulatory Utility Commissioners praises what we're doing in this bill and the points of requiring actual language to be available for people to see.

All we're doing here is telling the FCC to operate like these other Agencies have been asked to operate by the President's jobs council and by the President's Executive order, but do so in a public and transparent way so that those who have business before the Commission know what the Commission is going to vote on before it votes or rewrites it and then puts it out later. Go out and survey the marketplace, decide if there's a harm, do a notice of inquiry, and get input like we do in hearings here, Mr. Chairman, and then propose rules and put those texts out there of those rules and let the public see.

The great defenders of the bureaucracy, my friends, some of them on the other side of the aisle, say, Oh, you can't change anything in Washington.

That's what we've heard for 40 years. Some of us came here to change Washington for the better. We did it when we changed the rules of the House at the beginning of this session to make our procedures more open and transparent.

My friends on the other side of the aisle were part of the effort that crammed a 2,000-page bill through here with no amendments allowed on the floor, one of which is being argued today across the street at the Supreme Court. The Republicans were denied the opportunity to offer a single amendment on the health care takeover bill on the House floor. They were denied every single amendment when these bills would come to the floor at thousands of pages. We've changed how the House operates so that can't happen again.

This bill is here under a modified open rule. The minority has 10 amendments on the floor. We had open markups in subcommittee and full committee.

What we're saying is we are here as Republicans to change Washington for the better. This bill does that. I urge your support.

I yield back the balance of my time.

Mr. GENE GREEN of Texas. Mr. Chair, I rise in opposition to this bill. That is not to say that I am pleased with how this FCC has conducted its business.

It has been slow and evasive when responding to inquiries from myself and my colleagues on important matters pending before the Commission.

It has taken an activist approach to regulating, as we saw with their network neutrality proceeding.

It wrongly squelched a merger that stopped an American company from acquiring a foreign owned competitor and then released proprietary and confidential information in what appeared to be an effort to salt the earth for any future attempts at a similar deal and influence the proceeding at the DOJ. This has set a troubling precedent.

Not everything that this FCC has done is bad. While I opposed the Comcast/NBC merger, I am appreciative that the FCC had the latitude to impose conditions. For instance, my constituents will benefit from the conditions aimed to preserve localism and diversity. It included an additional 1,000 hours annually of locally produced news and information to be aired by NBC's and Telemundo's owned and operated stations, as well as quarterly reports

from Comcast-NBCU detailing the number, nature, and duration of these additional local news and information programs. This condition would not be possible under H.R. 3309.

I believe the FCC plays an important role; it is a necessary agency and can foster innovation and economic growth. But we have seen again and again a pattern of overreach, of regulatory strong arming, and aggressive actions aimed at achieving an agenda, rather than implementing the laws passed by Congress.

The FCC process is in need of reform, but the Republican proposal before us today is not the answer.

Mr. WAXMAN. Mr. Chair, I urge support for the amendment offered by Representative ESHOO.

This is a straightforward amendment that will encourage transparency by requiring entities sponsoring political advertising to disclose the identity of any donors that have contributed $10,000 or more to such entity over a 2-year election reporting period.

Notably, this amendment applies equally to broadcasters, cable providers, and satellite providers, and it does nothing more than update what is required to be placed in the political file.

Based on concerns raised by members of the committee at markup, Ms. ESHOO modified the amendment to make it explicit that broadcasters as well as cable and satellite providers will not be held liable for any inaccuracies in the information provided under this amendment.

Today, FCC rules require broadcasters, cable providers, and satellite providers to maintain and make available for public inspection requests to purchase airtime related to political advertising.

There is no requirement, however, to disclose who actually pays for such advertisements. Rather, the file simply needs to contain the name of the person or entity requesting such airtime.

As a result, it is easy to see how viewers might be confused about who is actually financing the advertisements they see and hear every day. Mild sounding names like ''Taxpayers Against Something'' can hide the fact that the advertisement is actually being funded by a corporation or a limited group of wealthy individuals.

Political ads can have a great impact on the outcome of an election because the broadcast medium has the ability to reach vast numbers of citizens. This amendment simply recognizes the incredible impact such advertising can have on the outcome of an election.

I think we can all agree that $10,000 indicates a significant commitment of resources, and the public should be made aware of who is paying such sums and for what.

Mr. Chair, this amendment has broad support from numerous organizations that advocate on transparency issues like this, including the Campaign Legal Center, Citizens for Responsibility and Ethics in Government, Common Cause, Democracy 21, the League of Women Voters, Public Citizen, and the Sunlight Foundation.

I urge a yes vote on the this important amendment.

Mr. VAN HOLLEN. Mr. Chair, I rise in opposition to H.R. 3309, the FCC Process Reform Act. Although the bill's proponents say the legislation is drafted to make the FCC operate more quickly and efficiently, I believe the bill will have the opposite effect.

On the surface H.R. 3309 appears innocuous—directing the FCC to do what it already does: analyze the potential harm its rulemaking might have on markets, public institutions and consumers. The problem is that under this bill, FCC procedure would change to require it to formally file its analysis before issuing its ruling. That analysis would be subject to unending litigation and the additional level of procedure will significantly impair the FCC's flexibility to respond in real-time to challenges and expose the FCC to unnecessarily burdensome litigation. This change would hurt companies and consumers alike.

If this bill becomes law, all of the FCC's rulemaldng will be subjected to judicial review. Corporations seeking to avoid oversight would have new grounds to sue the FCC just because they disagree with the agency's reasoning. The FCC could be tied up in litigation for years debating whether a cost-benefit-analysis they did was thorough enough or whether sufficient regard was paid to the potential impact of a rule on company's share of the marketplace. One expert said that it could take 15 years just for the courts to clarify the meaning of the provisions in the bill.

Additionally, the bill impedes the FCC's ability to accept publicly beneficial commitments made by transacting parties during a merger. For example, if two large internet service providers wanted to merge and promised to provide increased access to low-income consumers in order to address FCC concerns about under-served areas, under the bill, the FCC could not accept that commitment.

Mr. Chair, I oppose this bill because by introducing new and unnecessary procedures into the FCC's process, the legislation will limit the FCC's ability to exercise its statutory duty to safeguard the public interest. And, if this bill becomes law, the FCC would be reduced to little more than a reporting agency for Congress.

The Acting CHAIR. All time for general debate has expired.

Pursuant to the rule, the amendment in the nature of a substitute recommended by the Committee on Energy and Commerce, printed in the bill, shall be considered as an original bill for the purpose of amendment under the 5-minute rule and shall be considered read.

The text of the committee amendment in the nature of a substitute is as follows:

H.R. 3309

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 Communications Commission Process Reform Act of 2012''.

SEC. 2. FCC PROCESS REFORM.

(a) IN GENERAL.—Title I of the Communications Act of 1934 (47 U.S.C. 151 et seq.) is amended by inserting after section 12 the following new section:

''SEC. 13. TRANSPARENCY AND EFFICIENCY.

''(a) RULEMAKING REQUIREMENTS.—

''(1) REQUIREMENTS FOR NOTICES OF PROPOSED RULEMAKING.—The Commission may not issue a notice of proposed rulemaking unless the Commission provides for a period of not less than 30 days for the submission of comments and an additional period of not less than 30 days for the submission of reply comments on such notice and the Commission includes in such notice the following:

''(A) Either—

''(i) an identification of—

''(I) a notice of inquiry, a prior notice of proposed rulemaking, or a notice on a petition for rulemaking issued by the Commission during the 3-year period preceding the issuance of the notice of proposed rulemaking concerned and of which such notice is a logical outgrowth; or

''(II) an order of a court reviewing action by the Commission or otherwise directing the Commission to act that was issued by the court during the 3-year period preceding the issuance of the notice of proposed rulemaking concerned and in response to which such notice is being issued; or

''(ii) a finding (together with a brief statement of reasons therefor)—

''(I) that the proposed rule or the proposed amendment of an existing rule will not impose additional burdens on industry or consumers; or

''(II) for good cause, that a notice of inquiry is impracticable, unnecessary, or contrary to the public interest.

''(B) The specific language of the proposed rule or the proposed amendment of an existing rule.

''(C) In the case of a proposal to create a program activity, proposed performance measures for evaluating the effectiveness of the program activity.

''(D) In the case of a proposal to substantially change a program activity—

''(i) proposed performance measures for evaluating the effectiveness of the program activity as proposed to be changed; or

''(ii) a proposed finding that existing performance measures will effectively evaluate the program activity as proposed to be changed.

''(2) REQUIREMENTS FOR RULES.—Except as provided in the 3rd sentence of section 553(b) of title 5, United States Code, the Commission may not adopt or amend a rule unless—

''(A) the specific language of the adopted rule or the amendment of an existing rule is a logical outgrowth of the specific language of a proposed rule or a proposed amendment of an existing rule included in a notice of proposed rulemaking, as described in subparagraph (B) of paragraph (1);

''(B) such notice of proposed rulemaking—

''(i) was issued in compliance with such paragraph and during the 3-year period preceding the adoption of the rule or the amendment of an existing rule; and

''(ii) is identified in the order making the adoption or amendment;

''(C) in the case of the adoption of a rule or the amendment of an existing rule that may have an economically significant impact, the order contains—

''(i) an identification and analysis of the specific market failure, actual consumer harm, burden of existing regulation, or failure of public institutions that warrants the adoption or amendment; and

''(ii) a reasoned determination that the benefits of the adopted rule or the amendment of an existing rule justify its costs (recognizing that some benefits and costs are difficult to quantify), taking into account alternative forms of regulation and the need to tailor regulation to impose the least burden on society, consistent with obtaining regulatory objectives;

''(D) in the case of the adoption of a rule or the amendment of an existing rule that creates a program activity, the order contains performance measures for evaluating the effectiveness of the program activity; and

''(E) in the case of the adoption of a rule or the amendment of an existing rule that substantially changes a program activity, the order contains—

''(i) performance measures for evaluating the effectiveness of the program activity as changed; or

''(ii) a finding that existing performance measures will effectively evaluate the program activity as changed.

''(3) DATA FOR PERFORMANCE MEASURES.—The Commission shall develop a performance measure or proposed performance measure required by this subsection to rely, where possible, on data already collected by the Commission.

''(b) ADEQUATE DELIBERATION BY COMMISSIONERS.—The Commission shall by rule establish procedures for—

''(1) informing all Commissioners of a reasonable number of options available to the Commission for resolving a petition, complaint, application, rulemaking, or other proceeding;

''(2) ensuring that all Commissioners have adequate time, prior to being required to decide a petition, complaint, application, rulemaking, or other proceeding (including at a meeting held pursuant to section 5(d)), to review the proposed Commission decision document, including the specific language of any proposed rule or any proposed amendment of an existing rule; and

''(3) publishing the text of agenda items to be voted on at an open meeting in advance of such meeting so that the public has the opportunity to read the text before a vote is taken.

''(c) NONPUBLIC COLLABORATIVE DISCUSSIONS.—

''(1) IN GENERAL.—Notwithstanding section 552b of title 5, United States Code, a bipartisan majority of Commissioners may hold a meeting that is closed to the public to discuss official business if—

''(A) a vote or any other agency action is not taken at such meeting;

''(B) each person present at such meeting is a Commissioner, an employee of the Commission, a member of a joint board established under section 410, or a person on the staff of such a joint board; and

''(C) an attorney from the Office of General Counsel of the Commission is present at such meeting.

''(2) DISCLOSURE OF NONPUBLIC COLLABORATIVE DISCUSSIONS.—Not later than 2 business days after the conclusion of a meeting held under paragraph (1), the Commission shall publish a disclosure of such meeting, including—

''(A) a list of the persons who attended such meeting; and

''(B) a summary of the matters discussed at such meeting, except for such matters as the Commission determines may be withheld under section 552b(c) of title 5, United States Code.

''(3) PRESERVATION OF OPEN MEETINGS REQUIREMENTS FOR AGENCY ACTION.—Nothing in this subsection shall limit the applicability of section 552b of title 5, United States Code, with respect to a meeting of Commissioners other than that described in paragraph (1).

''(d) INITIATION OF ITEMS BY BIPARTISAN MAJORITY.—The Commission shall by rule establish procedures for allowing a bipartisan majority of Commissioners to—

''(1) direct Commission staff to draft an order, decision, report, or action for review by the Commission;

''(2) require Commission approval of an order, decision, report, or action with respect to a function of the Commission delegated under section 5(c)(1); and

''(3) place an order, decision, report, or action on the agenda of an open meeting.

''(e) PUBLIC REVIEW OF CERTAIN REPORTS AND EX PARTE COMMUNICATIONS.—

''(1) IN GENERAL.—Except as provided in paragraph (2), the Commission may not rely, in any order, decision, report, or action, on—

''(A) a statistical report or report to Congress, unless the Commission has published and made such report available for comment for not less than a 30-day period prior to the adoption of such order, decision, report, or action; or

''(B) an ex parte communication or any filing with the Commission, unless the public has been afforded adequate notice of and opportunity to respond to such communication or filing, in accordance with procedures to be established by the Commission by rule.

''(2) EXCEPTION.—Paragraph (1) does not apply when the Commission for good cause finds (and incorporates the finding and a brief statement of reasons therefor in the order, decision, report, or action) that publication or availability of a report under subparagraph (A) of such paragraph or notice of and opportunity to respond to an ex parte communication under subparagraph (B) of such paragraph are impracticable, unnecessary, or contrary to the public interest.

''(f) PUBLICATION OF STATUS OF CERTAIN PROCEEDINGS AND ITEMS.—The Commission shall by rule establish procedures for publishing the status of all open rulemaking proceedings and all proposed orders, decisions, reports, or actions on circulation for review by the Commissioners, including which Commissioners have not cast a vote on an order, decision, report, or action that has been on circulation for more than 60 days.

''(g) DEADLINES FOR ACTION.—The Commission shall by rule establish deadlines for any Commission order, decision, report, or action for each of the various categories of petitions, applications, complaints, and other filings seeking Commission action, including filings seeking action through authority delegated under section 5(c)(1).

''(h) PROMPT RELEASE OF CERTAIN REPORTS AND DECISION DOCUMENTS.—

''(1) STATISTICAL REPORTS AND REPORTS TO CONGRESS.—

''(A) RELEASE SCHEDULE.—Not later than January 15th of each year, the Commission shall identify, catalog, and publish an anticipated release schedule for all statistical reports and reports to Congress that are regularly or intermittently released by the Commission and will be released during such year.

''(B) PUBLICATION DEADLINES.—The Commission shall publish each report identified in a schedule published under subparagraph (A) not later than the date indicated in such schedule for the anticipated release of such report.

''(2) DECISION DOCUMENTS.—The Commission shall publish each order, decision, report, or action not later than 7 days after the date of the adoption of such order, decision, report, or action.

''(3) EFFECT IF DEADLINES NOT MET.—

''(A) NOTIFICATION OF CONGRESS.—If the Commission fails to publish an order, decision, report, or action by a deadline described in paragraph (1)(B) or (2), the Commission shall, not later than 7 days after such deadline and every 14 days thereafter until the publication of the order, decision, report, or action, notify by letter the chairpersons and ranking members of the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate. Such letter shall identify such order, decision, report, or action, specify the deadline, and describe the reason for the delay. The Commission shall publish such letter.

''(B) NO IMPACT ON EFFECTIVENESS.—The failure of the Commission to publish an order, decision, report, or action by a deadline described in paragraph (1)(B) or (2) shall not render such order, decision, report, or action ineffective when published.

''(i) BIANNUAL SCORECARD REPORTS.—

''(1) IN GENERAL.—For the 6-month period beginning on January 1st of each year and the 6-month period beginning on July 1st of each year, the Commission shall prepare a report on the performance of the Commission in conducting its proceedings and meeting the deadlines established under subsections (g), (h)(1)(B), and (h)(2).

''(2) CONTENTS.—Each report required by paragraph (1) shall contain detailed statistics on such performance, including, with respect to each Bureau of the Commission—

''(A) in the case of performance in meeting the deadlines established under subsection (g), with respect to each category established under such subsection—

''(i) the number of petitions, applications, complaints, and other filings seeking Commission action that were pending on the last day of the period covered by such report;

''(ii) the number of filings described in clause (i) that were not resolved by the deadlines established under such subsection and the average length of time such filings have been pending; and

''(iii) for petitions, applications, complaints, and other filings seeking Commission action that were resolved during such period, the average time between initiation and resolution and the percentage resolved by the deadlines established under such subsection;

''(B) in the case of proceedings before an administrative law judge—

''(i) the number of such proceedings completed during such period; and

''(ii) the number of such proceedings pending on the last day of such period; and

''(C) the number of independent studies or analyses published by the Commission during such period.

''(3) PUBLICATION AND SUBMISSION.—The Commission shall publish and submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate each report required by paragraph (1) not later than the date that is 30 days after the last day of the period covered by such report.

''(j) TRANSACTION REVIEW STANDARDS.—

''(1) IN GENERAL.—The Commission shall condition its approval of a transfer of lines, a transfer of licenses, or any other transaction under section 214, 309, or 310 or any other provision of this Act only if—

''(A) the imposed condition is narrowly tailored to remedy a harm that arises as a direct result of the specific transfer or specific transaction that this Act empowers the Commission to review; and

''(B) the Commission could impose a similar requirement under the authority of a specific provision of law other than a provision empowering the Commission to review a transfer of lines, a transfer of licenses, or other transaction.

''(2) EXCLUSIONS.—In reviewing a transfer of lines, a transfer of licenses, or any other transaction under section 214, 309, or 310 or any other provision of this Act, the Commission may not consider a voluntary commitment of a party to such transfer or transaction unless the Commission could adopt that voluntary commitment as a condition under paragraph (1).

''(k) ACCESS TO CERTAIN INFORMATION ON COMMISSION'S WEBSITE.—The Commission shall provide direct access from the homepage of its website to—

''(1) detailed information regarding—

''(A) the budget of the Commission for the current fiscal year;

''(B) the appropriations for the Commission for such fiscal year; and

''(C) the total number of full-time equivalent employees of the Commission; and

''(2) the performance plan most recently made available by the Commission under section 1115(b) of title 31, United States Code.

''(l) FEDERAL REGISTER PUBLICATION.—

''(1) IN GENERAL.—In the case of any document adopted by the Commission that the Commission is required, under any provision of law, to publish in the Federal Register, the Commission shall, not later than the date described in paragraph (2), complete all Commission actions necessary for such document to be so published.

''(2) DATE DESCRIBED.—The date described in this paragraph is the earlier of—

''(A) the day that is 45 days after the date of the release of the document; or

''(B) the day by which such actions must be completed to comply with any deadline under any other provision of law.

''(3) NO EFFECT ON DEADLINES FOR PUBLICATION IN OTHER FORM.—In the case of a deadline that does not specify that the form of publication is publication in the Federal Register, the Commission may comply with such deadline by publishing the document in another form. Such other form of publication does not relieve the Commission of any Federal Register publication requirement applicable to such document, including the requirement of paragraph (1).

''(m) CONSUMER COMPLAINT DATABASE.—

''(1) IN GENERAL.—In evaluating and processing consumer complaints, the Commission shall present information about such complaints in a publicly available, searchable database on its website that—

''(A) facilitates easy use by consumers; and

''(B) to the extent practicable, is sortable and accessible by—

''(i) the date of the filing of the complaint;

''(ii) the topic of the complaint;

''(iii) the party complained of; and

''(iv) other elements that the Commission considers in the public interest.

''(2) DUPLICATIVE COMPLAINTS.—In the case of multiple complaints arising from the same alleged misconduct, the Commission shall be required to include only information concerning one such complaint in the database described in paragraph (1).

''(n) FORM OF PUBLICATION.—

''(1) IN GENERAL.—In complying with a requirement of this section to publish a document, the Commission shall publish such document on its website, in addition to publishing such document in any other form that the Commission is required to use or is permitted to and chooses to use.

''(2) EXCEPTION.—The Commission shall by rule establish procedures for redacting documents required to be published by this section so that the published versions of such documents do not contain—

''(A) information the publication of which would be detrimental to national security, homeland security, law enforcement, or public safety; or

''(B) information that is proprietary or confidential.

''(o) DEFINITIONS.—In this section:

''(1) AMENDMENT.—The term 'amendment' includes, when used with respect to an existing rule, the deletion of such rule.

''(2) BIPARTISAN MAJORITY.—The term 'bipartisan majority' means, when used with respect to a group of Commissioners, that such group—

''(A) is a group of 3 or more Commissioners; and

''(B) includes, for each political party of which any Commissioner is a member, at least 1 Commissioner who is a member of such political party, and, if any Commissioner has no political party affiliation, at least 1 unaffiliated Commissioner.

''(3) ECONOMICALLY SIGNIFICANT IMPACT.—The term 'economically significant impact' means an effect on the economy of $100,000,000 or more annually or a material adverse effect on the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities.

''(4) PERFORMANCE MEASURE.—The term 'performance measure' means an objective and quantifiable outcome measure or output measure (as such terms are defined in section 1115 of title 31, United States Code).

''(5) PROGRAM ACTIVITY.—The term 'program activity' has the meaning given such term in section 1115 of title 31, United States Code, except that such term also includes any annual collection or distribution or related series of collections or distributions by the Commission of an amount that is greater than or equal to $100,000,000.

''(6) OTHER DEFINITIONS.—The terms 'agency action', 'ex parte communication', and 'rule' have the meanings given such terms in section 551 of title 5, United States Code.''.

(b) EFFECTIVE DATE AND IMPLEMENTING RULES.—

(1) EFFECTIVE DATE.—

(A) IN GENERAL.—The requirements of section 13 of the Communications Act of 1934, as added by subsection (a), shall apply beginning on the date that is 6 months after the date of the enactment of this Act.

(B) PRIOR NOTICES OF PROPOSED RULEMAKING.—If the Federal Communications Commission identifies under paragraph (2)(B)(ii) of subsection (a) of such section 13 a notice of proposed rulemaking issued prior to the date of the enactment of this Act—

(i) such notice shall be deemed to have complied with paragraph (1) of such subsection; and

(ii) if such notice did not contain the specific language of a proposed rule or a proposed amendment of an existing rule, paragraph (2)(A) of such subsection shall be satisfied if the adopted rule or the amendment of an existing rule is a logical outgrowth of such notice.

(C) SCHEDULES AND REPORTS.—Notwithstanding subparagraph (A), subsections (h)(1) and (i) of such section shall apply with respect to 2013 and any year thereafter.

(2) RULES.—The Federal Communications Commission shall promulgate the rules necessary to carry out such section not later than 1 year after the date of the enactment of this Act.

(3) PROCEDURES FOR ADOPTING RULES.—Notwithstanding paragraph (1)(A), in promulgating rules to carry out such section, the Federal Communications Commission shall comply with the requirements of subsections (a) and (h)(2) of such section.

SEC. 3. CATEGORIZATION OF TCPA INQUIRIES AND COMPLAINTS IN QUARTERLY REPORT.

In compiling its quarterly report with respect to informal consumer inquiries and complaints, the Federal Communications Commission may not categorize an inquiry or complaint with respect to section 227 of the Communications Act of 1934 (47 U.S.C. 227) as being a wireline inquiry or complaint or a wireless inquiry or complaint unless the party whose conduct is the subject of the inquiry or complaint is a wireline carrier or a wireless carrier, respectively.

SEC. 4. EFFECT ON OTHER LAWS.

Nothing in this Act or the amendment made by this Act shall relieve the Federal Communications Commission from any obligations under title 5, United States Code, except where otherwise expressly provided.

The Acting CHAIR. No amendment to the committee amendment in the nature of a substitute shall be in order except those printed in House Report 112–422. Each such amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

AMENDMENT NO. 1 OFFERED BY MR. CROWLEY

The Acting CHAIR. It is now in order to consider amendment No. 1 printed in House Report 112–422.

Mr. CROWLEY. 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 7, line 5, strike ''and''.

Page 7, line 15, strike the period and insert ''; and''.

Page 7, after line 15, insert the following:

''(F) in the case of the adoption of a rule or the amendment of an existing rule relating to baby monitors, such rule as adopted or amended requires the packaging of an analog baby monitor to display a warning label stating that sounds or images captured by the baby monitor may be easily viewed or heard by potential intruders outside a consumer's home.

The Acting CHAIR. Pursuant to House Resolution 595, the gentleman from New York (Mr. CROWLEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York.

□ 1640

Mr. CROWLEY. Mr. Chairman, I yield myself as much time as I may consume.

Mr. Chairman, I rise today in support of this amendment to H.R. 3309.

Mr. Chairman, my amendment addresses a problem that has come to light over the past 2 years. It's a problem that's a concern for parents, a problem that is a concern for families. It's a problem that's a concern for law enforcement. And I believe that my amendment will help to address this problem.

Here's what we have learned. Many families do not know that the baby monitors that they purchase to help them take care of their infants and their children can be easily accessed by potential intruders. It's possible for someone, anyone at all, to purchase a normal baby monitor at the store and use that monitor to see and hear inside a family's home, quite literally making it possible to monitor other people's children and their lives.

In fact, recent investigative news stories by NBC in New York and throughout the Nation found that one can even drive down the street with a baby monitor receiver and monitor every child on that street whose family uses an analog baby monitor. Outsiders waiting hundreds of feet from a home or canvassing a neighborhood can quickly and easily see an image of a young child or an entire room, the same image seen by parents inside their home.

The concerns don't end there. Potential intruders could also identify whether the parents or children are home at all, helping create conditions for burglary. And a potential kidnapper or abuser could easily identify the location of a child within a home, as well as the easiest point of entry to abduct or cause harm to that child.

This is a situation that is deeply concerning to many parents who know of the problem. But equally as alarming is the fact that so many others don't even know about the problem to begin with.

This amendment would direct the FCC, when ruling on baby monitors, to require companies producing analog baby monitors to include warning labels on packages so that parents can make fully informed decisions about the potential risk of their purchases.

Parents have no greater concern than the well-being of their children and their families, and they deserve full information about the products they are purchasing. It comes down to making sure that parents are aware of any potential dangers. A clear warning on the monitors will help arm parents with the information they need to make the best decision for their family.

I have written to the FCC about this issue, as well as the Federal Trade Commission and the Consumer Product Safety Commission. There is, indeed, an interest in addressing this problem, and I hope passage of this amendment will send a clear message to the agencies with jurisdiction over these products that we need to find a way to move forward and get this matter addressed.

I ask for support for this amendment.

I yield back the balance of my time.

Mr. WALDEN. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from Oregon is recognized for 5 minutes.

Mr. WALDEN. I share the gentleman's concerns that he raised. A lot of people do not understand that, especially in the area of unlicensed spectrum, you don't have a right to a protective communication. And certainly, in the analog world, you can listen in. We all know that from CB radios and things of that nature and family networks—you hear other people talking. This is an issue of concern, certainly, because all of us want to protect our families, those of us who have children. Mine now much older than that at nearly 22.

But this is certainly an issue, and I appreciate the gentleman raising it. I know he has legislation, although I would say this is the wrong vehicle for that because this is an FCC process reform bill, not a labeling bill, and the FCC does not use the phrase ''baby monitor'' in any of its rules, so, in effect, this labeling requirement may never take effect anyway.

And if the labeling requirement does take effect, it may cause some consumer confusion because you'd treat all analog monitors, perhaps, as unsafe and digital monitors as safe, even if that's not true for a particular brand of baby monitor.

So I oppose this amendment, and would encourage my colleagues to do likewise.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from New York (Mr. CROWLEY).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. CROWLEY. 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 New Jersey will be postponed.

The Chair understands that amendment No. 2 will not be offered.

It is now in order to consider amendment No. 3 printed in House Report 112–422.

It is now in order to consider amendment No. 4 printed in House report 112–422.

AMENDMENT NO. 5 OFFERED BY MS. ESHOO

The Acting CHAIR. It is now in order to consider amendment No. 5 printed in House Report 112–422.

Ms. ESHOO. Mr. Chairman, I seek to offer the amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 18, after line 21, insert the following (and redesignate subsequent provisions accordingly):

''(n) CERTIFICATIONS REGARDING IDENTITY OF DONORS FOR PUBLIC INSPECTION FILES.—

''(1) IN GENERAL.—The Commission shall revise its rules to require the public inspection file of a broadcast licensee, cable operator, or provider of direct broadcast satellite service to include, from each entity sponsoring political programming, a certification that identifies any donors that have contributed a total of $10,000 or more to such entity in an election reporting cycle.

''(2) ACCURACY OF INFORMATION.—A broadcast licensee, cable operator, or provider of direct broadcast satellite service may not be held responsible for an inaccuracy in a certification filed under this subsection, unless such licensee, operator, or provider had actual knowledge, at the time such certification was filed, that such certification was false or fraudulent.

''(3) DEFINITIONS.—In this subsection:

''(A) CABLE OPERATOR.—The term 'cable operator' has the meaning given such term in section 602.

''(B) DBS ORIGINATION PROGRAMMING.—The term 'DBS origination programming' has the meaning given such term in section 25.701 of title 47, Code of Federal Regulations.

''(C) ELECTION REPORTING CYCLE.—The term 'election reporting cycle' means, with respect to a request to purchase time by an entity sponsoring political programming, the 2-year period that begins on the date of the most recent general election for Federal office preceding such request.

''(D) GENERAL ELECTION.—The term 'general election' means an election occurring on the first Tuesday after the first Monday in November of an even-numbered year.

''(E) ORIGINATION CABLECASTING.—The term 'origination cablecasting' has the meaning given such term in section 76.5 of title 47, Code of Federal Regulations.

''(F) POLITICAL PROGRAMMING.—The term 'political programming' means programming that communicates a message relating to any political matter of national importance, including a legally qualified candidate for public office, any election to Federal office, or a national legislative issue of public importance.

''(G) PROGRAMMING.—The term 'programming' means—

''(I) with respect to a broadcast licensee, broadcast programming;

''(ii) with respect to a cable operator, origination cablecasting; and

''(iii) with respect to a provider of direct broadcast satellite service, DBS origination programming.

''(H) PROVIDER OF DIRECT BROADCAST SATELLITE SERVICE.—The term 'provider of direct broadcast satellite service' has the meaning given such term in section 335.

The Acting CHAIR. Pursuant to House Resolution 595, the gentlewoman from California (Ms. ESHOO) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from California.

Ms. ESHOO. Mr. Chairman, I come to the floor this afternoon to offer an amendment to this bill that probably, for most people, as they were tuned in and listening to the discussion and the debate of the bill, may not have gotten too excited about it because it deals with the innards of an agency. But this amendment, I think, is probably one of the most important parts of the bill, and I'm very pleased that the Rules Committee found it in order.

This amendment goes to the heart of our democracy, and it's all about disclosure. We have the opportunity today to secure disclosure in political reporting for the voting public.

There's something very sick about our system today. People across the country are deeply and profoundly upset about the undisclosed sums of money that are being poured over and through our political system. And when that happens, it goes right to the heart of democracy.

Why? Because it's undisclosed. We do not know who is contributing. We don't know how much they're contributing. We don't even know if foreign countries are involved in this.

So this is really a very simple amendment. It's an amendment that adheres to the same principles that many of my colleagues, Democrats and Republicans, have supported before, and it works like this: If an organization buys political advertising time on broadcast television, on radio, on cable, or on satellite, they would be required to disclose their large donors, those who give $10,000 or more to air the ad.

□ 1650

There is today, in statute, section 315 of the Communications Act—and it's been in place since 2002—that covers national legislative issues of public importance. It also covers legally qualified candidates, or any election to Federal office. So there's something already in place. The only thing that's being added to this is that if you're going to buy time, $10,000 or more, that you are required to disclose and name who the donors are, who's contributing that money.

I think that this is very important. We are a democracy. We're not a plutocracy. What I hear over and over and over and over again from my constituents is the damage that Citizens United, the case that the Supreme Court rendered the decision—I think a disastrous one—2 years ago. We have the jurisdiction at the Energy and Commerce Committee and this subcommittee; it is within our jurisdiction to take this up in this bill.

Now, there is something else. Some people have said that this is burdensome—burdensome for broadcasters, burdensome for those that broadcast

television, burdensome to radio, burdensome to cable, burdensome to satellite. They're not the ones that have to disclose, only those that buy the time.

And the files exist today. There is one file, one file only—now, there are other files for other responsibilities, but there's only one for political ads. Is America and our democracy not worth requiring those that want to buy the political ads to disclose who they are above $10,000? And that's it. So the law is already in place since 2002. The file is already there. There is no burden to the broadcasters, radio, TV, satellite, cable, as I said, but simply to report.

Now, there are those that say that that would be burdensome, that that would be burdensome as well. My question is, How heavy a burden is it? How heavy of a burden, how heavy of a lift is it to report and disclose to the American people? The American people have a right to know; and once they know disclosure is a disinfectant, they will make up their own minds.

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

Mr. WALDEN. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from Oregon is recognized for 5 minutes.

Mr. WALDEN. I don't rise in opposition to disclosure. I think it's a good thing if it's done in the proper venue in the proper way. And that's not on this particular bill.

A similar amendment was brought before the full committee and rejected by the full committee. It has since been rewritten. It's better than what came before the full committee, and I commend my friend from California for that. But the way that this is written, I believe that it has lots of unintended consequences that can be difficult and doesn't accomplish what she's trying to accomplish in an effective way.

For example, my colleagues in the Chamber, you all would have to disclose, when you go to inquire about the purchase of time now in radio, TV, or satellite, your $10,000 donors. So any PAC that gave you $10,000 in the last 2 years would have to be listed. Now, my colleague from California, that would be like Abbott Labs and Google that gave you 10, and I've got some that gave me 10. You'd have to do that and disclose. You wouldn't have to do money you got from others.

But here's the deal, because I looked this up last night about one in the morning. I couldn't sleep, I was on west coast time, and so I went to the site where this stuff is disclosed—for us, that's the Federal Election Commission site. So I could easily find all the documentation for my dear friend—I just happened to go to her contribution history for last year. And only $30,000 of the $296,817 that she got from PACs would be disclosed as a result of this, which is about 10 percent. But she was able to have another $400,000, or thereabouts, from individuals. So you're really down to only seeing a tiny little window of about 5 percent, or less, that would be disclosed in the public file of a broadcast, satellite, or cable operator, or radio, which, by the way, is all on paper, at least for now, and not online. I was able to ferret out this information online last night, one in the morning, or thereabouts.

The other thing it does, I think it draws in every candidate in America the way this is listed. Because when you read the actual language of the amendment, it talks about political programming. And it defines it as meaning ''programming that communicates a message relating to any political matter of national importance.''

So I'm thinking about a city that's having a fight with the Federal Government over some new Federal regulation. That would be an issue of national importance; or if in a local community they were fighting about something, again, that, I don't know, Second Amendment rights, First Amendment rights. That would be an issue of national importance. Further, the language talks about a legally qualified candidate for public office. So that would seem to be any candidate for public office at any level.

So then you have public broadcasting that could be pulled into this because they have people that underwrite programming that deals with issues of national importance. So could that be that every public broadcaster would have to disclose somehow everybody that's paying for that programming?

Then you have the creative minds of the people who try to hide from disclosure. This would be real simple under this amendment because it says the look-back period is back to the last Federal general election. Whatever donors you've had at $10,000 would have to be reported before you could inquire about buying time and purchasing time. Well, it's not a reach to think that these clever little rascals out there would simply create a new committee every time they wanted to buy time. That's easy to do. They've got lots of money; they've got lots of attorneys. They just create the committee to attack ANNA ESHOO, 2012. And it has no prior donors from the 2 years, so they escape this. And who among us here thinks that they won't do that?

So I don't think the amendment is written to accomplish the goal, and the goal is best achieved and accomplished through the Federal Election Commission, not the Federal Communications Commission. So we're about two letters off. I think it really raises a host of issues that are unintended consequences and should be defeated.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from California (Ms. ESHOO).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Ms. ESHOO. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from California will be postponed.

AMENDMENT NO. 6 OFFERED BY MR. WALDEN

The Acting CHAIR. It is now in order to consider amendment No. 6 printed in House Report 112–422.

Mr. WALDEN. Mr. Chairman, on behalf of Mr. DIAZ-BALART, I have an amendment I am going to offer.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 19, after line 13, insert the following (and redesignate subsequent provisions accordingly):

''(o) TRANSPARENCY RELATING TO PERFORMANCE IN MEETING FOIA REQUIREMENTS.—The Commission shall take additional steps to inform the public about its performance and efficiency in meeting the disclosure and other requirements of section 552 of title 5, United States Code (commonly referred to as the Freedom of Information Act), including by doing the following:

''(1) Publishing on the Commission's website the Commission's logs for tracking, responding to, and managing requests submitted under such section, including the Commission's fee estimates, fee categories, and fee request determinations.

''(2) Releasing to the public all decisions made by the Commission (including decisions made by the Commission's Bureaus and Offices) granting or denying requests filed under such section, including any such decisions pertaining to the estimate and application of fees assessed under such section.

''(3) Publishing on the Commission's website electronic copies of documents released under such section.

''(4) Presenting information about the Commission's handling of requests under such section in the Commission's annual budget estimates submitted to Congress and the Commission's annual performance and financial reports. Such information shall include the number of requests under such section the Commission received in the most recent fiscal year, the number of such requests granted and denied, a comparison of the Commission's processing of such requests over at least the previous 3 fiscal years, and a comparison of the Commission's results with the most recent average for the United States Government as published on www.foia.gov.

The Acting CHAIR. Pursuant to House Resolution 595, the gentleman from Oregon (Mr. WALDEN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Oregon.

Mr. WALDEN. Mr. Chairman, throughout the course of the debate today on the floor we'll have amendments offered by Republicans and Democrats, a total of potentially 10. This is one offered by my colleague from Florida (Mr. DIAZ-BALART), which we will be supportive of. There will be at least one amendment on the other side we will be supportive of as well.

This one will require the FCC to make additional disclosures on its Web site and in its annual budget regarding its processing of Freedom of Information Act requests. I think this does fall

in the category of reforming how the FCC operates in a positive way. It would increase the Agency's transparency with regard to how it complies with Freedom of Information Act requests. Additional disclosure and transparency is a good thing, and the burdens on the FCC are clearly modest, completely.

So I would urge passage of this amendment, and I yield back the balance of my time.

Ms. ESHOO. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentlewoman from California is recognized for 5 minutes.

Ms. ESHOO. Mr. Chairman, obviously, my colleagues know that I'm a strong proponent of openness and transparency rules in government. I'm concerned about this amendment because it seems as if it would apply special Freedom of Information Act, FOIA, requirements on one agency alone.

□ 1700

As with the underlying bill, I am concerned that this would create confusion and inconsistency.

Most frankly, I also question what the problem is that we're addressing here. Just 2 weeks ago, Chairman ISSA, the chairman of the committee with jurisdiction over FOIA matters, issued a report in which he gave an A grade for FOIA compliance relative to the FCC. It is also my understanding that the FCC is already publishing on its Web site logs for tracking, for responding to, and for managing FOIA requests. So it's a little confusing given the grade that Chairman ISSA issued relative to the FCC and FOIA requests and relative to the issues that I raised.

So I think, perhaps, that the amendment may be redundant or simply not needed at all. Those are my observations, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Oregon (Mr. WALDEN).

The amendment was agreed to.

AMENDMENT NO. 7 OFFERED BY MR. OWENS

The Acting CHAIR. It is now in order to consider amendment No. 7 printed in House Report 112–422.

Mr. OWENS. 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 22, after line 24, insert the following (and redesignate the subsequent section accordingly):

SEC. 4. BROADBAND ACCESS IN RURAL AREAS.

Nothing in this Act (including the amendment made by section 2 of this Act) shall impede the Federal Communications Commission from implementing rules to ensure broadband access in rural areas.

The Acting CHAIR. Pursuant to House Resolution 595, the gentleman from New York (Mr. OWENS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York.

Mr. OWENS. Mr. Chairman, I rise in support of my amendment to H.R. 3309, the Federal Communications Commission Process Reform Act.

I agree that cost-benefit analysis is an important factor that independent agencies should consider before issuing new rules and regulations. To that end, I have supported bipartisan legislation that would require other agencies, like the CFTC and the SBA, to conduct similar analyses.

Mr. Chairman, in our efforts to change the rulemaking process at the FCC, it is important that we consider unintended consequences. My amendment is very simple and limited in scope. It simply expresses that nothing in this act shall impede the FCC from implementing rules to ensure broadband access in rural areas. I would like to clarify that this amendment is not intended to influence the current debate concerning the FCC's reforms to the Universal Service Fund.

Last year, I introduced legislation that would direct the Department of Agriculture to craft a comprehensive plan to expand broadband access to rural America. If such a plan were enacted under the bill we are considering today, the FCC would likely be required to conduct additional market surveys and analysis that could delay its implementation.

New York's 23rd Congressional District is 14,000 square miles and encompasses a large portion of the State's rural communities. My amendment would simply ensure that the development of much-needed broadband in rural areas, like in my congressional district in upstate New York, is not held up by the increased requirements imposed by the FCC under this bill.

Whether it is a small business in Massena, Watertown, Oswego or in Plattsburgh, New York, that wants to market its products to customers in Canada or to a hospital that is able to save a life by accessing patient records, access to broadband is critical to creating jobs and growing the economy in rural New York and in rural regions across the country. In many of these areas, there is simply insufficient demand for private industry to justify the cost of building out their networks.

Congress must be prepared to help develop this infrastructure to ensure our economy remains competitive in the global marketplace. I urge my colleagues to support this amendment, and I yield back the balance of my time.

Mr. WALDEN. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from Oregon is recognized for 5 minutes.

Mr. WALDEN. This amendment would exempt from procedural reforms any FCC actions with regard to broadband access in rural areas. Now, I know the gentleman talked about representing a large rural district. My district in eastern Oregon is larger than his State of New York. It is 70,000 square miles. In fact, it's bigger than any State this side of the Mississippi River, I'm told.

This is my bill. I am an advocate for it because, in many respects, it's bad process at the FCC that harms those least able to afford big high-rise towers of lawyers to come and oversee the FCC. That's why we need a more open and transparent process. This would exempt the FCC from using good process when reforming the Universal Service Fund, for example.

I know the gentleman is fairly new here, but he may not have caught the part about the FCC doing a data dump in the final hours before they promulgated their rule on the Universal Service Fund, which meant it was very difficult, if not impossible, for anybody who really cared deeply about the build-out of broadband or of the future of the USF to go through literally thousands of pages. I used these earlier today in the debate on the underlying bill. We have binders and binders and binders of the actual documents that they dumped at the last minute. It's just not the way to do the public's business.

So I understand what the gentleman is saying. Mr. TERRY, who is the sponsor of this bill, is a long-time advocate of rural broadband build-out, as am I, which is part of what we are hoping to accomplish in other legislation as well that has become law. The National Telecommunications Cooperative Association, the voice of rural carriers—the very people you're trying to help and genuinely so with your amendment—actually supports the underlying bill. Surely they don't think it will slow down rural broadband deployment.

So I appreciate the gentleman's commitment to rural broadband build-out. I think his amendment actually goes in the wrong direction in that it reduces transparency, accountability, and access for the very people we're trying to help.

Therefore, Mr. Chairman, I will oppose the amendment. I yield back the balance of my time.

Mr. OWENS. Mr. Chairman, may I reclaim my unused time?

The Acting CHAIR. The gentleman seeks unanimous consent to reclaim the remaining part of his time.

Without objection, the gentleman from New York is recognized for 2½ minutes.

There was no objection.

Mr. OWENS. I just want to point out two items.

First, this bill is not intended to influence in any way the current debate concerning the FCC's reforms to the Universal Service Fund. We are not in any way attempting to impact that. In addition, what we're really asking is that the FCC take into account in its rulemaking process the rural broadband needs. We are not exempting it from the process but are simply asking that that be taken into account as

they go through the process. There is no exemption intended here.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from New York (Mr. OWENS).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. OWENS. 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 New York will be postponed.

AMENDMENT NO. 8 OFFERED BY MR. AL GREEN OF TEXAS

The Acting CHAIR. It is now in order to consider amendment No. 8 printed in House Report 112–422.

Mr. AL GREEN of Texas. I have an amendment at the desk, Mr. Chairman.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 22, after line 24, insert the following (and redesignate the subsequent section accordingly):

SEC. 4. PROVISION OF EMERGENCY WEATHER INFORMATION.

Nothing in subsection (a) of section 13 of the Communications Act of 1934, as added by section 2 of this Act, shall be construed to impede the Federal Communications Commission from acting in times of emergency to ensure the availability of efficient and effective communications systems to alert the public to imminent dangerous weather conditions.

The Acting CHAIR. Pursuant to House Resolution 595, the gentleman from Texas (Mr. AL GREEN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. AL GREEN of Texas. Mr. Chairman, I will be very brief because I understand that time is of the essence.

I've had an opportunity to work with my colleagues across the aisle, and our staffs have worked together. Mr. Chairman, this amendment would simply make it clear that the FCC will not be impeded in any way as it relates to notifying the public about dangerous conditions. We all know about the hurricanes that hit the gulf coast and that we have tornadoes in other areas of the country. This is a very simple, commonsense amendment. I believe my colleague will agree with me, and I don't believe there will be a need for a vote.

Mr. WALDEN. Will the gentleman yield?

Mr. AL GREEN of Texas. I yield to the gentleman from Oregon.

□ 1710

Mr. WALDEN. I thank the gentleman for yielding, and I thank him for working with this side of the aisle. You have been terrific and so have your staff as we worked through this.

This wasn't a surprise amendment by any means. We were able to sit down and work through it. We share your concern fully, and we are fully supportive of your amendment. And I thank you for raising this issue.

As a former radio broadcaster, having been involved in some emergencies—not hurricanes, clearly, in Oregon—but this is important. So we do support it. And again, I thank you for working with us in a bipartisan spirit.

Mr. AL GREEN of Texas. Thank you. And reclaiming my time, I am grateful for my colleague and the staff members that worked with us.

And with that said, Mr. Chairman, I don't believe there will be a request for a vote if the amendment is accepted.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Texas (Mr. AL GREEN).

The amendment was agreed to.

AMENDMENT NO. 9 OFFERED BY MS. SPEIER

The Acting CHAIR. It is now in order to consider amendment No. 9 printed in House Report 112–422.

Ms. SPEIER. 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 22, after line 24, insert the following (and redesignate the subsequent section accordingly):

SEC. 4. IMPACT ON COMPETITION AND INNOVATION.

This Act (including the amendment made by section 2 of this Act) shall not take effect until the Federal Communications Commission submits to Congress a report on the impact of this Act (and amendment) on the mandate of the Commission to promote competition and innovation.

The Acting CHAIR. Pursuant to House Resolution 595, the gentlewoman from California (Ms. SPEIER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from California.

Ms. SPEIER. Mr. Chairman, who among us is not for competition and innovation? This amendment speaks directly to that issue. And I want to read you the amendment:

This act shall not take effect until the Federal Communications Commission submits to Congress a report on the impact of this act on the mandate of the commission to promote competition and innovation.

Again, who isn't for competition and innovation? Among the important mandates of the FCC are the following: promoting competition, innovation, and investment in broadband services and facilities; supporting the Nation's economy by ensuring an appropriate competitive framework for the unfolding of the communications revolution; encouraging the highest and best use of spectrum domestically and internationally; revising media regulations so that new technologies flourish alongside diversity and localism; providing leadership; and strengthening the defense of the Nation's communications infrastructure.

The provisions of this bill could potentially disable the agency and stymie the commission's ability to fulfill its most basic mission: to promote innovation while protecting the public interest. The U.S. has led the world in developing policies to unleash spectrum for mobile investment and innovation. The FCC was the first agency to develop spectrum auctions and also the first to free up so-called junk bands for unlicensed use, such as Bluetooth, cordless phones, and Wi-Fi, all things we take for granted today.

The economic benefit created by unlicensed spectrum alone is estimated at $37 billion a year. In 2011, the U.S. tech sector grew three times faster than the overall economy. This is success, and we should do nothing to stymie that success.

The U.S. has regained global leadership in mobile innovation. We are ahead of the world in deploying 4G mobile broadband, and those next-generation networks are projected to add more than $150 billion in GDP growth over the next 4 years. Internet startups attracted $7 billion in venture capital last year, almost double the 2009 level. The apps economy alone has generated more than 500,000 jobs, and many of those are right smack-dab in my district. You know them: Google, YouTube, and Facebook.

Rest assured, the innovation is continuing. For example, JellyRadio is a small technology company with about 15 employees, and it's located right across the street from my district office. It's already received $2 million in angel and venture capital. It allows crowdsourcing of radio playlists. You vote for what you want to hear, and the band or subject with the most votes gets played. They just received a local business award for small technology company of the year.

Another is Storm8, the creator of the number one role-playing games on iPhone, iPad, iPod touch, and Android devices and parent company of the number one mobile social game developer, TeamLava. Started in 2009, Storm8 quickly shot to the top of the mobile gaming industry, celebrating its first million-dollar day in June of last year.

These are examples of what we must protect in our FCC operation. We must ensure that innovators like these have the opportunity to grow and thrive. The FCC has a critical role to play in moving us forward technologically and with the jobs that it brings. Broadband has unlocked new opportunities to transform health care, education, energy, and public safety.

Cloud computing is the next wave, a $68 billion global industry that is growing 17 percent annually. In fact, my son is now working for one of those companies. That's why we need to make sure that the FCC has the ability to make sure there continues to be innovation and competitiveness. The FCC Process Reform Act undermines standard administrative law practices, undoing over 60 years of Federal court precedent under the Administrative Procedures Act, creating uncertainty and

confusion for the FCC and innovative businesses that interact with the agency. It also severely undermines the FCC's ability to develop sensible conditions to protect consumers and ensure competition.

I am a strong component of congressional oversight over agencies within our jurisdiction. That's part of our job. But we have to make sure that the FCC has the tools to do its job as well. So before we risk millions of jobs affected by the important work of the FCC, let's be sure we know how this bill will affect our innovative economy. I urge support of this amendment, and I yield back the balance of my time.

Mr. KINZINGER of Illinois. I rise in opposition to the amendment.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. KINZINGER of Illinois. Mr. Chairman, I appreciate the gentlewoman bringing the amendment forward.

I rise in opposition to it today because in essence what it does is implements a study on the idea of these reforms. These reforms, again, are very basic. This just says, hey, a lot of these are already in place. It opens up the process to the American public. We believe in an open transparent government, an open and transparent system.

This puts a study on the bill that simply has no timeline to it. Let me give you a quick example. The FCC is already behind on completing its reports. It didn't finish its satellite competition report for 2008 until 2011 and still hasn't finished the 2010 report on media ownership. So let's just be very honest with this. This is an attempt to kill this bill. This is an attempt to put a study on it that has no time line and simply allows the FCC to indefinitely delay the reforms that I think, frankly, the American people are demanding of Congress, demanding of Washington, which is to just open up government, let us know what's going on, be transparent. That's basic. That's what we stand for.

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

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from California (Ms. SPEIER).

The amendment was rejected.

The Acting CHAIR. The Committee will rise informally.

The Speaker pro tempore (Mr. KINZINGER of Illinois) assumed the chair.

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. 3606. An act to increase American job creation and economic growth by improving access to the public capital markets for emerging growth companies.

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

FEDERAL COMMUNICATIONS COMMISSION PROCESS REFORM ACT OF 2012

The Committee resumed its sitting.

□ 1720

AMENDMENT NO. 10, AS MODIFIED, OFFERED BY MS. ESHOO

The Acting CHAIR. It is now in order to consider amendment No. 10 printed in House Report 112–422.

Ms. ESHOO. Mr. Chairman, I rise to offer an amendment that is actually Ms. CLARKE's of New York that I am offering on her behalf.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 22, after line 24, insert the following (and redesignate the subsequent section accordingly):

SEC. 4. COMMUNICATIONS OF FIRST RESPONDERS.

Nothing in this Act (including the amendment made by section 2 of this Act) shall impede the Federal Communications Commission from ensuring the availability of efficient and effective communications systems for State and local first responders.

Ms. ESHOO. Mr. Chairman, I ask unanimous consent to offer a revised version.

The Acting CHAIR. Does the gentlewoman ask unanimous consent to modify the amendment?

Ms. ESHOO. I do, Mr. Chairman.

The Acting CHAIR. The Clerk will report the modification.

The Clerk read as follows:

Modification to amendment No. 10 offered by Ms. ESHOO:

Page 22, after line 24, insert the following (and redesignate the subsequent section accordingly):

SEC. 4. COMMUNICATIONS OF FIRST RESPONDERS.

Nothing in subsection (a) of section 13 of the Communications Act of 1934, as added by section 2 of this Act, shall be construed to impede the Federal Communications Commission from acting in times of emergency to ensure the availability of efficient and effective communications systems for State and local first responders.

The Acting CHAIR. Pursuant to House Resolution 595, the gentlewoman from California (Ms. ESHOO) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from California.

Ms. ESHOO. Mr. Chairman, I simply present this amendment on behalf of Ms. CLARKE, and I hope that the majority will accept it.

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

Mr. WALDEN. Mr. Chairman, I appreciate the work we've done with the people involved in this, and we agree to it, and we accept the amendment as well.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment, as modified, offered by the gentlewoman from California (Ms. ESHOO).

The amendment, as modified, 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 112–422 on which further proceedings were postponed, in the following order:

Amendment No. 1 by Mr. CROWLEY of New York.

Amendment No. 5 by Ms. ESHOO of California.

Amendment No. 7 by Mr. OWENS of New York.

The Chair will reduce to 2 minutes the minimum time for any electronic vote after the first vote in this series.

AMENDMENT NO. 1 OFFERED BY MR. CROWLEY

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from New York (Mr. CROWLEY) 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 196, noes 219, not voting 16, as follows:

[Roll No. 134]

AYES—196

Ackerman	Davis (IL)	Kaptur
Altmire	DeFazio	Keating
Amodei	DeGette	Kildee
Andrews	DeLauro	Kind
Baca	Dent	King (NY)
Baldwin	Deutch	Kissell
Barrow	Dicks	Kucinich
Bartlett	Dingell	Langevin
Bass (CA)	Doggett	Larsen (WA)
Becerra	Dold	Larson (CT)
Berkley	Donnelly (IN)	Latham
Berman	Doyle	Lee (CA)
Bishop (GA)	Edwards	Levin
Bishop (NY)	Ellison	Lewis (GA)
Blumenauer	Engel	Lipinski
Bonamici	Eshoo	LoBiondo
Boren	Farr	Loebsack
Boswell	Fattah	Lofgren, Zoe
Brady (PA)	Filner	Lowey
Braley (IA)	Fitzpatrick	Luján
Brown (FL)	Fortenberry	Lynch
Burgess	Frank (MA)	Markey
Butterfield	Fudge	Matheson
Capps	Garamendi	Matsui
Capuano	Gibson	McCarthy (NY)
Cardoza	Gonzalez	McCollum
Carnahan	Green, Al	McDermott
Carney	Green, Gene	McGovern
Carson (IN)	Griffith (VA)	McIntyre
Castor (FL)	Grijalva	McNerney
Chandler	Gutierrez	Meeks
Chu	Hahn	Miller (NC)
Cicilline	Hanabusa	Miller, George
Clarke (MI)	Hastings (FL)	Moore
Clarke (NY)	Heck	Moran
Clay	Heinrich	Murphy (CT)
Cleaver	Higgins	Nadler
Clyburn	Himes	Napolitano
Cohen	Hinchey	Neal
Connolly (VA)	Hinojosa	Olver
Conyers	Hirono	Owens
Cooper	Hochul	Pallone
Costa	Holden	Pascrell
Costello	Holt	Pastor (AZ)
Courtney	Honda	Paulsen
Critz	Hoyer	Pelosi
Crowley	Israel	Perlmutter
Cuellar	Johnson (GA)	Peters
Cummings	Johnson, E. B.	Peterson
Davis (CA)	Jones	Pingree (ME)

Quigley
Rahall
Reyes
Richmond
Ross (AR)
Rothman (NJ)
Roybal-Allard
Runyan
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Shuler
Sires
Slaughter
Smith (NJ)
Smith (WA)
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Wittman
Woolsey
Yarmuth

NOES—219

Adams
Aderholt
Alexander
Amash
Austria
Bachmann
Bachus
Barletta
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
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Carter
Cassidy
Chabot
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Cravaack
Crawford
Crenshaw
Culberson
Davis (KY)
Denham
DesJarlais
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Flake
Fleischmann
Fleming
Forbes
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gerlach
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
Hensarling
Herger
Herrera Beutler
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jordan
Kelly
King (IA)
Kingston
Kinzinger (IL)
Kline
Labrador
Lance
Landry
Lankford
LaTourette
Latta
Lewis (CA)
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Maloney
Manzullo
Marino
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McKinley
McMorris Rodgers
Meehan
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
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
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Southerland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NOT VOTING—16

Akin
Diaz-Balart
Flores
Jackson (IL)
Jackson Lee (TX)
Lamborn
Mack
Marchant
Paul
Price (NC)
Rangel
Richardson
Ruppersberger
Rush
Welch
Wilson (FL)

□ 1754

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

Mr. BUTTERFIELD, Ms. TSONGAS, Messrs. SMITH of Washington, KING of New York, Ms. WASSERMAN SCHULTZ, and Mr. BURGESS changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 5 OFFERED BY MS. ESHOO

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from California (Ms. ESHOO) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 179, noes 238, not voting 14, as follows:

[Roll No. 135]

AYES—179

Ackerman
Altmire
Andrews
Baca
Baldwin
Barton (TX)
Bass (CA)
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Bonamici
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Costa
Costello
Courtney
Critz
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Frank (MA)
Fudge
Garamendi
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hahn
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hirono
Holden
Holt
Honda
Hoyer
Israel
Johnson (GA)
Johnson, E. B.
Jones
Kaptur
Keating
Kildee
Kind
Kissell
Kucinich
Langevin
Larsen (WA)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Manzullo
Markey
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Olver
Owens
Pallone
Pascrell
Pastor (AZ)
Pelosi
Perlmutter
Peters
Pingree (ME)
Platts
Polis
Quigley
Rahall
Reyes
Richardson
Richmond
Ross (AR)
Rothman (NJ)
Roybal-Allard
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
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Wilson (FL)
Woolsey
Yarmuth
Young (FL)

NOES—238

Adams
Aderholt
Alexander
Amash
Amodei
Austria
Bachmann
Bachus
Barletta
Barrow
Bartlett
Bass (NH)
Benishek
Berg
Biggert
Bilbray
Bilirakis
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Cardoza
Carter
Cassidy
Chabot
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Cooper
Cravaack
Crawford
Crenshaw
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Dold
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
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
Hochul
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
Lewis (CA)
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Marino
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McKinley
McMorris Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Paulsen
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 (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schrader
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (IN)

NOT VOTING—14

Akin
Diaz-Balart
Flores
Hinojosa
Jackson (IL)
Jackson Lee (TX)
Larson (CT)
Mack
Marchant
Paul
Price (NC)
Rangel
Ruppersberger
Welch

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining.

□ 1758

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. LARSON of Connecticut. Mr. Chair, on Tuesday, March 27, 2012 I was not present for rollcall vote No. 135. If I had been present I would have voted "aye."

Mr. HINOJOSA. Mr. Chair, on rollcall No. 135, had I been present, I would have voted "aye."

AMENDMENT NO. 7 OFFERED BY MR. OWENS

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from New York (Mr. OWENS) 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 194, noes 222, not voting 15, as follows:

[Roll No. 136]

AYES—194

Ackerman
Alexander
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
Coffman (CO)
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Critz
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Dent
Deutch
Dicks
Dingell
Doggett
Dold
Donnelly (IN)
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Fudge
Garamendi
Gerlach
Gibson
Gohmert
Gonzalez
Green, Al
Green, Gene
Grijalva
Guinta
Gutierrez
Hahn
Hanabusa
Hanna
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hochul
Holden
Holt
Honda
Hoyer
Israel
Johnson (GA)
Johnson, E. B.
Jones
Keating
Kildee
Kind
Kissell
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Olver
Owens
Pallone
Pascrell
Pastor (AZ)
Pelosi
Perlmutter
Peters
Peterson
Pingree (ME)
Polis
Quigley
Rahall
Reyes
Ribble
Richardson
Richmond
Ross (AR)
Rothman (NJ)
Roybal-Allard
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Shuler
Sires
Slaughter
Smith (WA)
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Wilson (FL)
Wittman
Woolsey
Yarmuth

NOES—222

Adams
Aderholt
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
Cole
Conaway
Cravaack
Crawford
Crenshaw
Culberson
Davis (KY)
Denham
DesJarlais
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Forbes
Fortenberry
Foxx
Frank (MA)
Franks (AZ)
Gallegly
Gardner
Garrett
Gibbs
Gingrey (GA)
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guthrie
Hall
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Hensarling
Herger
Herrera Beutler
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
Lewis (CA)
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Manzullo
Marino
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McKinley
McMorris Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Paulsen
Pearce
Pence
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Reed
Rehberg
Reichert
Renacci
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NOT VOTING—15

Akin
Diaz-Balart
Flores
Frelinghuysen
Jackson (IL)
Jackson Lee (TX)
Kaptur
Mack
Marchant
Paul
Price (NC)
Rangel
Rohrabacher
Ruppersberger
Welch

□ 1802

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. AKIN. Mr. Chair, on rollcall No. 134, 135, and 136, I was delayed and unable to vote. Had I been present, I would have voted "no" on all three.

The Acting CHAIR. 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. YODER, 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. 3309) to amend the Communications Act of 1934 to provide for greater transparency and efficiency in the procedures followed by the Federal Communications Commission, and, pursuant to House Resolution 595, he 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 any 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. PERLMUTTER. Mr. Speaker, I have a motion to recommit at the desk.

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

Mr. PERLMUTTER. In its current form, I am.

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

The Clerk read as follows:

Mr. Perlmutter moves to recommit the bill, H.R. 3309, to the Committee on Energy and Commerce with instructions to report the same back to the House forthwith with the following amendment:

Page 23, after line 5, insert the following:

SEC. 5. PROTECTING THE PASSWORDS OF ONLINE USERS.

Nothing in this Act or any amendment made by this Act shall be construed to limit or restrict the ability of the Federal Communications Commission to adopt a rule or to amend an existing rule to protect online privacy, including requirements in such rule

that prohibit licensees or regulated entities from mandating that job applicants or employees disclose confidential passwords to social networking web sites.

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

Mr. PERLMUTTER. Mr. Speaker, what I'd like to do is to read again this amendment, because once I've read it, I imagine that everyone in this House of Representatives will embrace this amendment, this final amendment to the bill, and will vote in favor of this amendment. It says:

Nothing in this act or any amendment made by this act shall be construed to limit or restrict the ability of the Federal Communications Commission to adopt a rule or to amend an existing rule to protect online privacy, including requirements in such rule that prohibit licensees or regulated entities from mandating that job applicants or employees disclose confidential passwords to social networking Web sites.

What this amendment does is it says you cannot demand, as a condition of employment, that somebody reveal a confidential password to their Facebook, to their Flickr, to their Twitter, to whatever their account may be. It only makes sense because those that are using these kinds of social media have an expectation of privacy. They have an expectation that their right to free speech or their right to free religion will be respected when they use these social media outlets.

Now, if an employer wants to pose as or impersonate the individual who's had to turn over their confidential password, that employer I think will be able to reach into personal private information of the user, of the Facebook user, for instance, or the Facebook member, or of the person who is communicating with them, the friend of the Facebook user. So there are two sides to this, both the user of the Facebook as well as those people who correspond with them, that have an expectation of privacy.

Now, these kinds of communications are going to be very personal. Facebook, itself, in an original post dated March 23, 2012, says:

In recent months, we've seen a distressing increase in reports of employers or others seeking to gain inappropriate access to people's Facebook profiles or private information. This practice undermines the privacy expectations and the security of both the user and the user's friends. It also potentially exposes the employer who seeks this access to unanticipated legal liability.

They continue:

The most alarming of these practices is the reported incidences of employers asking prospective or actual employees to reveal their passwords. If you are a Facebook user, you should never have to share your password, let anyone access your account, or do anything that might jeopardize the security of your account or violate the privacy of your friends.

This is a very simple, straightforward amendment. It is one that everybody ought to embrace.

Now, some people might say, well, shouldn't an employer have this right? Well, employers can always do what they've done for years, which is to check references, to do background checks, but to do it as themselves, not as an imposter. They can do it directly. So if my reference is being checked, somebody knows that they're dealing with my employer, not some imposter. It is just that simple. People have an expectation of privacy, both the user and their friend.

There is clearly the potential for liability to an employer or somebody who comes in and misuses the confidential password. There is already plenty available to employers to do their background checks that they may need without posing and using the confidential password.

□ 1810

This amendment is simple. It is straightforward. I urge its passage. It is the final amendment that we will present to this bill.

Mr. MCHENRY. Will the gentleman yield?

Mr. PERLMUTTER. I yield to my friend, the gentleman from North Carolina.

Mr. MCHENRY. I appreciate it.

I've been working on legislation similar to this. If the gentleman would withdraw, I would be happy to work with him to find legislative language that could be acceptable to all sides, including to national security interests.

Mr. PERLMUTTER. In reclaiming my time from my friend from North Carolina, I would love to work with you, but this is the amendment we are proposing to this bill at this time. I am asking for a vote on this bill at this time.

Mr. Speaker, again, this is a straightforward amendment. It's one everybody should vote for.

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

Mr. WALDEN. Mr. Speaker, I rise in opposition to the motion to recommit.

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

Mr. WALDEN. I thank the gentleman, and I would just like to draw your attention to several points.

First of all, we had a very open process with hearings in the Energy and Commerce Communications and Technology Subcommittee, and this issue didn't come up. We had a markup in the subcommittee, and there were no amendments offered of this nature. We had a markup in the full committee, and there were no amendments offered. We had an opportunity for all Members to offer amendments on the floor, where they could be thoughtfully debated, and this amendment was not put in this context. Now it suddenly appears before us at the last minute of this day. So it would have been helpful to have been able to have had this discussion because many of us share the concern that the gentleman is talking about.

I think it's awful that employers think they can demand our passwords and can go snooping around. There is no disagreement with that. Here is the flaw: Your amendment doesn't protect them. It doesn't do that. Actually, what this amendment does is say that all of the reforms that we are trying to put in place at the Federal Communications Commission, in order to have them have an open and transparent process where they are required to publish their rules in advance so that you can see what they're proposing, would basically be shoved aside. They could do whatever they wanted on privacy if they wanted to, and you wouldn't know it until they published their text afterward. There is no protection here. There is nothing there to enforce.

What this motion to recommit does here at the last minute—and if we could have had time to work this out ahead of time, we might have figured out something we could have both agreed on.

Mr. PERLMUTTER. Will the gentleman yield?

Mr. WALDEN. No, I won't.

What we have here is a problem that you exempt from the process. You don't protect the consumer. There are many of us who, after this debate concludes and we move on, would be happy to work with you on legislation because I think this is a real issue that we all share, and that is protecting privacy. This doesn't do that. In fact, you could open the door where they could allow employers and licensees to go after your stuff, and you wouldn't know it until they published the rule.

So I urge a ''no'' vote on this motion to recommit, and I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

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

RECORDED VOTE

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

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of passage.

The vote was taken by electronic device, and there were—ayes 184, noes 236, not voting 11, as follows:

[Roll No. 137]

AYES—184

Ackerman	Blumenauer	Carnahan
Altmire	Bonamici	Carney
Andrews	Boren	Carson (IN)
Baca	Boswell	Castor (FL)
Baldwin	Brady (PA)	Chandler
Barrow	Braley (IA)	Chu
Bass (CA)	Brown (FL)	Cicilline
Becerra	Butterfield	Clarke (MI)
Berman	Capps	Clarke (NY)
Bishop (GA)	Capuano	Clay
Bishop (NY)	Cardoza	Cleaver

Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Critz
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Edwards
Ellison
Eshoo
Farr
Fattah
Filner
Frank (MA)
Fudge
Garamendi
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hahn
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hochul
Holden
Holt
Honda
Hoyer
Israel
Jackson 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
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Olver
Pallone
Pascrell
Pastor (AZ)
Pelosi
Perlmutter
Peters
Peterson
Pingree (ME)
Polis
Price (NC)
Quigley
Rahall
Reyes
Richardson
Richmond
Ross (AR)
Rothman (NJ)
Roybal-Allard
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Sires
Slaughter
Smith (WA)
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Welch
Wilson (FL)
Woolsey
Yarmuth

NOES—236

Adams
Aderholt
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
Dold
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
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
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
Lewis (CA)
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Manzullo
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 (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NOT VOTING—11

Akin
Berkley
Diaz-Balart
Engel
Flores
Jackson (IL)
Mack
Marchant
Paul
Rangel
Ruppersberger

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1831

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

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

Stated for:

Ms. BERKLEY. Mr. Speaker, on rollcall No. 137, I was unavoidably detained. Had I been present, I would have voted ''aye.''

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

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

RECORDED VOTE

Ms. ESHOO. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 247, noes 174, not voting 10, as follows:

[Roll No. 138]

AYES—247

Adams
Aderholt
Alexander
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
Carter
Cassidy
Chabot
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Cravaack
Crawford
Crenshaw
Cuellar
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Dold
Donnelly (IN)
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
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
Hochul
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jones
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
Lewis (CA)
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Manzullo
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
Peterson
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Reed
Rehberg
Reichert
Renacci
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schrader
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NOES—174

Ackerman
Altmire
Andrews
Baca
Baldwin
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
Costa
Costello
Courtney
Critz
Crowley
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Frank (MA)
Fudge
Garamendi
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hahn
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hirono
Holden
Holt
Honda
Hoyer
Israel
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kildee
Kind

Kissell
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McNerney
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Olver
Pallone
Pascrell
Pastor (AZ)
Pelosi
Perlmutter
Peters
Pingree (ME)
Polis
Price (NC)
Quigley
Rahall
Reyes
Richardson
Richmond
Rothman (NJ)
Roybal-Allard
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Sires
Slaughter
Smith (WA)
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Welch
Wilson (FL)
Woolsey
Yarmuth

NOT VOTING—10

Akin
Diaz-Balart
Flores
Jackson (IL)
Mack
Marchant
Meeks
Paul
Rangel
Ruppersberger

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1837

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. AKIN. Mr. Speaker, on rollcall No. 137 and 138, I was delayed and unable to vote. Had I been present, I would have voted "no" on rollcall No. 137 and "aye" on rollcall No. 138.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H. CON. RES. 112, CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2013

Mr. WOODALL, from the Committee on Rules, submitted a privileged report (Rept. No. 112–423) on the resolution (H. Res. 597) providing for consideration of the concurrent resolution (H. Con. Res. 112) establishing the budget for the United States Government for fiscal year 2013 and setting forth appropriate budgetary levels for fiscal years 2014 through 2022, which was referred to the House Calendar and ordered to be printed.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3596

Mr. BISHOP of New York. Mr. Speaker, I ask unanimous consent to remove the name of Mr. PITTS of Pennsylvania as a cosponsor of H.R. 3596.

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

There was no objection.

PERSONAL EXPLANATION

Ms. JACKSON LEE of Texas. Mr. Speaker, today I was unavoidably detained on the following votes:

On rollcall 134, the Crowley amendment, I would have voted ''aye.'' On rollcall vote 135, the Eshoo amendment, I would have voted ''aye.'' On rollcall vote No. 136, the Owens amendment, I would have voted ''aye.''

PERSONAL EXPLANATION

Ms. JACKSON LEE of Texas. Mr. Speaker, I was unavoidably detained yesterday evening on business.

On H.R. 2779, rollcall vote No. 127, I would have voted ''yea''; H.R. 2682, rollcall vote No. 128, I would have voted ''yea''; and rollcall vote No. 129, I would have voted ''no.''

□ 1840

FALLEN HEROES TRAVELING MEMORIAL WALL

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

Mrs. BIGGERT. Mr. Speaker, I rise today to commend the phenomenal efforts of the Illinois Patriot Guard and Gold Star families who joined together to launch a traveling tribute to honor our State's fallen heroes. I had the opportunity to view the Illinois Patriot Guard Fallen Heroes Traveling Memorial Wall during its stop at the Kendall VFW Post Number 3873 in Naperville, Illinois, this past week.

It was moving beyond words to see the photos of the 272 brave men and women from Illinois who made the ultimate sacrifice for our country during Operations Enduring Freedom and Iraqi Freedom. To date, this memorial wall has traveled more than 30,000 miles through at least 60 communities throughout the State of Illinois. It paints a powerful portrait of the sacrifices made by our troops.

As our 30th President, Calvin Coolidge, said, ''A nation which forgets its defenders will itself be forgotten.'' Our fallen soldiers will be remembered forever. And thanks to the families and veterans who put this traveling memorial together, communities across our State have a very special opportunity to gather together in tribute to these heroes.

PUT NEVADA'S MIDDLE CLASS FAMILIES AND SENIORS FIRST

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

Ms. BERKLEY. Mr. Speaker, this week, Washington Republicans are showing Nevada families exactly who their priority is. Unfortunately, it's not Nevada's middle class families. This week, Republicans are reiterating their support for taxpayer giveaways for Big Oil, despite the fact that gas prices are soaring—and the oil industry made $137 billion in profits last year.

Nevadans are hurting every time they go to the pump. The Republicans' answer to higher gas prices is more government handouts for Big Oil. This is the wrong priority. But, wait, there's more. On Thursday, they'll bring up the new—but not improved—Ryan budget that once again kills Medicare by turning it over to private insurance companies. The plan is bad. Instead of improving care for Nevada's seniors, seniors would be forced to pay thousands more out of pocket for their health care.

Nevada is suffering with the highest unemployment rate and highest foreclosure rate in the Nation. Republicans, get your priorities straight. We must put Nevada's middle class families and seniors first—not Big Oil and profit-hungry insurance companies.

TAKE YOUR CRIMINAL OUTLAWS BACK

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

Mr. POE of Texas. Mr. Speaker, Vietnamese citizen Binh Thai Luc was convicted of armed robbery of a Chinese restaurant in California in 1996. He received 10 years in prison. He was also ordered by an immigration judge to be deported back to Vietnam. But Vietnam has never taken back the lawfully deported criminal. U.S. law does not allow indefinite incarceration, so after an additional 180 days, Luc was released on American streets. Last weekend, Luc struck again. This time, he murdered five people in San Francisco.

Mr. Speaker, there should be consequences for countries like Vietnam who fail to take back their lawfully deported criminals. There are several thousand criminals ordered deported back to their native lands where their nations just don't ever get around to taking them back. So I have introduced the Deport Foreign Convicted Criminals Act to prohibit the issuance of diplomatic visas to nations who do not take back their outlaws in a timely matter.

The blood of those five murdered victims is not only the fault of Luc, but it's also on the hands of the Vietnamese Government.

And that's just the way it is.

U.S. POSTAL SERVICE

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

Ms. JACKSON LEE of Texas. Mr. Speaker, today a number of postmasters from the United States Postal Service were in my office, and they had a very good idea about how important the U.S. Postal Service is, the jobs that it creates, and how we should find solutions.

In my own community, heavily occupied by seniors, they cried out when post offices were closed that were close to their community, where they were able to walk and secure their checks. Some of them like to come directly to handle their business. We are better than closing down post offices in rural and urban America, and we're better than not finding a solution to employ hardworking Americans in an efficient and effective manner.

I look forward to working with our postal family, those hardworking Americans all across America who have been the good Samaritans to determine whether our seniors were in need of bringing medicine to homebound patients, bringing information and helping small businesses.

We can work to solve this problem efficiently and effectively.

HONORING THE SERVICE OF JOHN V. SULLIVAN, HOUSE PARLIAMENTARIAN, UPON HIS RETIREMENT

The SPEAKER pro tempore (Mr. GARDNER). Under the Speaker's announced policy of January 5, 2011, the gentleman from Ohio (Mr. LATOURETTE) is recognized for 60 minutes as the designee of the majority leader.

The Chair understands that all time yielded by Mr. DINGELL will be yielded through Mr. LATOURETTE.

Mr. LATOURETTE. I thank the Speaker very much, and I understand that I can't ask unanimous consent to give half to the dean of the House, but we're going to work it out, and since we're talking about the Parliamentarian, hopefully we'll get a favorable ruling from the Parliamentarian on the distribution of time. I'm going to be joined on the Democratic side in this rare burst of bipartisanship by the dean of the House, Mr. DINGELL of Michigan, and a number of Members on both sides of the aisle are going to come talk about what to some of us was kind of a shock, and that is the announced retirement of our Parliamentarian, John Sullivan.

Because I'm going to be here for the full hour along with Mr. DINGELL, I'm going to yield to Members who have other time commitments, but I want to make sure that they have the opportunity to say what it is they feel they need to express about Mr. Sullivan's service to the House.

With that, Mr. Speaker, I am pleased to yield to Mr. THORNBERRY of Texas.

Mr. THORNBERRY. I thank the gentleman from Ohio for yielding.

Mr. Speaker, every person elected to the House believes that we're here to do important work on behalf of our district. Of course, the House is bigger than any one issue or any one person. Yet, there are a relatively small number of persons who are central to the functioning of this House. Too often, I'm afraid, Members get so wrapped up in what we're trying to do that maybe we take for granted the institution of the House. But it is the institution that is established in the Constitution. It's the institution that provides the continuity of government as political majorities come and go, and it's the institution that provides the legitimacy and the respect for what we do here.

I say all that to make the point that I think, in many ways, the Parliamentarian is the central figure for the institution of the House. Since 1927, there have only been four of them, and in my time here, we have been incredibly privileged to have had two outstanding public servants, Charles Johnson and John Sullivan, serve in that position.

It is with some regret, but even more with respect and gratitude, that we honor the service, but I'd say just as much the character and the intellectual integrity, of John Sullivan as he leaves the House to begin a new chapter in his life.

As one of those who has benefited from John's steady guidance while I was in the chair, I can testify to his even temper. He guides our proceedings with intellect and logic, based on the Constitution, the rules of the House, and our precedent. But at the same time, he is able to factor in the human dimension, taking into account the personality of the person in the chair as well as that of the persons at the microphone. And that means it's as much art as it is science to keep the House running smoothly.

Much of the work he does, of course, is done off the House floor, advising Members and staff as to how they can accomplish their goals within the rules and precedents of the House. I have tremendous respect, though, for John's abilities and for his professionalism. But I have even greater appreciation for his commitment to and his love for this institution, for that portion of his heart that he has given to the House for the past 25 years.

He has elevated each of us who have worked with him, but more importantly, he has elevated the institution of the House of Representatives through which government by the people's representatives is possible. He is among our best and brightest, and all of us here, and the institution, will miss him greatly.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Michigan.

GENERAL LEAVE

Mr. DINGELL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and to extend their remarks and to include extraneous material on the matter of this Special Order, referring very specifically to our dear friend, the Parliamentarian, Mr. Sullivan.

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

There was no objection.

Mr. DINGELL. I want to thank the Chair for the kindness that you have shown me, and I want to express my particular thanks and good wishes to my dear friend, Mr. LATOURETTE, before this matter, and now, through the distinguished gentleman from Ohio, I yield to the distinguished minority leader, my friend, Mr. HOYER, the gentleman from Maryland.

□ 1850

Mr. HOYER. I thank the gentleman for yielding. I want to thank the gentleman from Michigan, but certainly also my friend from Ohio, both of whom have served here for a long period of time and who love this institution and know how critical the functions are of the Parliamentarian. I want to thank them both.

Mr. DINGELL has had the privilege of serving alongside all four of the men who have been the modern Parliamentarians in this House. I've had the privilege of serving with three of them.

When the Framers of the Constitution wrote article I, section 5, clause 2, they probably had little idea of the volume of precedents that would accumulate in the 224 years since the House convened and adopted its first rules.

Today, the job of the Parliamentarian is probably one of the most difficult in Washington. A thorough understanding of the rules of precedents is a prerequisite to be an accomplished Parliamentarian. John Sullivan has that. One must also, however, have the respect of every Member of this House. John Sullivan has that.

That is what John Sullivan achieved over the course of his 17 years in the Parliamentarian's Office. As our Parliamentarian for the last 8 of those years, John has sat beside the Speaker's rostrum through some of the most heated floor debates I've ever seen, indeed perhaps in which I've participated.

Throughout, he preserved the impartiality of and the high regard for his office in the eyes of both Democrats and Republicans—when Democrats were in charge and when Republicans were in charge—and he demonstrated his keen and incisive command of precedent issuing his rulings.

Hearing of John's decision to retire, I was among the many Members who felt that they were losing a respected colleague and friend. Because after his tenure here, John Sullivan has left his mark on the House no less than any of us who were elected to serve here by our constituents. He, no less than ourselves, has served the American people well.

As we wish him the best in retirement, we also welcome as our new Parliamentarian a man who is eminently qualified to succeed him in office. Tom Wickham has been at John's side throughout his tenure in the Parliamentarian's Office, and I know John is leaving us in very capable hands.

Mr. Speaker, I join you and my colleagues and everyone else who has come to the floor this evening celebrating John's service to this House and to our Nation.

I wish him well and thank him for all he has done to preserve the order—and with it the honor—of the people's House.

John, you have been a great public servant in the best traditions of that term. You have been someone, as I said earlier, who has been respected by every leader of both parties, an individual who has listened intently, who has judged fairly, and whose judgments have made this House better.

John Sullivan, well done, the House's good and faithful servant. Well done as a friend and colleague and adviser.

Many of us are better Members of this House because of John's counsel through the years, and this House is certainly a better place for his service. I congratulate him and wish him Godspeed.

And I thank the gentleman from Michigan and the gentleman from Ohio for leading this Special Order to praise and give testimony to the outstanding service of our friend, John Sullivan.

Mr. LATOURETTE. Mr. Speaker, I want to thank the distinguished minority whip for those observations.

It is now my pleasure to yield to the distinguished chairman of the Rules Committee, Mr. DREIER of California, who, sadly, like Mr. Sullivan, has decided to move into retirement. And like Mr. Sullivan, he will be greatly missed for his institutional knowledge in the House of Representatives.

Mr. DREIER. I thank my friend for yielding.

I want to join the distinguished gentleman from Maryland in expressing appreciation to my friends, Messrs. DINGELL and LATOURETTE, for taking time out to talk about John Sullivan. It is true that I decided to follow the Sullivan lead, and I too will be leaving the Congress. I'm going to stay a little longer than John has. I'm going to stay until January, but I will tell you that this place is a much better institution for the service of John Sullivan.

Mr. Speaker, I would like to begin by associating myself with the remarks of my friend from Maryland, with one very important correction. We scurried around over here when my friend said 17 years. It, in fact, is 27 years that John Sullivan has served in the Parliamentarian's Office. So I offer that one minor, but very important, correction to my friend from Maryland.

I take to the well to do something that I don't often do and that is to read. The reason I'm doing it is I'm trying to show off the Rules Committee. We're very proud of the fact that the House Committee on Rules—I'd say to my friend from Michigan and my friend from Ohio, however eloquent you all will be in talking about John Sullivan, you have not done what the Rules Committee did last night, and that is pass out a resolution, an enrolled resolution commemorating the great service of John Sullivan. So I would like to share that with our colleagues, if I might.

It says:

Whereas the Honorable John V. Sullivan has been a committed government servant for over 40 years and worked in the House of Representatives for 27 years;

Whereas Mr. Sullivan was appointed to the Office of the Parliamentarian in 1987 and, over the ensuing 25 years has served under six successive Speakers, the past eight years as Parliamentarian of the House of Representatives under the appointments of three successive Speakers;

Whereas Mr. Sullivan has displayed extraordinary rigor in the application of pertinent precedent to every parliamentary question and provided sage counsel and advice in matters critical to the institution;

Whereas the Committee on Rules constantly relies on the advice, counsel, and expertise of Mr. Sullivan to meet the Committee's obligations to the House;

Whereas Mr. Sullivan has cultivated and led a team of dedicated and nonpartisan deputies, assistants, and clerks committed to ensuring that the decisions of the Chair and the operation of the rostrum are regarded by all as fair, accurate, and professional;

Whereas Mr. Sullivan has served the House during a period of ongoing transition with shifting majorities, and has done so to the same standard of nonpartisan excellence expected from the Parliamentarian;

Whereas Mr. Sullivan participated in numerous programs of the House Democracy Partnership, providing advice and counsel to legislators from new and reemerging democracies around the globe as they work to strengthen their legislative institutions, reform their rules of procedure, and amend their constitutions;

Whereas Mr. Sullivan has endeavored to update the practices and procedures of the House to reflect developments in technology while remaining faithful to the institution's Constitutional underpinnings; and

Whereas Mr. Sullivan has informed the Speaker that he will be beginning a well-deserved retirement on the last day of March, two thousand and twelve: Now, therefore, be it

Resolved, That—

(1) the Committee on Rules, on behalf of the Committee and the House, expresses its profound gratitude to the Honorable John V. Sullivan for his exemplary record of service and his steady, impartial advice and guidance as the Parliamentarian of the House of Representatives; and

(2) the Clerk of the Committee is hereby directed to prepare this resolution in a manner suitable for presentation to Mr. Sullivan.

I signed this, as did the ranking member, my good friend from Rochester, Ms. SLAUGHTER.

This is suitable for framing. We will have one for framing, and Mr. Sullivan will be able to have this. I would like to, Mr. Speaker, just take a moment, if I might, since everyone will be talking about John's work here—I mentioned the work up in the Rules Committee and we did have one whereas clause where we talked about the House Democracy Partnership. I would like to share with our colleagues the work of the House Democracy Partnership, because not everyone is aware of the projects that the House Democracy Partnership has taken on.

It is an extraordinarily bipartisan organization that in the post-September 11 world was designed to focus on strengthening the legislative branches. I see my good friend from Texas (Mr. CONAWAY) here who is a member of our partnership. It is designed to strengthen the legislative branches in new and reemerging democracies around the world.

□ 1900

My colleague from North Carolina (Mr. PRICE) and I serve as cochairs of this effort, and we just established our 17th partner in central Asia, the country of Kyrgyzstan; and, in fact, we're going to be, at the end of this week, continuing our mission. We're going to be going to two of our partner countries, Kosovo and Macedonia; and we'll be in Libya and Egypt as well, where we're going to be talking about the importance of strong, vibrant parliaments.

Well, I've got to say that the House Democracy Partnership and these countries have been the great beneficiaries of John Sullivan's expertise, specifically in Kenya.

We had an opportunity to visit Liberia and Kenya, two of our partner countries. We were in Mali, as well, on this one particular trip. Following the very, very tragic aftermath of the '07 elections in Kenya, there was a huge change that took place—lots of disruption, to put it mildly. And Kenya has just gone through a whole constitution reform process.

When we were in Kenya, John Sullivan spent time looking at the proposed constitution, meeting with the staff members and members of Parliament in Kenya, and he was virtually immediately able to cite a number of discrepancies that took place in the constitution. And so his very, very shrewd skill and expertise has not only been utilized to the benefit of the United States House of Representatives, but, in Kenya and in other countries that we have visited, John Sullivan has been able to use his expertise for the expansion of democracies around the world. He's met with a number of our incoming delegations, and it has been, again, extraordinarily important work.

So, Mr. Speaker, I'd like to express my appreciation to John for his work and to express best wishes. We all know that Wick has big shoes to fill, but he's going to do a stellar job in this very, very important position as Parliamentarian.

And I have to say that I hope very much that, as John Sullivan goes into retirement, he will continue, as his predecessor Charlie Johnson has, to focus on this institution and also on the imperative of doing what we can to expand self-determination, political pluralism, and the development of democratic institutions around the world as well.

So I say congratulations. I'm now going to present this to our friend, Mr. Sullivan, Mr. Speaker, and I thank my friends for yielding.

Mr. DINGELL. Mr. Speaker, at this time I yield to my dear friend from California (Mr. SCHIFF), through my distinguished friend from Ohio.

Mr. SCHIFF. I thank the gentleman for yielding, and I rise to thank our House Parliamentarian, John Sullivan, for his years of service to his Nation and to the House of Representatives. John has been a trusted adviser and an honest broker of the rules of the House. He has served at a time when partisan rancor has, unfortunately, been prevalent in this body, but his integrity and impartiality have remained beyond question and beyond reproach.

John joined the Office of the Parliamentarian 25 years ago, rising to his current role in 2004 when he was appointed by Speaker Hastert. Before joining the Office of the Parliamentarian, he had a distinguished career as an active duty member of the U.S. Air Force. He also served as respected counsel on the House Armed Services Committee.

As Parliamentarian, John's keen legal mind and passion for the Constitution has always been apparent. I remember with great fondness working with the Parliamentarian on some very difficult issues involving the Armenian genocide, one of the most challenging parliamentary issues I think we've faced in terms of how to navigate questions of germaneness. Through that process, and every other that I have come to work with the Parliamentarian, I respected his insights, his intellect, his integrity, and his dedication to his job.

He has been a phenomenal asset to this institution, and I know that his successor, Tom Wickham, who currently serves as Deputy Parliamentarian, will continue in John's legacy of professionalism.

John, I want to thank you for your service to this body, and I know that my colleagues join me in wishing you the best of luck in future endeavors.

Mr. LATOURETTE. Mr. Speaker, its now my pleasure to yield—and you'll notice a theme here. There's nothing greater than the honor of being asked by the Speaker, either Mr. BOEHNER or Ms. PELOSI or Mr. Hastert, to be the Speaker pro tem and preside over the House, and you'll see a theme of Members from both sides who have had the privilege of doing that and have had the benefit of the counsel of Mr. Sullivan.

One of our best presiding officers, the gentlelady from Illinois (Mrs. BIGGERT), I am pleased to yield to her.

Mrs. BIGGERT. I thank the gentleman for yielding.

Mr. Speaker, it's not every day we get to speak on the House floor about friends and colleagues that are not constituents or other Members of Congress, and tonight we have the distinct privilege to recognize a friend and fixture of Congress behind the scenes, Mr. John Sullivan.

Most of you will probably remember that John was appointed Parliamentarian by our former colleague, Speaker Dennis Hastert, in 2004 and did serve for 25 years. Those that have worked with him will tell you he's an excellent Parliamentarian, an institutionalist, and a man of integrity that truly cares about the House of Representatives. He would never bend the rules to pursue a certain outcome. And how you play the game is more important to him than whether you win or lose.

I just wanted to tell a couple of things.

When I first came to Congress, at that time, freshmen always had a week to chair the floor at night. And so I guess because I had a ''B'' for a last name, BIGGERT, that I got to do it first. Now, the only problem with that was that it was the training was the next week. So I went to the floor and I stood up there and I had this microphone sitting there, and I looked out and I said, What am I doing here? And I think I was kind of frozen, and John said, This is what you do. And so I proceeded on.

Another time, I was in the chair and suddenly there was a lapse of decorum by two of our Members, one on each side of the aisle. I won't name the names. But suddenly they started moving towards each other, and I said, What do I do? And he said, Bang the gavel hard and multiple times. So suddenly they stopped in their tracks and they did retreat back to the desk to continue after we got things under control.

So I really appreciate that we have had this opportunity. It is really an honor to stand and chair this floor, and I think that the Parliamentarian, John Sullivan, made it easy.

I have a few other things that you may not know about John: that he went to the Air Force Academy, and as a graduate of Indiana University's law school, he is a huge Hoosier fan. And I can only imagine how proud he was of the Indiana Elite Eight basketball performance against Kentucky last Friday. The only thing wrong was that Kentucky beat Indiana by 1 point, 73–72, so that kind of ended Indiana in the March Madness.

Another part of the behind-the-scenes function of the House that John's strategic wisdom and advice was critical to the continuity of the House function was in the days and weeks following the tragic events of September 11, 2001, and he performed there admirably.

John has led the Parliamentarian's Office in a collegial and a very professional manner to the benefit of the Office, the Members and the House. We are fortunate for his service and wish him well in retirement. We will miss him.

Mr. DINGELL. Mr. Speaker, at this time I yield to, through my good friend from Ohio, to the distinguished gentleman from Virginia, Mr. MEL WATT.

Mr. WATT. Mr. Speaker, I thank the gentleman for yielding. Of course I'm not from Virginia, I'm from North Carolina, but that happens to me and BOBBY SCOTT all the time. We get confused with each other, States and personalities, because we sit beside each other in Judiciary and we're good friends. So I'm never insulted when anybody does that to me.

I dare say that if folks are watching this proceeding on C–SPAN or at home they're wondering, Who in the world is John Sullivan? And I think that's probably the highest commendation that we can give to John Sullivan as a Parliamentarian, because if he had been involved in any kind of controversy or one side or the other in this institution had accused him of misinterpreting rules, then people would know that there's a Parliamentarian that's basically the referee in this institution that both sides have to respect in order for the institution to work effectively.

□ 1910

There has been no controversy—I mean, that the people outside know about. We know inside our institution that the Parliamentarians are dealing with controversial rulings, close rulings, trying to figure out what the precedents are for what we can do and cannot do, what has been done this way in the past and, therefore, represents a precedent for us to be able to do it in the future. But outside, nobody has ever heard of John Sullivan because there has been no controversy, and that's a great thing to have said about him.

He has been absolutely even-handed. You've heard the word ''nonpartisan'' because this is a position that you cannot be or take the Republican side or the Democratic side. You've got to call the rules as you see them. There's nothing worse than at the end of March Madness, at the end of the game, one team saying that the referees influenced the outcome of the game. So that's a high mark for John Sullivan.

When he replaced the prior Parliamentarian, Mr. Johnson, I thought surely we would go into some level of chaos; but the only difference I've ever been able to distinguish between him and Mr. Johnson is that he can't throw a baseball like our prior Parliamentarian did. If he can, he hadn't told me about it.

I just wanted to take this moment to express our gratitude. He's been a tremendous mentor—well, you can't call him a mentor—teacher of those of us who have been in this institution, who have tried to abide by the rules and go to the edge and not violate the rule, but knowing full well that we'll get absolutely nonpartisan advice and counsel from the Parliamentarian about how to do things when we don't know how to bring them to the floor, and about how to maintain the decorum and respect of every single Member in this House.

I thank him for his friendship and the role that he has played in making our institution a much, much better place to live and work.

Mr. LATOURETTE. I thank the gentleman from North Carolina for those remarks.

I'm glad that Mrs. BIGGERT talked about her experiences in the chair because I think all of us have memories

of that, going back a number of years, or a few years.

Just before I yield to my next colleague, I just want to say, in the very first speech I gave on the floor, I had brought in the American humorist, Dave Barry, to be my guest press secretary. Some folks in my party said I should have my head examined, and I'm sorry to report that isn't the first or the last time that that's happened to me over the last 18 years. But he wrote my speech, and it was all about the warning labels that need to be on stepladders. Mr. Johnson was the Parliamentarian, but John was his deputy at the time. And Dave Barry wrote in my speech: ''Now, I'm not saying that all lawyers are scum-sucking toads.'' And we had to go to the Parliamentarian's Office to get it checked out to see if I could call lawyers ''scum-sucking toads.'' I'm pleased to report to the House 18 years later that that's not a violation of the rules, so I intend to use it in future speeches.

It is now my pleasure to yield to someone who, during his championing of eliminating pork and earmarks, wore a path out between where he was seated and the Parliamentarian's desk, the gentleman from Arizona (Mr. FLAKE).

Mr. FLAKE. I thank the gentleman for yielding.

Mr. Speaker, it's a bittersweet honor to take the podium during this altogether appropriate recognition of House Parliamentarian John Sullivan upon his retirement. I recognize it as bittersweet because it's truly sad for me—and all of us—to see him go, but I'm sure he will enjoy the break from all of us.

I'm certain that tonight we'll hear—and we have already heard—his praises sung, particularly for his esteemed career that spanned some two-and-a-half decades. We saw him rise from counsel to assistant, to deputy, to finally the full-fledged Parliamentarian of this special institution.

I venture to say that few Members or offices outside the Office of the Rules Committee are able to sing his praises having had quite as much experience as my office has had with him. According to a cursory review, it would appear that during Mr. Sullivan's tenure heading up the left side of the Speaker's dais, I've brought to the floor somewhere in the neighborhood of a couple hundred amendments and privileged resolutions and have filed countless more with the Rules Committee. So it is with some experience that I say that both I and my staff have found the Office of the Parliamentarian, under Mr. Sullivan's leadership, to be fair and open, responsive, deliberative, and consistent. In fact, we've come to rely on it.

I would be remiss if I didn't mention that what I most admire about John is his irrepressible respect for the House of Representatives as an institution. Partisan politics, heated rhetoric, games of gotcha, finger-pointing and -wagging are as common around here as, well, as common as Flake amendments.

Whether vetting germaneness issues with a provision or two, or being given a few pointers about surviving on a desert island somewhere, I have darkened the door of John's office more than a few times. I can tell you this: when you spend time with John Sullivan, it's easy for your thoughts to turn to the genius of the Founding Fathers, the intention of the Framers of the Constitution, and the beacon of freedom and democracy that the Congress represents. The veneration of this institution just rubs off when you spend any time with John Sullivan.

As James Madison noted in the Federalist Papers: ''Stability in government is essential to national character.'' I can think of no higher compliment to pay John than to say his stable influence in this Chamber has been a credit to our national character.

As a Member of Congress, I thank him both for his service and for ensuring that the House will be more than ably served by those who assume the same responsibility. As a friend, I wish him the best in his next adventure. May it involve a deserted island somewhere in the South Pacific.

Mr. DINGELL. Mr. Speaker, I yield, through my good friend from Ohio, to the distinguished gentleman from Arizona.

Mr. PASTOR of Arizona. I thank the gentleman from Michigan and the gentleman from Ohio.

In the 110th Congress, as well as the 111th Congress, I had the opportunity to preside frequently. I was given that honor by Speaker PELOSI, and several of those years I clocked over 100 hours in the chair. So I had an opportunity to be with John and see John's work as the Parliamentarian, and I associate myself with all the remarks given by the previous speakers.

John is very knowledgeable and well read about the rules of the House. As my colleague, JEFF FLAKE, said, John was fair and John was respected—and is respected—by the leadership of the House on both sides, as well as his staff.

I have to tell you that his staff was always well prepared. They anticipated, especially in debates that we had controversial bills, they anticipated probably some of the areas that would hit some rocky roads, and they were always prepared.

□ 1920

His staff was prepared, and they were always kind and caring to the person who was up in the chair, and many times they assisted me to make sure that I read the paper right or gave the right response. So I have to tell you that, John, as Parliamentarian, did bring stability and respect; and I thank him for that.

During some of the debate that was pretty boring or during votes, we had a chance to talk to each other about more social things. We talked about vacations he took, when his daughter Margaret was in town, restaurants, movies that we had seen. So during those times, I had the opportunity to know John as a person, and I found him in those conversations to be a caring husband to his wife, Nancy, because he talked about some of the trips they went on and some of the things they did over the weekends, and obviously he was a caring father to his three children.

So, for me, it was a great joy to be presiding over the debate here at the House and to know that the people who were going to be assisting me as Parliamentarians were well prepared and were fair and that they respected the House. More than that, I knew that I was dealing with a person, John V. Sullivan, who truly loves this House and who wanted to make sure that this House was able to function well and that there would be order.

JEFF FLAKE is correct: when JEFF sometimes would get up, John would say, Oh, no, here comes another Flake amendment. But we got through them. In each case, we did the best we could, and I know that his professionalism will always stand out.

I congratulate Tom for succeeding him. Yet, to my friend John Sullivan, I wish you the best. May you have a great retirement and continue to care for this House as you care for your family. Best wishes.

Mr. LATOURETTE. Mr. Speaker, I am a little bit surprised that the gentleman from Arizona (Mr. PASTOR), who was a great presiding officer during what we called on our side of the aisle the ''troubled years,'' those of the Pelosi speakership, thinks that our debates are boring and that they're not riveting, seat-of-the-pants, edge-of-the-seat type things.

Another wonderful presiding officer on our side, whose stern countenance keeps the House in order, is the distinguished gentleman from Alabama (Mr. BONNER), and I would yield to him.

Mr. BONNER. I thank the gentleman, and I join in the comments that have already been made in expressing our deep gratitude to a young man who, by many standards, is still a young man and who obviously has a very bright future in front of him, but who has decided to embark on a new chapter in his already storied career.

Tonight, Democrat and Republican, North and South, the dean of Congress—someone who has been here longer than many of us have been alive—and others who are coming tonight who are expressing their gratitude to a man named John Sullivan are all here to really offer our heartfelt thanks for the example you have set, for the inspiration you have provided, and for the legacy that you are leaving behind.

Many a young lawyer in this country—and John is an attorney as has already been noted—when asked who inspired them to go into law, into that

profession, cited a fictional character, someone of whom I am proud. The author of ''To Kill a Mocking Bird'' is from my home in Monroeville, Alabama, and the story is of Atticus Finch and of the example that he set in a very difficult time in our Nation's history. One of my favorite lines out of ''To Kill a Mocking Bird'' that Atticus said is: The one thing that doesn't abide by majority rule is a person's conscience.

I believe that we can all agree that, while we have rules in this House and that no one more than the Parliamentarian helps us abide by those rules and to follow the spirit of them, John Sullivan has set the example of being an outstanding Parliamentarian by using the rule but also by using his heart and his conscience.

His rulings have sometimes been questioned, but never disputed in a real sense because his rulings and the rulings of the men and women who work with him have been seen as the gold standard by those of us who have been given the privilege of serving as Members of Congress. It truly is the Good Housekeeping Seal of Approval. If a ruling were appealed to the chair and if the chair turned to the Parliamentarian, as is often the case, we knew that the answer was as good as gold. He is truly the unbiased umpire who calls the balls ''balls,'' the strikes ''strikes,'' and who oftentimes has to tell us what we don't want to hear but what we need to know.

I am so honored to stand here tonight, along with my colleagues, to say thank you to someone who represents an army of professionals, of men and women over the years and throughout the decades whose names have never been on the ballot but who have made a lasting mark of love and support for this Institution. Some, like myself, have served on personal staffs. Others have served on committees, on committee staffs, and still a few others have had the privilege of wearing the title of Sergeant at Arms or Chaplain or, in this case, Parliamentarian.

He is a man whom we truly respect, someone who has truly made this place a better place. As Mr. WATT said earlier tonight, if the people back home who are watching this discussion tonight are hearing this debate, there is no debate. John Sullivan may not be a household name in some parts of America, but John Sullivan has made the House of Representatives a better place by his service and by his example.

Mr. LATOURETTE, I appreciate you and Mr. DINGELL for hosting this Special Order for 1 hour in order for all of us to have a chance to say thank you for a job well done.

May God continue to bless you, your wife, and your family.

Mr. DINGELL. With thanks to my good friend for his kind comments, I yield to the distinguished gentlewoman from Maryland through the distinguished gentleman from Ohio.

Ms. EDWARDS. Thank you.

Mr. Speaker, I rise to pay tribute to our Parliamentarian, our friend John Sullivan, for his service to this Nation and to the United States House of Representatives. His departure as Parliamentarian of the House comes as a sad note to many of us who have come to know John and who have come to depend on his wise counsel and expertise, as I have since I first entered this Chamber in 2008 and as many others have through the years. I am happy that John is leaving on his own terms, and I wish him every happiness as he moves on to the next phase of his life.

As has been said, John was born in Chicago, Illinois. He graduated from the Air Force Academy, received a law degree from the Indiana School of Law, and served honorably in the United States Air Force.

John has dedicated his life to the noble calling of public service. Whether as an officer in the Air Force, as counsel of the House Armed Services Committee, or as a member of the Parliamentarian's Office for the past quarter century, he has ably served this House for 27 years. Some of my colleagues say 28 years. Others say 25 years. It has been a long time. He served the people of this country, the Nation, for nearly 40 years.

The job of the House Parliamentarian is an exceedingly difficult one. We Members would, no doubt, be a rather unruly lot without our Parl. One must have a scholarly grasp of our Constitution and of the rules and legislative procedures governing this Institution, the integrity to be an honest and fair arbiter at all times, and possess the ability to work with both sides of the aisle at sometimes contentious moments. Throughout my time in the House, I've seen John Sullivan exhibit these qualities time and time again.

□ 1930

It's a testament as to why he is so well respected by both Republicans and Democrats, which speaks volumes as to how successfully he's handled this job.

I thoroughly enjoyed getting to know John, learning from him the importance of the rules and precedent in this institution that he so clearly loves and respects and how to serve fairly and effectively as Speaker pro tempore. Indeed, I tried mightily to imitate his calm and tempered demeanor. I spent quite a bit of time in the 111th Congress doing just that, and it helped me during one of my most proud moments as I presided under John's wisdom and guidance during passage of the Patient Protection and Affordable Care Act.

I remember well John's skilled mastery of our House rules when I presided during a blizzard, and our Parliamentarian called to our attention a never-before-used rule to enable us to remain in session without disrupting a lot of winter holiday plans.

I also learned that John likes to use sports analogies to describe his work almost as much as I do. He stressed to me and to other Members the importance that when serving as Speaker pro tempore, we become umpires and have to make rulings irrespective of partisan considerations.

As important as it is to celebrate and honor John's professionalism, we honor him also as a person. Since John is an avid basketball fan, I wonder if it's a mere coincidence or if there is some deeper meaning in his resignation taking effect this Saturday, March 31, the date of the Final Four of the 2012 NCAA men's college basketball tournament.

Though I'm not certain for whom John is cheering in this year's tournament, I do know that he has closely followed former Indiana and Texas Tech Coach Bobby Knight's career since Coach Knight was at West Point decades ago. They have met on numerous occasions, and John has a couple of basketballs signed by Coach Knight. So I wish him an uninterrupted time through the finals. And here, John, through the Speaker, I would just say that it's okay to choose sides.

As we say good-bye to John, I would also like to take this opportunity to welcome his respected successor Tom Wickham, the Deputy Parliamentarian, whom John has mentored. And I know Tom and the rest of their team will continue to guard the principles and rules that keep our democracy, our Republic, and this Chamber functioning with the level of dedication and integrity we witnessed from his predecessor.

My first 4 years in Congress, the House of Representatives, and our country are better off thanks to John Sullivan's public service. I wish you, John, your wife, Nancy Sands Sullivan, and your children, Michael, Margaret, and Matthew, continued success.

John Sullivan has made me a better Member, more willing to heed the gavel, more respectful of the Chair, more able to value this institution, as he does, and more confident as a Member of Congress.

I wish you much happiness. I know that your family has been a tremendous support to you and your service in this House and to our Nation. And to John Sullivan, you leave behind a legacy of service that others can and should aspire to, and I thank you.

Mr. LATOURETTE. I want to thank the gentlelady from Maryland for her remarks.

It is now my pleasure to yield to the gentleman from Texas (Mr. CONAWAY), another frequent presiding officer and accountant by training and trade prior to his service in the House of Representatives.

Mr. CONAWAY. I thank the gentleman for yielding, and I will certainly not attempt the eloquence of all the previous speakers. I just simply want to say thanks to John Sullivan. He is the only Parliamentarian that I've served under. His service as Parliamentarian began just before I got here in January of '05. So it's been my privilege to serve with John.

He has been even-handed throughout, from my perspective, serving both 4 years in the minority and now back in the majority. You can't tell from John's conduct which side you belong to because he really does call them even-handedly.

When you love the institution the way I do and the way other Members do, it's easy to recognize that love of institution. There is no one that I know of whose love for this institution is evidenced greater than what is demonstrated by John Sullivan. The precedents of the House, all of the things that are a part of this institution that make it one of the most valuable legacies of our Founding Fathers, John has upheld those traditions and those precedents in a very admirable way.

So, John, thank you for the many chapters of your life that you have spent in service to the House of Representatives. Thank you for that. And Godspeed in the many chapters of your life to follow this one. This institution is better for your long service. I'm a better Member of Congress for your service. Thank you, John.

Mr. DINGELL. Mr. Speaker, again, through the kindness of my good friend from Ohio, I yield to the distinguished gentleman from Massachusetts.

Mr. LYNCH. I thank the gentleman from Michigan and the gentleman from Ohio for the opportunity to praise our departing House Parliamentarian, John Sullivan, as he prepares to leave the House of Representatives after 27 years of distinguished service.

I represent the Ninth District of Massachusetts, where, in my new district, I have 727,514 people, most of them named Sullivan. So this seems like an Irish wake here, but it is certainly not.

As we all know, John has served in the Office of the House Parliamentarian for most of his distinguished career, and the last 8 years as House Parliamentarian. Serving as Parliamentarian in this body takes a fair amount of skill and an enormous amount of patience. It is, at times, challenging, and it is that skill and ability and patience that John provides us as Members that we rely on to also allow the House to function in an orderly manner. I think all the Members here today know that the advice we receive and guidance we receive from John Sullivan, as our Parliamentarian, is given in an analytical, unbiased, and nonpartisan manner.

Following in the footsteps of his mentor, former House Parliamentarian Charlie Johnson, John has served as the Parliamentarian in both Democratic and Republican Houses. And I think it is a tribute to John's integrity and trustworthiness that he was appointed by three Speakers of the House: Speaker Dennis Hastert, a Republican; Speaker NANCY PELOSI, a Democrat; and now Speaker JOHN BOEHNER, again a Republican.

In a time period when we can just about agree on nothing between us, we agree on the great service of John Sullivan. And he has received the support and admiration from both sides of the aisle, and that is on display in the House tonight, as both Republican and Democratic Members pay tribute to a true man of the House. And while, as Members, we are allowed to publicly pay tribute to John, I know that John's fellow coworkers and former coworkers also wish him the best as he prepares for his next challenge.

John has not let us know what his future professional plans will be, but we, as a body, know it will not be golf. We have seen John golf, and John Sullivan and the sport of golf are nongermane. But we all do know that he is enormously dedicated and devoted to his wife, Nancy, and their three kids, Michael, Margaret, and Matthew. And we wish him the best as he leaves his professional family and begins to enjoy his true family.

In closing, Mr. Speaker, I want to personally thank John for his friendship and guidance to me during my time in Congress.

John, you know that on many occasions, the passions of this House have threatened to overtake proper decorum. I think it's been your integrity and your ability to reason and your reputation for nonpartisanship that has pulled us back from the brink on many occasions. You have certainly raised the bar in terms of dedicated service to this institution.

I thank you, and I wish you and your family Godspeed and good luck. God bless you. And thank you for your service to this House of Representatives.

Mr. LATOURETTE. I thank the gentleman from Massachusetts for his observations. And I would simply say that if you and Mr. DINGELL and Mr. VISCLOSKY were in charge, we would get a lot more done around here.

With that, every sport needs to have an anchorman. If you want a tug-of-war, you've got to have an anchorman. If you are in baseball, you need to have a closer. And when trouble is a-brewing on the House floor, our side turns to our next speaker, the distinguished gentleman from Utah (Mr. BISHOP), and I would like to yield to him.

□ 1940

Mr. BISHOP of Utah. I think I thank the gentleman from Ohio for that introduction.

Since 1857, if I count correctly, John Sullivan is the 19th Parliamentarian we have had in the House of Representatives, even though the term actually wasn't used officially until 1927. But of those Parliamentarians in the 20th century, Lewis Deschler served for 46 years as Parliamentarian, and I believe his replacement, William Brown, served for 20 years.

So John, in all sincerity, serving only 8 years as the Parliamentarian here makes you a Parliamentarian slacker. I think a couple more years would be appropriate if you'd like to reconsider and stay with us.

But through those almost 8 years as the Parliamentarian, 20-plus years working in that office, your ability to help the majority meet its goals while at the same time respecting the minority is not an easy task. But John Sullivan did do it with aplomb.

Former Senator Eugene McCarthy once said, The Senate has rules, but none of them over there care about it. In the House, the House rules are too complex. Don't learn them; just ask the Parliamentarian. I think for all of us, we do that.

I do know from my time in the chair, Parliamentarians do not like ad libbing. There is one time I simply turned to John and said, Why don't we just mike you, and I will move my lips. I still think that would be far more appropriate, but I don't think anyone in his office found that funny.

George Will once wrote that the only thing he remembers about his wedding day was the Cubs lost a doubleheader. I say that because John's grandfather pitched for the 1919 Chicago Black Sox, and John is still a fan of the White Sox and closely associated with that franchise. His replacement, Tom Wickham, who will come in, is a fan of the Cardinals. For a Cubs devotee like myself, there is just no hope in this world.

But I do want to know, even though both of you are on the wrong side of the baseball sphere, I want you to know that I thank you so very much, Mr. Sullivan, for your personal friendship. I also thank you for your two-plus decades of loyal service to this House. I also thank you for your lifetime of service and dedication to this country. We wish you well. We are a better place for having worked with you here.

Mr. DINGELL. Mr. Speaker, at this time I yield through my good friend from Ohio to my friend from Indiana (Mr. VISCLOSKY).

Mr. VISCLOSKY. Mr. DINGELL, I appreciate your yielding. I want to thank both you and my good friend from Ohio for reserving this time, and the Chair's indulgence.

Mr. Speaker, it is with fond admiration and profound respect that I take this time to recognize a very dear friend and one of Indiana's most distinguished citizens, the Honorable John Vincent Sullivan, whom I will always claim as a resident of the First Congressional District, having graduated from Munster High School in Munster, Indiana.

It has been mentioned that he has served this country in the United States Air Force for 20 years—9 years active service, 11 years in the Reserve, and retiring with the designation of lieutenant colonel.

What has not been mentioned, I don't think, this evening is that for some inexplicable reason John also wanted to jump out of airplanes, and became a qualified paratrooper. Ultimately, he found himself at Indiana University Law School, as has been mentioned by Mrs. BIGGERT, but which was qualified by the gentlewoman from Maryland, who indicated that in fact I don't think that John is so much an IU fan as he is a rabid Bobby Knight fan.

But I do think that the mark of the man is the recognition of his legal acumen, his grace under pressure, and his scrupulous fairness when a Democratic Speaker, Tip O'Neill, requested that he join the Parliamentarian's office in 1987. And that 17 years later, his leadership skills and his ability to make nimble and wise decisions in very stressful and momentous situations was recognized by Republican Speaker Dennis Hastert, who asked that he become Parliamentarian of the House.

Mr. Speaker, John comes from a strong family of nine children, and his siblings love him deeply and know him better than any of us. I am happy to share some of their thoughts with my colleagues.

Margaret mentions:

As a teacher, I know about the incredible power of a good model. John has provided the best model of a good brother, husband, public servant, son, and man throughout my life, and I adore him.

His sister Anne said:

As a little sister, I chose John as my role model for integrity. Later, I chose him as my role model for word choice, too.

Patty remarks that:

My heart is so full, I do not know where to start. You know how I feel about my magnificent big brother.

Gary, for himself and for Mary Fran, John's sister whom he has lost, said:

I speak for Mary Fran and myself in sending love and thanks to John for his service to our country.

His brother Matt said:

I would like to add my voice to my siblings' in expressing my love and appreciation of our brother John.

Michael noted:

John and I played together, ate together, fought together, got in trouble together, slept together, walked to school together, and talked to each other about everything. That is really where I learned all the important things about life. That is where I learned what it took to be a good man. John was my big brother, but he has always been my confidant and mentor. He is my number one phone call when I need advice. He has the discipline and fairness that I lack. So it is good to have him to lean on. I love you, John, and I look forward to enjoying a piece of your retirement with you.

Jerry observed that:

John went to take his physical qualification test for the Air Force Academy and came back and told Dad he didn't seem to do as well as he had expected. He did plenty well enough, passed, and graduated the Academy. Turned out there was a reason for his feeling a bit less than full strength during the test. He had a case of mononucleosis that had not yet been diagnosed. He plowed through the tough test in typical fashion for John. Only he, as his own toughest critic, got any sense that something was not quite right. The rest of the world did nothing but approve of his skill, dedication, and durability, which have always added up to make him the best sort of guy.

His brother Jim noted—and I would like to state for the record that John looks a lot older than Jim:

I am 4 years older than John but have looked up to him since I can remember. He is simply the finest man I know. He is as tough as they come, and he is as gentle as a lamb with the innocent and those less strong than he. He is fearless, and I have seen him risk much to speak for the right, regardless of the risk to himself. I have seen him operate, in the right, with all the advantages, and yet let the vanquished foe up and off the hook, time and again. He embodies the idea of following the harder right rather than the easier wrong, and of being humble and gentle in victory, stern and unyielding in defeat. His goodness and strength are clear from the moment you meet him.

Mr. Speaker, I would add that I will miss the opportunity that John provided every time I had young people in the gallery since 1987 for the opportunity to point him out with pride as being from ''back home,'' and emphasizing that he was someone they could emulate; that by studying hard, by using the talents God had given them, they, too, could achieve a position of great responsibility and great opportunity to be of service to others and to their country.

We will all miss you, John—a man who has dedicated and devoted his life to serving his country. This institution and each of us have become more effective and judicious stewards of the public trust because of John Sullivan's example, his wisdom, and yes, his good humor.

So I would conclude by saying, Mr. Speaker, that despite all of the disparaging remarks John has made over these many years about the quality of the football team in South Bend, Indiana, called Notre Dame, I do sincerely wish him, his wife Nancy, and their family every blessing and happiness life has to offer.

□ 1950

Mr. LATOURETTE. I thank the gentleman from Indiana.

Mr. DINGELL. We have no further requests for time, but I would like to say a couple of words.

Mr. LATOURETTE. As do I. The gentleman is the dean of the House. You go first.

Mr. DINGELL. This, I will tell the gentleman, is his time. He has led in the matter. I am prepared to accede to his leadership.

Mr. LATOURETTE. I think we need to hear from you, Mr. DINGELL.

Mr. DINGELL. I begin then by thanking my good friend from Ohio for his leadership in this matter and express to him my great personal respect and high esteem. I am particularly pleased that we have been able to have these brief remarks from his friends, colleagues, and coworkers about our good friend, Mr. Sullivan, our coworker and Parliamentarian of the House. I have known all the Parliamentarians during their sitting back to Mr. Deschler, Mr. Brown, Mr. Charlie Johnson and now, of course, our good friend, Mr. Sullivan. And before them, I had the privilege of knowing the distinguished gentleman from Missouri, a Member of this body and also a prior Parliamentarian of this body.

I'm sure that this has been an evening that has been somewhat painful to our friend, the Parliamentarian, because he has heard all kinds of nice things about him at a time when that is rather an unaccustomed practice. But I would like to tell him how proud we are that we have had such dedicated public servants to work for and on behalf of the House of Representatives and on behalf of all of us.

As he retires at the end of this week as the Parliamentarian of the House, I hope he knows that his work would be approved, and enthusiastically so, by all the gentlemen that I have mentioned earlier. I would also hope that he understands that he has seen the greatest respect and affection from his colleagues here in the House for his fairness, impartiality, for his decency, for his integrity, and for the fair and nonpartisan—he would note I did not say ''bipartisan,'' I said ''nonpartisan''—way he has conducted his responsibilities as the Parliamentarian of the House.

Each and every one of us could count on Mr. Sullivan to take our calls on even the smallest questions about motions and procedures. And all of us, without any question or any doubt, knew that the advice we were getting was completely honest. We also knew that he would help us work out our problems so that we could be functioning and effective Members of this body. And we also knew that he would take a firm stand for the protection of the traditions and the institutional values of this body and would ensure that the rules were always interpreted properly.

He was a true institutionalist. He loved and revered the House of Representatives, and he knew something that was very important that many of us had not yet learned, and that is that this body, as an institution, is more important to all of us and to this Nation than is any single issue or aggregation or congregation of issues or any individual or any group of individuals, because without the trust, the affection, and the respect of the American people, this institution cannot function, cannot lead, cannot govern, and cannot carry out the trusts that we have been given back to the days of the Founders of the country.

I want Mr. Sullivan to know that he will always be missed; but we know that he has left us in capable hands because he has built a fine office, and Tom Wickham, like Mr. Sullivan, has already proven to be dependable, discreet and well versed in the rules and procedures of the House; and we know that he will serve the House with the same dedication, decency, integrity and honesty that his predecessor, Mr. Sullivan, has characterized his work with.

All of us are going to miss him. He has been a distinguished public servant in the highest sense of the term; and all of us will wish him well as he goes off to do his business, whatever it may be, and we will hope that he has tremendous success, long life, great happiness, and a chance to come back here

from time to time to see his old friends and to join in talking about the memories that we share together, the great things that we've done, the small things that we've done, and all the wonderful stories that we have to tell and share about the privilege of serving in this, the greatest legislative body in the world.

I am going to express to him the wish that he will have happiness in his retirement. I know that that wish is shared and honored by all of his colleagues and all of our colleagues, and I know that the very fine group of Parliamentarians who are here to show their appreciation to him for his wonderful leadership share in the thoughts that you have heard.

This has been an extraordinary bipartisan expression of the affection and respect that we have for our Parliamentarian, which he has earned. We have not praised him; we have simply told the truth about him. And that is something that he can be proud of that we are able to do and willing to do. I would note that there are some who might live in mortal and desperate fear of having others telling the truth about them.

So, in any event, we express to him our thanks and our admiration, and also that of the entire membership of the House of Representatives who have been honored by your service, your guidance, your friendship, your dignity, and your great appreciation of this body and the responsibilities we have.

Now I thank my good friend from Ohio for being so generous and for his leadership in this matter.

Mr. LATOURETTE. Mr. Speaker, I want to thank you for your indulgence, and I also want to thank the dean of the House for organizing this Special Order.

The House of Representatives is a building. It's a nice place, but it's really the people. And JOHN DINGELL is the House of Representatives, as his father was before him. PETE VISCLOSKY is the House of Representatives. When I got here, Charlie Johnson was the Parliamentarian, he was the House of Representatives, and John Sullivan has replaced him; and he is, in fact, an institution with the House. I don't want to break the mood here, but in my opinion, the jury is still out on Wickham. We'll see how he does, but I think things have the opportunity to be okay.

I just want to tell two quick stories that for me told the measure of the man. The first was a number of years ago when we had a Member who was going to be expelled from the House of Representatives. It was only the third time in modern history that that occurred. The last one was in the 1970s. Nobody had really had a chance to study the precedents and things of that nature, and I was kind of surprised that that process only took an hour of floor time—an hour to basically end somebody's political life.

So I went to John, and he gave me advice, and then he told me to file something to postpone it to a date certain, which I had never heard of, and I bet most Members never heard of, but that gave Members of the House an additional hour to discuss the case. And I think at the end of that, because of John's stewardship and knowledge of the rules, the House, as a body, felt better at the conclusion of that 2-hour debate.

It happened to be a Member of Ohio; and we are celebrating in Ohio that Ohio State is in the Final Four; our guy, JOHN BOEHNER, is the Speaker of the House; and it also marks the first time in 8 years we haven't had a member of our delegation in prison. So we're pretty pleased about that as well. But I will tell you that it was John's counsel that got us through that.

The second one was more recently. A couple of years ago, August, on our side, we call it the day of the stolen vote. I think the distinguished minority whip, Mr. HOYER, called it a procedural hiccup. But regardless, if you were here that night, it was wild. People were screaming, yelling, and crying.

And I had the opportunity to watch the videotape about 300 times because we then had a special committee to look into it. And always in all of the frames, there was one rock like the Rock of Gibraltar standing there above the fray saying, We need to be calm. It reminded me a little bit—I don't know if you saw Kevin Bacon in Animal House, where he says, stay calm, stay calm, and the crowd runs him over, and he's nothing but a uniform in the end. That's what was going on around John.

The place could have devolved into a very serious problem. It looked messy, and it was messy, but the measure of John's stewardship of the rules of the House—I would say that there was pressure on him and the rest of the Parliamentarian staff to do what one side or the other wanted him to do or for his opinion to come out one way or the other. The Republicans, we wanted him to say, hey, they stole the vote. It was 215–213, the gavel came down, you hoodwinked us. And from the Democratic side, the pressure was, these things happen, stuff happens; that no rules were broken, no harm, no foul.

□ 2000

John, as he has throughout his service, both as Deputy and now as Parliamentarian, didn't pick sides. He called the game right down the line. He told us what he thought based upon the rules, the precedents of the House. And I will tell you you knew it was a good decision, because neither of us liked it. The Republicans didn't like what he had to say and the Democrats didn't like what he had to say. That to me is the mark of a fair ruling, because he called it as he saw it.

There's one last thing that I want to say about his service. I got here in 1995, and 1995 was the first time the Republicans were in the majority for 40 years in the House of Representatives.

I remember going to my first conference meeting and all these guys—Charlie Johnson was the Parliamentarian at the time. Speakers would get up and say to Mr. Gingrich: We're not going to keep the Democrats' Parliamentarian, are we? I didn't know what the heck they were talking about. Of course, Mr. Johnson, in fact, stayed. I imagine there were some discussions about that in the Democratic Caucus when things changed in 2007, and I imagine I know there were discussions about that when it changed again in 2011.

The fact of the matter is John is the embodiment of the Parliamentarian's Office. He's not the Democratic Parliamentarian. He's not the Republican Parliamentarian. He's the Parliamentarian for the House of Representatives, and that's what makes his service unique and unique to all of our Parliamentarians.

In closing, I don't know what John is going to do; but, Mr. Speaker, if John writes a book and I have to pay $147 to get it on Amazon.com, I'm really going to be honked off.

I hope, John, if you do write your memoirs or some tome with the Speaker of the House over in Great Britain that you let it come out in paperback so that all of us can enjoy it. And, please, make it a good read and not so dry.

To John and your family, I really appreciate your friendship and your service. You have gotten me out of a lot of messes and not into too many. For your friendship and for your guidance in this House over your career, I'm very grateful. And I thank you and I wish you well in whatever you decide to do.

Mr. Speaker, thank you for your patience, and I would yield back the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, there is no greater honor or privilege than to serve the American people. As Members of Congress, every day we work to remain worthy of the tremendous trust bestowed upon us by our constituents. While the spotlight is often focused on us, there are people who serve this great body and the American people without fanfare and recognition. In many ways, they are the backbone of this institution—without them, we could not do the People's work. One of the finest examples of this selfless commitment and tireless service can be found in our House Parliamentarian John V. Sullivan.

Following his graduation from the United States Air Force Academy and the Indiana University School of Law, John served 10 years on active military duty. His service in the House began almost 28 years ago when he became Counsel for the Committee on Armed Services. In 1987, he began what would become a distinguished career in the Office of the Parliamentarian, serving as an Assistant Parliamentarian and Deputy Parliamentarian. In 2004, he was appointed to the position of Parliamentarian of the House.

The Office of the Parliamentarian is commonly known as the nonpartisan umpire for

the House. Continuing this tradition throughout his tenure, John has been a shining example of integrity and fairness. John has served under six successive Speakers, both Democratic and Republican. He has truly been an innovator in the House—being the first to incorporate computer technology into the Office of the Parliamentarian. His ability to offer procedural guidance on the workings of this Chamber has earned him the respect and admiration of Members across both sides of the aisle. During my tenure as Chair of the House Rules Committee, John and his Office were invaluable resources to the Rules Committee and me.

John Sullivan has served the House with distinction during some of the most important debates of recent history. His unparalleled knowledge of parliamentary procedure helped guide us through the debates on the Affordable Care Act which ensured quality, affordable healthcare for millions of Americans, the American Recovery and Reinvestment Act which is helping to create new jobs and encourage investment in our economy, and the Emergency Stabilization Act which has been credited for preventing the collapse of our financial system.

While I join the chorus of voices in offering my best wishes to John on his well deserved retirement from the House, I will certainly miss his warmth, his sense of humor and his humility in this Chamber. Those are attributes that are far too rare these days.

Fortunately, John is leaving the Parliamentarian position in the able hands of Tom Wickham, who I am confident will do a wonderful job. However, I am sure even Tom will agree that he has some rather large shoes to fill. On behalf of a grateful chamber, I'd like to wish John the best of luck, as he starts the latest chapter of his distinguished life.

Ms. MATSUI. Mr. Speaker, I rise today to recognize the extraordinary 25 year career of retiring Parliamentarian of the House of Representatives, John V. Sullivan.

A graduate of the United States Air Force Academy and former Air Force Judge Advocate, John exemplifies public service. He began his career in the House of Representatives by serving as counsel to the Committee on Armed Services, and soon transitioned to the Office of the Parliamentarian. John took on the role of Parliamentarian in 2004, after seventeen years in the Office of the Parliamentarian.

Serving as only the fourth Parliamentarian in modern history, John has consistently conducted himself in the most professional, nonpartisan manner. He has been a constant through multiple Congresses, and under Speakers of both parties. John's knowledge of House procedure and traditions is unparalleled, and he was a model of decorum and even temperament. His service will be missed.

Mr. Speaker, I have enjoyed calling John a colleague throughout my time in the House, and ask my colleagues to join me in wishing him all the best in his retirement.

Ms. JACKSON LEE of Texas. Mr. Speaker, I rise today to honor John Sullivan the House Parliamentarian, who is retiring after serving 28 years. John has dedicated his career to public service. Prior to arriving on Capitol Hill, John served our nation for 10 years in the Air Force.

I have known John for nearly two decades. In that time, I have often been impressed by his in-depth knowledge of House Floor procedure and the legislative process.

John has a calm, knowledgeable, and warm demeanor. It is no small feat to be well-liked by Members of both parties. Debate on the House Floor can be contentious at times; however, it is a positive reflection on John's expertise that he been able to consistently offer his assistance to Members in a manner that balances the rights of Members from both sides of the aisle. John, I hope you enjoy your retirement.

WE NEED TO TELL THE TRUTH

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the Chair recognizes the gentleman from Arizona (Mr. SCHWEIKERT) for 30 minutes.

Mr. SCHWEIKERT. Mr. Speaker, this is something we try to do out of my office every few months, where we try to update a number of the budget numbers we're seeing coming from particularly the President and try to put them in some perspective. I thought this would be one of those opportunities—because we're about to work on the budget for the rest of this week—to stand here and help everyone understand some really scary things that are out there in the numbers and some things we've been talking about for the last year and the fact that they're getting worse.

Mr. Speaker, you also, being my friend from Arizona, you've actually heard me tell this story.

A year ago, we stood here and did this presentation. When I got back to the office, my phone was ringing. I reached down and picked it up, and it was a gentleman from my district who was nice enough but kept telling me over and over that he didn't believe me, that the numbers didn't feel right. After about a half an hour of discussing it with him, I probably was a little too harsh. I said: I don't know where the feelings key is on my calculator. I think at that point he hung up on me.

Look, the numbers are real. It doesn't feel warm and fuzzy, but it's real.

I'm actually going to break one of the congressional rules in communication where we're often supposed to talk at a 30,000-foot level. I'm going to drive down into some of the weeds here, but it's important. This is the future of our country. This is our destiny, unless we make some substantial changes.

The first slide up here—and all of these are going to be up on our Web site within the next week, the congressional Web site—is just trying to demonstrate how unrealistic many of these numbers coming from the White House are.

The year 2008 was the peak of revenues into the Federal Government. We'll give you an idea. The President is saying in 5 years that revenues are going to be up 50 percent from that peak in 2008. So we're going to have this dramatic rise in revenues over the next 5 years, and that's where their deficit projections are coming from.

Guess what? On the slides I'm going to show you, we still use the President's numbers. What I want you to understand is that they are based on, I think, substantial fantasy when you start to understand the White House's use of what they are predicting as revenues and GDP growth.

As we go through these—and I'm going to throw a lot of slides here. The next two slides are the easiest to understand and hopefully tell the greatest part of the story.

This is 2011. Sixty-three percent of all of our spending is Medicare, Medicaid, Social Security, interest on the debt, veterans benefits. We'll call those the mandatory spending. Many people call them the entitlements.

This year, 37 percent of our spending is what we'll call discretionary, military, and the line of alphabet agencies that we all think of. It's foreign aid, veterans, all discretionary over here. It's 37 percent of the spending. This is this year. Do you see, 63, 37? What happens a year from now?

In 2017, basically 5 budget years from now, you notice a little difference. We went from 63 percent to 75 percent which is now in Medicare, Medicaid, Social Security, interest on the debt, and veterans benefits. Five years from now, 75 percent of our budget is in mandatory entitlement spending, and the discretionary keeps getting smaller and smaller and smaller in real dollars.

I'm going to show you some slides in a little bit that are going to demonstrate that even the military goes down in real dollars. No more of this discussion of, well, you guys are just slowing down the growth. No, it actually goes down in real dollars. This is our future.

Understand, the mandatory and entitlement side is growing so fast that in about 10 or 11 years, if you held everything even, it would consume every dollar of the budget. There's no more military; there's no more discretionary. Everything is Medicare, Medicaid, Social Security, interest on the debt, and veterans benefits.

This is our future. We need to tell the truth.

Look, Washington, D.C., has had a bad habit of avoiding a lot of these hard decisions that are ahead of us, and it's almost like they forgot there were going to be baby boomers. We knew people were going to turn 65 for how many years? Sixty-five years.

We're now into year one of the baby boomers retiring at the end of the next 17 years. At the end of the 18-year cycle of baby boomers, about 36 percent, 37 percent of our population will be on Social Security. You have to understand that's about 76, 78 million of our friends and neighbors who will be over 65.

This should have been decades of planning for that retirement, for that baby boom, and Washington, D.C., did not do it. Now Members of this House—and I'm one of the freshmen here; I've been here 15 months—need to step up

and tell the truth to the American people that this is our future. If we don't deal with it today, we're going to deal with devastating consequences a couple of years from now.

In the next couple of slides, I'm going to try to demonstrate the numbers and how they break down.

□ 2010

And I'm sorry. I know I'm throwing lots of slides, but one more time, this is important. This is our future.

This is 2011. Everything you see in the blue is the mandatory spending we were just talking about. So you get some sort of sense of what it is. Here's Social Security. Here's what we'll call the welfare programs. Medicare, Medicaid, interest on the debt.

We are one of the luckiest people to ever live, when you think about this year. We expect to spend only about $229 billion on interest on our debt. Well, understand, our debt now is what, $15.5 trillion. About $11 trillion plus of that is what we call publicly-held debt.

This is important to understand. A big chunk of our debt we borrow internally. We reach into Social Security, into the Medicare part A trust fund, and other places. But the $11 trillion-plus that we have to go out on open markets and sell, that's our great risk because we are beholden to what interest rate the market's willing to buy our debt for.

This year, with these incredibly low interest rates, I mean, what, a 10-year bond today is what, 2.25? We're only going to spend about $229 billion this year is our projection for that $11 trillion of publicly-held debt.

But what happens when we go to normal interest rates? And at the same time, just like this last year where we borrowed what, another $1.4 trillion, you've got to understand, here it becomes one of our Achilles' heels.

We go from, in 2011, that $229 billion in interest, to in 2017, we expect interest to be $565 billion. Understand, that's basically, in 2017, what defense is. Our interest on the debt will equal what defense is.

And as we walk through these numbers, please understand, it's Medicare, Medicaid, Social Security, interest on the debt, veterans benefits that are exploding because of the demographic issues. It's math. And this is our future.

And you'll notice, as we were showing in the previous chart, discretionary now is down to 25 percent of all spending; 75 percent is those mandatory—what we like to call entitlements. And this is our future.

As I was just trying to share, and this is important because I got this question at a town hall this last Saturday. Well, when you say that defense is going to be taking all sorts of cuts, you mean just cuts in the growth.

No, I mean in real dollars. We expect, the way the budgets are being laid out right now, the way the President's numbers are, by 2017, actual, real dollars, not adjusted for inflation, not the projection or a portion of growth, real dollars are going to be substantially less than they are today. Our projected 2012 budget about $709 billion. In 2017, $582 billion.

What are the Federal Government's constitutional obligations? Protection of the country? Defense? And you'll notice, in real dollars, it's going down. So what will even be the purchasing power of that money 5 years from now?

And you'll start to understand the reality of what's going on. And please understand, it's being driven, why? Because the mandatory spending, the entitlements are continuing to explode, so everything else in government will shrink and be crushed.

We thought we would try to find even a little more detail. These are brand new slides for us, and these will all be up on our Web site hopefully some time this week, and sort of helping put percentages on the numbers.

You saw the big graph of, hey, in 5 years, 75 percent of all of our spending is Medicare, Medicaid, Social Security, interest on the debt, veterans benefits. But we thought we'd show—here are the current percentages so you can see what's going on there.

This is 2011. Defense is 18.8. In 5 years defense will be 12.4 percent of the budget.

Department of Health and Human Services, which is substantially Medicare and Medicaid, this year is 24.7 percent of the spending. In 5 years, it's 26.8.

But where else is the explosion?

Department of Treasury, which is substantially debt, paying interest on our debt, will go from 14.9 percent of the total budget in 5 years to 20.5 percent.

What I'm trying to demonstrate here is we're being consumed by our own interest, having to finance our own debt. We're being consumed by the basic demographics of our Nation because Washington, D.C., did not tell us the truth, did not set aside the resources that were absolutely necessary to deal with the baby boomer population, and we're going to have 76 million of our brothers and sisters in this baby boom cycle over this 18 years. Remember, when it's done, it's 36, 37 percent of the population on Social Security.

I'm fearful, unless we step up and make the policy changes that are absolutely necessary—and thank heaven for PAUL RYAN and many of the hard-working Budget members here in the House that are laying out the truth. They're laying out what is absolutely necessary to keep this Republic operating and to tell the truth about the budget and the numbers.

So one of the things we got this last weekend back home, I had a couple come up to me pointing their finger saying, well, if you would just do things like the Buffett Rule, if you would do things like that, you would solve the problems.

One of the things we love to do in our office is, how do you make big numbers understandable, because, let's face it, when I stand here and talk about $15.5 trillion in debt, or talk about this, talk about that, it often is overwhelming numberwise. So we came up with this idea of a clock, and we've done this for a number of different things.

Now, here's the good news and the bad news. We're borrowing a lot less money right now than we were borrowing a year ago. That's the good news. The bad news is we're still borrowing $3.5 billion every single day, and we project for the next 365 days $3.5 billion every single day.

But when you hear the President, when you hear many of my friends on the left say, well, if we just had something like the Buffett Rule, where these rich people have to pay all these extra taxes because they're escaping, what does it actually pay? What does it actually mean?

If you use the President's own model and don't pretend that there is going to be certain tax avoidance and smart lawyers finding ways around it, and that it doesn't slow down the economy and doesn't change people's behaviors and all the other things that happen when you raise a tax and live in math fantasy, so every dime comes into the Federal Government, what does it actually buy us?

Well, we did the math on it, and we figured out it would pay for 3 minutes and 30 seconds of that daily borrowing. So when you see Members walk up to these microphones and talk about things like well, if we just had the Buffett Rule, we would be fine, they're not telling you the truth.

Or it's back to that story before—they found a feelings button on their calculator, and it makes them feel better, but it's not real math.

The entire Buffett Rule would pay for 3 minutes and 30 seconds of borrowing a day, at the current rate of borrowing, which is $3.5 billion a day.

Mr. Speaker, I know this is a lot of math. I know these are a lot of numbers to throw out, but it's our future. When you see what's happened in Europe, when you realize people in Greece and so many other countries lived in a fantasy, and a lot of it was perpetuated by their own governments not telling them the truth—well, I'm telling you the truth, and I'm using the President's own numbers to get there. It's why the decisions that are going to be made here this week, as we start to set out our budget documents, it's why we desperately need the Senate to step up and tell the truth to the American people, that if you want to save this Republic, we've got to deal with the reality of our math, because our math is the single most dangerous thing to this Republic right now.

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

ADJOURNMENT

Mr. SCHWEIKERT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 19 minutes p.m.), under its previous order, the House adjourned until tomorrow, Wednesday, March 28, 2012, at 10 a.m. for morning-hour debate.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

5427. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule — Importation of Wooden Handicrafts From China [Docket No.: APHIS-2007-0117] (RIN: 0597-AC90) received March 2, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5428. A letter from the Management and Program Analyst, Department of Agriculture, transmitting the Department's final rule — Community Forest and Open Space Conservation Program (RIN: 0596-AC84) received March 14, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5429. A letter from the Director of Operational Test and Evaluation, Department of Defense, transmitting FY 2011 Annual Report, pursuant to 10 U.S.C. 114; to the Committee on Armed Services.

5430. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations [Docket ID: FEMA-2012-0003] [Internal Agency Docket No. FEMA-B-1244] received March 12, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

5431. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Suspension of Community Eligibility [Docket ID: FEMA-2012-0003] [Internal Agency Docket No.: FEMA-B-8221] received March 12, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

5432. A letter from the Legal Counsel, Equal Employment Opportunity Commission, transmitting the Commission's final rule — Disparate Impact and Reasonable Factors Other Than Age Under the Age Discrimination in Employment Act (RIN: 3046-AA76) received March 8, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

5433. A letter from the Assistant General Counsel for Legislation, Regulation and Energy Efficiency, Department of Energy, transmitting the Department's final rule — Energy Conservation Program: Test Procedures for Residential Clothes Washers [Docket No.: EERE-2010-BT-TP-0021] (RIN: 1904-AC08) received March 8, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5434. A letter from the Secretary, Department of Health and Human Services, transmitting fiscal year 2011 Performance Report to Congress for the Animal Generic Drug User Fee Act; to the Committee on Energy and Commerce.

5435. A letter from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's final rule — Establishment, Maintenance, and Availability of Records: Amendment to Record Availability Requirements [Docket No.: FDA-2002-N-0153] (Formerly Docket No.: 2002N-0277) (RIN: 0910-AG73) received February 29, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5436. A letter from the Program Manager, Department of Health and Human Services, transmitting the Department's final rule — Approval Tests and Standards for Closed-Circuit Escape Respirators [Docket: NIOSH-005] (RIN: 0920-AA10) received March 7, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5437. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Regulation of Fuels and Fuel Additives: Identification of Additional Qualifying Renewable Fuel Pathways Under the Renewable Fuel Standard Program [EPA-HQ-OAR-2011-0542; FRL-9642-3] (RIN: 2060-AR07) received March 5, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5438. A letter from the Deputy Chief, Wireline Competition Bureau, Federal Communications Commission, transmitting the Commission's final rule — Lifeline and Link Up Reform and Modernization; Lifeline and Link Up; Federal-State Joint Board on Universal Service; Advancing Broadband Availability Through Digital Literacy Training [WC Docket No.: 11-42; WC Docket No.: 03-109; CC Docket No.: 96-45; WC Docket No.: 12-23] received March 7, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5439. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — List of Approved Spent Fuel Storage Casks: HI-STORM 100, Revision 8 [NRC-2011-0221] (RIN: 3150-AJ05) received February 17, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5440. A letter from the Director, International Cooperation, Department of Defense, transmitting Pursuant to Section 27(f) of the Arms Export Control Act and Section 1(f) of Executive Order 11958, Transmittal No. 2-12 informing of an intent to sign the Memorandum of Understanding with Canada; to the Committee on Foreign Affairs.

5441. A letter from the Acting Director, Office of Human Resources, Environmental Protection Agency, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

5442. A letter from the Director, Department of the Interior, transmitting Report to Congress on the Recovery on Threatened and Endangered Species for Fiscal Years 2009-2010; to the Committee on Natural Resources.

5443. A letter from the Acting Deputy Assistant Administrator for Regulatory Programs, NMSF, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Comprehensive Ecosystem-Based Amendment 2 for the South Atlantic Region; Correction [Docket No.: 110831547-1736-02] (RIN: 0648-BB26) received March 2, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

5444. A letter from the Acting Deputy Assistant Administrator For Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Chinook Salmon Bycatch Management in the Bering Sea Pollock Fishery; Economic Data Collection [Docket No.: 110207103-2041-02] (RIN: 0648-BA80) received March 2, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

5445. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Vessels Using Pot Gear in the Western Regulatory Area of the Gulf of Alaska [Docket No.: 101126522-0640-2] (RIN: 0648-XA988) received March 2, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

5446. A letter from the Acting Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Gulf of Maine Winter Flounder Catch Limit Revisions [Docket No.: 120131078-2207-01] (RIN: 0648-XA913) received March 2, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

5447. A letter from the Attorney General, Office of the Attorney General, transmitting the Office's decision not to appeal the decision of the district court in the case of the United States v. William L. Cassidy, No. 8:11-91 (D. Md. Dec. 15, 2011); to the Committee on the Judiciary.

5448. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — International Anti-Fouling System Certificate [Docket No.: USCG-2011-0745] (RIN: 1625-AB79) received March 7, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5449. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Mooney Aviation Company, Inc. (Mooney) Airplanes [Docket No.: FAA-2012-0182; Directorate Identifier 2012-CE-005-AD; Amendment 39-16958; AD 2012-03-52] (RIN: 2120-AA64) received March 12, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5450. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Revision of Class D and Class E Airspace; Hawthorne, CA [Docket No.: FAA-2011-0610; Airspace Docket No. 11-AWP-10] received March 12, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5451. A letter from the Deputy General Counsel, Small Business Administration, transmitting the Administration's final rule — Women-Owned Small Business Federal Contract Program (RIN: 3245-AG34) received February 29, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Small Business.

5452. A letter from the Director of Regulation Policy and Management Office of the General Counsel, Department of Veterans Affairs, transmitting the Department's final rule — Exempting In-Home Video Telehealth from Copayments (RIN: 2900-AO26) received March 5, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

5453. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's report entitled, ''Evaluation of the Mentoring Children of Prisoners Program''; to the Committee on Ways and Means.

5454. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Guidance Regarding the Repeal of Section 163(f)(2)(B) [Notice 2012-20] received March 12, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5455. A letter from the Chief, Publications and Regulations Branch, Internal Revenue

Service, transmitting the Service's final rule — Automatic Consent to change to the methods of accounting provided in the tangible property temporary regulations (T.D. 9564) (Rev. Procs. 2012-19 & 2012-20) received March 12, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5456. A letter from the Program Manager, Department of Health and Human Services, transmitting the Department's final rule — Medicare Program; Revisions to the Durable Medical Equipment, Prosthetics, Orthotics, and Supplies (DMEPOS) Supplier Safeguards [CMS-6036-F2] (RIN: 0938-AQ57) received March 12, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Ways and Means and Energy and Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. WOODALL: Committee on Rules. House Resolution 597. Resolution providing for consideration of the concurrent resolution (H. Con. Res. 112) establishing the budget for the United States Government for fiscal year 2013 and setting forth appropriate budgetary levels for fiscal years 2014 through 2022, and providing for consideration of motions to suspend the rules (Rept. 112–423). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mrs. BONO MACK (for herself and Mrs. BLACKBURN):

H.R. 4263. A bill to improve information security, and for other purposes; to the Committee on Science, Space, and Technology, and in addition to the Committees on Oversight and Government Reform, the Judiciary, Armed Services, and Intelligence (Permanent Select), for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. BIGGERT:

H.R. 4264. A bill to help ensure the fiscal solvency of the FHA mortgage insurance programs of the Secretary of Housing and Urban Development, and for other purposes; to the Committee on Financial Services.

By Mr. CRAWFORD:

H.R. 4265. A bill to amend the Internal Revenue Code of 1986 to impose a 5 percent tax on so much of adjusted gross income of any individual as exceeds $1,000,000, and to provide incentive for Congress to pass a balanced budget amendment, or spending limit amendment, to the Constitution; to the Committee on Ways and Means.

By Mr. SCHIFF:

H.R. 4266. A bill to amend the Safe Drinking Water Act to protect the health of vulnerable individuals, including pregnant women, infants, and children, by requiring a health advisory and drinking water standard for hexavalent chromium; to the Committee on Energy and Commerce.

By Mr. MATHESON:

H.R. 4267. A bill to designate certain National Forest System land in the Uinta-Wasatch-Cache National Forest in Salt Lake County, Utah, as wilderness, to facilitate a land exchange involving certain land in such National Forest, and for other purposes; to the Committee on Natural Resources.

By Mr. AMASH (for himself and Mr. FLAKE):

H.R. 4268. A bill to abolish the Export-Import Bank of the United States, and for other purposes; to the Committee on Financial Services.

By Mr. GRIFFITH of Virginia (for himself, Mr. OWENS, and Mr. POE of Texas):

H.R. 4269. A bill to amend chapter 44 of title 18, United States Code, to more comprehensively address the interstate transportation of firearms or ammunition; to the Committee on the Judiciary.

By Ms. HOCHUL (for herself, Mr. GRIFFITH of Virginia, and Mrs. NOEM):

H.R. 4270. A bill to amend title 39, United States Code, to suspend bonus authority with respect to the Postmaster General and certain other postal officials in any year in which a postal retail facility or mail processing facility is closed, and for other purposes; to the Committee on Oversight and Government Reform.

By Ms. MOORE (for herself, Ms. DEGETTE, Ms. NORTON, Ms. BALDWIN, Ms. LORETTA SANCHEZ of California, Ms. MCCOLLUM, Ms. HAHN, Ms. HIRONO, Ms. BERKLEY, Mrs. CAPPS, Ms. SLAUGHTER, Ms. EDWARDS, Ms. PINGREE of Maine, Mrs. LOWEY, Ms. WASSERMAN SCHULTZ, Ms. WOOLSEY, Ms. FUDGE, and Ms. MATSUI):

H.R. 4271. A bill to reauthorize the Violence Against Women Act of 1994; to the Committee on the Judiciary, and in addition to the Committees on Energy and Commerce, Education and the Workforce, Financial Services, and 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. NADLER:

H.R. 4272. A bill to authorize the Secretary of Transportation to make capital grants for certain freight rail economic development projects; to the Committee on Transportation and Infrastructure.

By Mr. WEBSTER:

H. Res. 596. A resolution requesting return of official papers on H.R. 5; considered and agreed to.

By Mr. DOYLE (for himself and Mr. GINGREY of Georgia):

H. Res. 598. A resolution supporting the designation of National Robotics Week as an annual event; to the Committee on Science, Space, and Technology, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. WATERS:

H. Res. 599. A resolution honoring Byung Wook Yoon, Ph.D for his outstanding service on behalf of the Korean American community; to the Committee on Oversight and Government Reform.

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 Mrs. BONO MACK:

H.R. 4263.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 3: To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes.

By Mrs. BIGGERT:

H.R. 4264.

Congress has the power to enact this legislation pursuant to the following:

Article I, section 8, clause 1 (relating to the general welfare of the United States); and Article I, section 8, clause 3 (relating to the power to regulate interstate commerce).

By Mr. CRAWFORD:

H.R. 4265.

Congress has the power to enact this legislation pursuant to the following:

Congress has the power to enact this legislation pursuant to the enumerated powers listed in The 16th Article of Amendment to the Constitution.

By Mr. SCHIFF:

H.R. 4266.

Congress has the power to enact this legislation pursuant to the following:

The Protecting Pregnant Women and Children From Hexavalant Chromium Act is constitutional under Article I, Section 8, Clause 18, the Necessary and Proper Clause. The bill constitutional authorized under the under the Necessary and Proper Clause, which supports the expansion of congressional authority beyond the explicit authorities that are directly discernible from the text.

By Mr. MATHESON:

H.R. 4267.

Congress has the power to enact this legislation pursuant to the following:

Article IV, Section 3, Clause 2 of the United States Constitution

By Mr. AMASH:

H.R. 4268.

Congress has the power to enact this legislation pursuant to the following:

The Export-Import Bank is purported to be authorized under the congressional power ''To regulate Commerce with foreign Nations'' in Article I, Section 8, Clause 3 of the Constitution. Congress has the implied power to repeal laws that exceed its constitutional authority as well as laws within its constitutional authority.

By Mr. GRIFFITH of Virginia:

H.R. 4269.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I, Section 8 of the United States Constitution.

By Ms. HOCHUL:

H.R. 4270.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8.

By Ms. MOORE:

H.R. 4271.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8

By Mr. NADLER:

H.R. 4272.

Congress has the power to enact this legislation pursuant to the following:

Clause 1 of section 8 of article I of the Constitution, clause 3 of section 8 of article I of the Constitution, and clause 18 of section 8 of article I of the Constitution.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 9: Mr. HARPER, Mr. ROSS of Florida, Mrs. BLACK, Mr. SMITH of Texas, and Mr. HASTINGS of Washington.

H.R. 11: Mr. RUPPERSBERGER, Mr. HINOJOSA, Mr. LARSEN of Washington, Ms. NORTON, and Mr. FILNER.

H.R. 14: Mr. PASCRELL, Mr. PALLONE, and Mr. PERLMUTTER.
H.R. 104: Ms. BONAMICI and Mr. ROONEY.
H.R. 184: Mr. BACHUS.
H.R. 273: Mr. LOBIONDO.
H.R. 324: Mr. PASCRELL.
H.R. 329: Mr. ISRAEL.
H.R. 333: Ms. DELAURO and Mr. RIGELL.
H.R. 365: Mr. PASCRELL.
H.R. 529: Mr. POLIS.
H.R. 544: Mr. RIGELL.
H.R. 668: Mr. BROOKS.
H.R. 683: Mr. FILNER.
H.R. 719: Mr. FORBES and Mr. VAN HOLLEN.
H.R. 733: Mrs. MCMORRIS RODGERS.
H.R. 807: Mr. BOSWELL.
H.R. 812: Mr. BARROW.
H.R. 865: Mr. RIGELL.
H.R. 890: Ms. KAPTUR and Mr. KIND.
H.R. 941: Mr. FILNER.
H.R. 1006: Mr. CRAVAACK.
H.R. 1142: Mr. WITTMAN.
H.R. 1179: Mr. CAMP and Ms. HAYWORTH.
H.R. 1265: Mr. GINGREY of Georgia.
H.R. 1342: Mr. PALLONE.
H.R. 1381: Mr. CLARKE of Michigan.
H.R. 1385: Mr. WALSH of Illinois.
H.R. 1418: Mr. YARMUTH.
H.R. 1505: Mr. MCKEON.
H.R. 1511: Mr. FARENTHOLD.
H.R. 1549: Mr. HUIZENGA of Michigan and Mr. WITTMAN.
H.R. 1674: Mr. JACKSON of Illinois.
H.R. 1675: Mr. PASCRELL, Mr. KILDEE, Mr. HIGGINS, Mr. CARDOZA, Mr. SHIMKUS, and Mr. BURTON of Indiana.
H.R. 1697: Mr. FLEMING.
H.R. 1739: Mr. WALSH of Illinois.
H.R. 1802: Mr. BISHOP of New York and Mr. SCHIFF.
H.R. 1867: Mr. HOLT.
H.R. 1895: Mr. MICHAUD, Ms. CASTOR of Florida, Ms. TSONGAS, and Mr. LYNCH.
H.R. 1960: Mr. DOLD.
H.R. 2020: Ms. TSONGAS.
H.R. 2033: Mr. ROSS of Florida.
H.R. 2051: Mr. RIGELL, Mrs. ELLMERS, Mr. COLE, and Mr. PETRI.
H.R. 2077: Mr. WESTMORELAND.
H.R. 2083: Ms. MCCOLLUM and Mr. JACKSON of Illinois.
H.R. 2085: Ms. HANABUSA.
H.R. 2131: Mr. RIGELL.
H.R. 2159: Mr. ANDREWS.
H.R. 2284: Ms. SPEIER.
H.R. 2299: Mr. POMPEO and Mr. KELLY.
H.R. 2335: Mr. GOSAR.
H.R. 2359: Mr. ELLISON.
H.R. 2410: Mr. CONYERS.
H.R. 2446: Mr. GARY G. MILLER of California.
H.R. 2478: Mr. JACKSON of Illinois.
H.R. 2529: Mr. BENISHEK.
H.R. 2595: Mr. PRICE of North Carolina and Mr. JACKSON of Illinois.
H.R. 2697: Mr. GIBBS and Mrs. ELLMERS.
H.R. 2717: Mr. CARNEY, Mrs. LOWEY, Mr. COURTNEY, Ms. LINDA T. SÁNCHEZ of California, Mr. AL GREEN of Texas, Mr. MURPHY of Pennsylvania, Mr. GENE GREEN of Texas, Mr. SERRANO, Mrs. DAVIS of California, Mr. WALZ of Minnesota, Mr. GARAMENDI, Mr. DEUTCH, Mr. BISHOP of New York, Ms. SPEIER, Mr. HASTINGS of Florida, Mr. TOWNS, Mr. DOYLE, Mr. WILSON of South Carolina, Mr. WITTMAN, Mr. PASCRELL, Mr. CLARKE of Michigan, Mr. MEEKS, Ms. LORETTA SANCHEZ of California, and Mr. CARDOZA.
H.R. 2833: Mr. POE of Texas.
H.R. 2866: Mr. HIGGINS.
H.R. 2969: Mr. MCGOVERN.
H.R. 2972: Mr. SABLAN.
H.R. 2980: Mr. MICHAUD.
H.R. 2985: Mr. WEST, Mr. COURTNEY, Mr. GRIFFITH of Virginia, Mr. LARSEN of Washington, Mr. FRANK of Massachusetts, Mr. RUSH, Ms. SLAUGHTER, and Mr. VAN HOLLEN.
H.R. 3064: Mr. COLE.
H.R. 3086: Mr. JACKSON of Illinois and Mr. DUNCAN of Tennessee.
H.R. 3087: Mr. BARTON of Texas.
H.R. 3187: Mr. SCHIFF, Mr. OLVER, Mr. LEWIS of Georgia, and Mr. FARENTHOLD.
H.R. 3199: Mr. CANSECO and Mr. HALL.
H.R. 3242: Mr. JACKSON of Illinois and Mr. DAVIS of Illinois.
H.R. 3264: Mr. POMPEO and Mr. JONES.
H.R. 3283: Mr. BACA.
H.R. 3286: Mr. JACKSON of Illinois.
H.R. 3337: Mr. RIGELL.
H.R. 3393: Mr. HARRIS.
H.R. 3405: Mr. OWENS.
H.R. 3423: Mr. CAPUANO, Mr. BARROW, Mr. GOODLATTE, Mr. DOYLE, and Mr. COHEN.
H.R. 3425: Ms. ZOE LOFGREN of California.
H.R. 3506: Mr. LATOURETTE.
H.R. 3533: Mr. CICILLINE.
H.R. 3586: Mr. BILIRAKIS and Mr. MCKEON.
H.R. 3587: Mr. FILNER.
H.R. 3624: Ms. PINGREE of Maine and Mr. PRICE of North Carolina.
H.R. 3627: Mr. GOSAR and Mrs. BLACKBURN.
H.R. 3634: Mr. FRANKS of Arizona.
H.R. 3640: Mr. COLE.
H.R. 3658: Ms. SLAUGHTER, Mr. HINCHEY, Ms. SCHAKOWSKY, Mr. TOWNS, and Mr. JACKSON of Illinois.
H.R. 3661: Mr. SCHIFF.
H.R. 3713: Mr. DANIEL E. LUNGREN of California.
H.R. 3805: Mr. CULBERSON.
H.R. 3821: Ms. NORTON.
H.R. 3824: Mr. SMITH of Washington and Mrs. DAVIS of California.
H.R. 3826: Mr. CARDOZA, Ms. MATSUI, Ms. PINGREE of Maine, Ms. HOCHUL, and Mr. QUIGLEY.
H.R. 3831: Mr. KILDEE.
H.R. 3895: Ms. HAYWORTH.
H.R. 3915: Mr. REED.
H.R. 4000: Mr. POSEY.
H.R. 4031: Mr. BOREN.
H.R. 4070: Mr. CONYERS.
H.R. 4077: Mr. ENGEL.
H.R. 4124: Mr. WITTMAN.
H.R. 4133: Mr. WOLF, Mr. ROSS of Florida, Mr. FORBES, Mr. KING of New York, Mr. YODER, Mr. RENACCI, Ms. CASTOR of Florida, Mr. CICILLINE, Mr. CRITZ, Mr. JOHNSON of Georgia, Mr. LEVIN, Mr. OWENS, Mr. PASCRELL, Ms. LORETTA SANCHEZ of California, Mr. SHERMAN, Mr. SMITH of Washington, Mr. VISCLOSKY, Mr. WAXMAN, Ms. HANABUSA, Mr. ROE of Tennessee, Mr. MACK, Mr. CLARKE of Michigan, Mr. UPTON, Mr. RIBBLE, Mr. CALVERT, Mr. DIAZ-BALART, Mr. GRIMM, Mr. FRANK of Massachusetts, Mr. HIMES, Ms. RICHARDSON, Mr. MARKEY, and Mr. STEARNS.
H.R. 4134: Mr. KINZINGER of Illinois, Mr. REHBERG, Mr. BARROW, and Mr. NUNES.
H.R. 4154: Mr. GRIJALVA.
H.R. 4157: Mr. CAMP, Mr. BOSWELL, Mr. CARTER, Mr. JOHNSON of Illinois, Mr. GUTHRIE, Mr. GOSAR, Mr. THORNBERRY, Mr. JONES, Mr. MCINTYRE, Mr. SIMPSON, Mrs. ELLMERS, Mr. AMODEI, Mr. LATTA, Mr. CANSECO, Mrs. BLACKBURN, and Mr. UPTON.
H.R. 4158: Ms. ZOE LOFGREN of California.
H.R. 4164: Mr. BRALEY of Iowa, Mr. BOSWELL, Ms. BORDALLO, and Mr. LATHAM.
H.R. 4168: Mr. RIGELL.
H.R. 4169: Mr. TIERNEY and Mr. TOWNS.
H.R. 4170: Ms. PINGREE of Maine.
H.R. 4173: Mr. RUSH, Ms. PINGREE of Maine, Mr. LEWIS of Georgia, Ms. MCCOLLUM, Ms. EDWARDS, Mr. THOMPSON of Mississippi, Mr. MCGOVERN, Mr. HINCHEY, Mr. DAVIS of Illinois.
H.R. 4178: Mr. COFFMAN of Colorado.
H.R. 4188: Mr. LATHAM.
H.R. 4196: Ms. LORETTA SANCHEZ of California, Mr. SCHOCK, Mr. HERGER, Mr. REICHERT, and Mrs. MCMORRIS RODGERS.
H.R. 4200: Mr. JONES and Mr. COFFMAN of Colorado.
H.R. 4222: Mr. COLE.
H.R. 4227: Mr. CONYERS, Mr. DEFAZIO, Mr. GRIJALVA, Mr. HOLT, Mr. KILDEE, Mr. LOEBSACK, Mr. NADLER, Ms. NORTON, Mr. REYES, and Ms. RICHARDSON.
H.R. 4228: Mr. YOUNG of Indiana and Mr. ROHRABACHER.
H.R. 4229: Mr. ROTHMAN of New Jersey, Mr. GRIMM, Ms. BERKLEY, Mr. ENGEL, Mr. DEUTCH, Mr. WAXMAN, Ms. BROWN of Florida, Mr. PETERS, Mrs. LOWEY, Mr. TURNER of New York, Mr. KEATING, Ms. SCHWARTZ, Mr. HULTGREN, Mr. MCDERMOTT, Mr. GENE GREEN of Texas, Mr. RANGEL, Mr. ISRAEL, Mr. ANDREWS, Mr. MURPHY of Pennsylvania, Mr. SCHOCK, Mr. NADLER, Mr. CONNOLLY of Virginia, Mrs. MCCARTHY of New York, and Mr. HASTINGS of Florida.
H.R. 4232: Mr. GOSAR.
H.R. 4251: Mr. THOMPSON of Mississippi and Ms. JACKSON LEE of Texas.
H.J. Res. 103: Mr. POE of Texas, Mr. SMITH of Texas, and Mr. GRIFFITH of Virginia.
H.J. Res. 104: Mr. GRIFFIN of Arkansas.
H. Con. Res. 110: Mr. NUNNELEE, Mrs. BLACKBURN, Mr. BARTLETT, Ms. JENKINS, Mr. GRIFFITH of Virginia, Mr. GOWDY, Mr. JONES, Mrs. MYRICK, Mr. CHAFFETZ, and Mr. KINGSTON.
H. Con. Res. 113: Mr. JORDAN, Mr. MULVANEY, Mr. MCCLINTOCK, and Mr. HUELSKAMP.
H. Res. 111: Mr. HUELSKAMP and Mr. STEARNS.
H. Res. 560: Mr. FILNER.
H. Res. 583: Mr. MICHAUD and Mr. FARR.

DELETION OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 3596: Mr. PITTS.

United States of America

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PROCEEDINGS AND DEBATES OF THE 112th CONGRESS, SECOND SESSION

Vol. 158 WASHINGTON, TUESDAY, MARCH 27, 2012 No. 50

Senate

The Senate met at 10 a.m. and was called to order by the Honorable JEFF BINGAMAN, a Senator from the State of New Mexico.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal Father, who changes not, thank You for Your mercies ever changing, ever new. Teach us to be thankful for the changing faces of nature and the blessings every season brings. As we are grateful for the warmth of spring, so may we be joyful when winter comes and the harvest is past. Through days of warmth or chill, through hours of happiness or adversity, may we walk with You as with a friend known of old. Today, use the Members of this body for Your glory. Purge them of all that makes for discord, that in unity they may be prepared for Your service.

We pray in Your sacred Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JEFF BINGAMAN 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 27, 2012.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JEFF BINGAMAN, a Senator from the State of New Mexico, to perform the duties of the Chair.

DANIEL K. INOUYE,
President pro tempore.

Mr. BINGAMAN thereupon assumed the chair as Acting President pro tempore.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. 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.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, following any leader remarks, the Senate will be in a period of morning business for an hour. The Republicans will control the first half, the majority the final half. Following that morning business, the Senate will resume consideration of the motion to proceed to the repeal of Big Oil tax subsidies legislation. This will be postcloture.

At 12:30 p.m. today, the Senate will recess to accommodate the weekly caucus meetings. Senators are reminded that the official photograph of the 112th Congress will take place at 2:15 p.m. today in the Chamber.

MEASURE PLACED ON THE CALENDAR—S. 2237

Mr. REID. Mr. President, I understand S. 2237 is at the desk and due for a second reading.

The ACTING PRESIDENT pro tempore. The clerk will read the bill by title for the second time.

The legislative clerk read as follows:

A bill (S. 2237) to provide a temporary income tax credit for increased payroll and extend bonus depreciation for an additional year, and for other purposes.

Mr. REID. Mr. President, I would object to any further proceedings with respect to this piece of legislation at this time.

The ACTING PRESIDENT pro tempore. Objection having been heard, the bill will be placed on the calendar.

OIL AND GAS SUBSIDIES

Mr. REID. Mr. President, the Senate yesterday took the first step toward repealing wasteful taxpayer subsidies to oil and gas companies. I was pleased my Republican colleagues joined Senate Democrats to move this debate forward.

The country deserves to hear the truth about double dipping—double dipping—by oil companies. They take taxpayer money with one hand and raise gas prices with the other hand. There has never been a more perfect illustration of this than what has happened recently. The country deserves to hear the truth about these oil companies.

But do not be fooled by last night's bipartisan vote. Senate Republicans would never, ever side with American taxpayers against Big Oil. It is against their nature. It is against their political philosophy, as indicated by the numerous votes they have taken against this. They proved it yesterday with rhetoric. They proved exactly what I have said. They proved it last year with nearly a party-line vote against legislation to hold back handouts to oil companies that were making record profits then.

The records have been broken. There is a handful of those oil companies—one handful—that last year made $137 billion.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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Despite this rhetoric of the Republicans, Americans understand it will take more than a bumper-sticker slogan to stop the pain at the pump. We have to reduce the Nation's reliance on foreign oil. But we cannot drill our way to energy independence. We are doing better. We have done so well during the Obama years. Every year he has been President, production has gone up and the use of oil has gone down.

We must continue looking for responsible new domestic oil sources. But we must also invest in the clean energy technologies of tomorrow to create good jobs for today.

Repealing almost $24 billion in wasteful subsidies to oil companies would pay for these clean energy investments—with money left over to do something about the deficit.

America has less than 2 percent of the oil reserves in the world but consumes more than 20 percent of the world's oil supply each year. So drilling on American soil alone will not solve our reliance on foreign oil.

Last year America used a lower percentage of foreign oil than at any time in almost two decades, thanks to President Obama's policies. Domestic oil production, I repeat, has increased every year during the Obama administration. Meanwhile, American dependence on foreign oil has decreased each year. Yet prices at the pump have continued to rise.

Here is why. For every penny the price at the pump goes up, the major oil companies—there are five of them—make an additional $200 million in profits each quarter. So let's say that again. For every penny you pay extra at the gas pump, these five oil companies make $200 million.

Well, it does not take a lot of math to understand that gas prices have risen 62 cents this year, so take $200 million times 62 and you have a huge amount of billions of dollars. Every time a penny is added to your purchase of a gallon of gas, oil companies make $200 million. So—62 cents—they have made billions this year.

Last year they raked in $137 billion in profits, and they are on pace for another record-breaking year of astronomical profits. So it is beyond ridiculous when Republicans argue oil companies need billions in taxpayer subsidies each year.

Middle-class families are struggling. Oil companies that last year raked in $261,000 a minute, 24 hours a day, 365 days of the year, are not struggling.

Mr. President, listen to this again. Oil companies last year raked in $261,000 a minute, 24 hours a day, no weekends off, no holidays. They did it 365 days of the year. They are not struggling at all and that, of course, is a gross understatement. That is why this matter is now before the Senate.

IRAN SANCTIONS

Mr. REID. On another topic that is extremely important, Mr. President, I have talked about how obvious it is America needs to reduce its reliance on foreign oil. But if anyone needs another reason, just look at the regimes that benefit from the global addiction to oil.

For example, Iran. Iran uses profits from global oil sales to support its terrorism around the world, its nuclear weapons program. So it is critical the Senate act now—and act quickly—to further tighten sanctions against Iran. These sanctions are a key tool as we work to stop them from obtaining nuclear weapons, threatening Israel, and ultimately jeopardizing U.S. national security.

This country is so fortunate to have the person who is leading the Central Intelligence Agency: GEN David Petraeus. I had the good fortune yesterday to spend an hour with him. He is a good man. He understands what is going on in the world.

We must be vigilant, as we are, about what is going on in Iran. I repeat, we must act now—and act quickly—to further tighten sanctions against Iran. These sanctions are a key tool as we work to stop them from obtaining nuclear weapons, threatening Israel and further terrorizing other parts of the world.

The only way to get sanctions in place now is to take up a bipartisan bill that passed unanimously out of the Senate Banking Committee. I would like and I am going to move to this. My staff has alerted the Republican leader I am going to ask consent soon to move forward on this unanimously reported bill out of the Banking Committee.

Unfortunately, I have been told my Republican colleagues will object to moving forward with these new sanctions because they want to offer additional amendments. I have Democrats who want to offer additional amendments also, but we do not have the time to slow down passage of this legislation.

Let's move to the next step. When we put this away, we are not going to be finished with Iran. There are a number of Democrats, I repeat, who also wish to offer amendments to this bill, but in an effort to get sanctions in place now, Democrats have agreed to streamline the process and refrain from offering their amendments.

We cannot afford to slow down the process. Passing this bill now will help prevent Iran from acquiring a nuclear weapon. And that is a goal on which we should all agree.

RESERVATION OF LEADER TIME

Mr. REID. Mr. President, would the Chair announce the business of the day.

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will be in a period of morning business for 1 hour, with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first half and the majority controlling the final half.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CARDIN. Mr. 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.

RACIAL PROFILING

Mr. CARDIN. Mr. President, I rise today to discuss the tragic death of Trayvon Martin and the larger issue of racial profiling. On Monday I spoke about this issue at the Center for Urban Families in Baltimore. Joining me were representatives from various faith and civil rights groups in Baltimore, as well as graduates from the center's program.

This weekend we saw numerous rallies take place across the United States, including rallies called Million Hoodie Marches where individuals wore hoodies in solidarity with Trayvon Martin.

I was touched by what President Obama said on Friday about this case. He said:

> If I had a son, he'd look like Trayvon. And I think every parent in America should be able to understand why it is absolutely imperative that we investigate every aspect of this. I think all of us have to do some soul searching to figure out how something like this happened.

That is why I am so pleased that the Justice Department, under the supervision of Attorney General Eric Holder, has announced an investigation into the avoidable shooting death of Trayvon Martin on February 26, 2012. As we all know from the news, an unarmed Martin, 17, was shot in Sanford, FL, on his way home from a convenience store by a neighborhood watch volunteer.

I am pleased that the Civil Rights Division of the Justice Department will join the Federal Bureau of Investigation in investigating the tragic, avoidable shooting death of Trayvon Martin. In particular, I also support the Justice Department's decision to send the Community Relations Service to Sanford to help defuse tensions while the investigation is being conducted.

I join all Americans in wanting a full and complete investigation into the shooting death of Trayvon Martin to ensure that justice is served. There are many questions we need the Justice Department to answer. One is whether Trayvon was the victim of a hate crime by Zimmerman. One is whether

Trayvon was a victim of racial profiling by the police. In other words, was Trayvon targeted by Mr. Zimmerman because he was Black? Was Trayvon treated differently by local law enforcement in their shooting investigation because he was Black and the aggressor was White? Would the police have acted differently with a White victim and a Black aggressor?

The Department of Justice has the authority to investigate the potential hate crime as well as whether this is a pattern or practice of misconduct by local law enforcement in terms of applying the law equally to all citizens and not discriminating on the basis of race. Tom Perez is the Assistant Attorney General of the Civil Rights Division of the Department of Justice. I want to make sure we have both Federal and State investigations that ultimately prosecute offenders to the fullest extent of the law as well as make any needed policy changes, particularly to local police practices and procedures.

Trayvon's tragic death also leads to a discussion of the broader issue of racial profiling. I have called for putting an end to racial profiling, a practice that singles out individuals based on race or other protected categories. In October of last year, I introduced legislation—the End Racial Profiling Act, S. 1670—that would protect minority communities by prohibiting the use of racial profiling by law enforcement officials.

The bill would prohibit State and local law enforcement officials from using race as a factor in criminal investigations, including in ''deciding upon the scope and substance of law enforcement activity following the initial investigatory procedure.''

The bill would mandate training and provide grants on racial-profiling issues and data collection by local and State law enforcement.

Finally, the bill would condition the receipt of Federal funds by State and local law enforcement on two grounds. First, under this bill, State and local law enforcement would have to ''maintain adequate policies and procedures designed to eliminate racial profiling.'' Second, they must ''eliminate any existing practices that permit or encourage racial profiling.''

The legislation I introduced is supported by the NAACP, the ACLU, the Rights Working Group, the Leadership Conference on Civil and Human Rights, and numerous other organizations. I look forward to the April 18 advocacy day these civil rights groups are planning on Capitol Hill to lobby on racial-profiling issues and raise awareness about this issue and the legislation I have introduced.

Racial profiling is bad policy. Given the state of our budgets, it also diverts scarce resources from real law enforcement. Law enforcement officials nationwide already have tight budgets. The more resources spent on investigating individuals solely because of their race or religion, the fewer resources we have to actually deal with illegal behavior.

Racial profiling has no place in modern law enforcement. The vast majority of our law enforcement officers who put their lives on the line every day handle their job with professionalism, diligence, and fidelity to the rule of law. However, Congress and the Justice Department can and should still take steps to prohibit racial profiling and finally root out its use.

The 14th amendment to the U.S. Constitution guarantees equal protection of the law to all Americans. Racial profiling is important to that principle and should be ended once and for all. As the late Senator Kennedy often said, ''Civil rights is the great unfinished business of America.'' Let's continue to fight here to make sure we truly have equal justice under law and equal protection of law as guaranteed by our Constitution.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee.

HEALTH CARE

Mr. CORKER. Mr. President, today I rise to speak about the subject our Nation is focused on as the Supreme Court takes up some of the constitutional provisions of the health care law that was passed a couple of years ago in this body.

Obviously, the courts will decide whether the law that was passed is constitutional. There are a number of challenges. That will take place by the end of June, according to what we hear.

Secondly, there is an election process underway where the candidates running for the Republican nomination have talked about the things they will do in the event they are elected as it relates to the health care bill.

I want to talk about the fact that regardless of the Supreme Court and regardless of what may happen in the electoral process, I have yet to meet a person on either side of the aisle—and maybe today will be the first time—who believes this bill can work as it was passed. What that leads me to say is that regardless of what happens, I think most of us are aware that the financial data that was used to put together this bill is flawed, and the fact that it is flawed, it will not work over the longer haul.

For the same reasons I railed against the highway bill for breaking the Budget Control Act we just put in place last August, I voted against this bill—the fact that we used 10 years' worth of revenues and 6 years' worth of costs, which greatly exacerbates the problem in the outyears; the fact that we took $529 billion in savings from Medicare to create this problem and yet left behind the issue we deal with in this body almost every year and a half, which is the sustainable growth rate that we deal with with physicians; and then, thirdly, the fact that we placed an unfunded mandate on States.

The State of Tennessee has actually been highly progressive as it relates to health care. In the State of Tennessee, dealing with citizens who are in need, we created a program called TennCare. It went through lots of problems but over the last several years has been functioning in a stable way. But what this bill did was mandate to the State of Tennessee that in order to keep the Medicaid funding that funds TennCare, the State has to, on its own accord, match Federal grants with over $1.1 billion in costs. So from 2014 to 2019, what this bill does is mandate that the State of Tennessee use $1.1 billion of its own resources to expand the Medicaid Program to meet the needs this bill has put in place.

This is the point of my being on the floor here today. Again, I do not know of anybody here who believes this bill will cost only what was laid out as we debated. As a matter of fact, we have had so many people—the McKenzie Group and others—who have laid out how many private companies in our country will basically get rid of their health care and put people out on the public exchange. And the cost of that is going to be tremendous.

Our own former Governor, a Democrat, who has spent a lot of his lifetime in health care on health care issues, projected that the State of Tennessee, if it decided that it wanted to put its own employees out on the public exchange, could save $160 million—by putting its employees away from its own health care plan and out on the exchanges. Obviously, I doubt that is something States are going to do. But his point is this: In a free market system, people are going to respond based on what is best for their company and what is best for their employees.

If you look at the subsidy levels that this bill lays out—up to 400 percent of poverty—they are massive subsidies. We are talking about people who are earning over $78,000 a year. So when you look at the subsidies this bill has put in place, what employers are going to quickly find, especially because we put a subsidy in place on the one hand and on the other hand, because this bill lays out the type of coverage companies have to have in place—there are attributes that cause those costs to rise, and we have already seen that happening throughout our private sector; I think that is undeniable—what is going to happen is the companies are going to say: We would be better off paying the $2,000 penalty. Our employees get these massive subsidies, by the way, that are paid for by all taxpayers in America.

What that means is that there are going to be far more people on these public exchanges than ever were anticipated when this bill was being put in place.

My point is that the bill, when it was being constructed, used 10 years' worth of revenues and 6 years' worth of cost, and that made it neutral. Anybody can see that in the outyears that is obviously going to create a tremendous

problem, a fiscal problem for this government, for our country. But the problem is that when it was laid out, the amount of people who were then thought would go on the plan was much lower than is actually going to be the case.

Again, I think what you are going to see throughout our Nation, if this bill stays in place as it is, is a massive exodus by private employers from the health care business. What that is going to do is put them on these public exchanges with the subsidies, and, in fact, what it is going to do is drive up the cost even more than people ever anticipated.

So this is my point. There is going to be a Supreme Court judgment this June. None of us knows what it is going to be. We have pundits on the left who say they are confident the bill is going to stay in place. We have pundits on the right who say they are confident, constitutionally, it is going to be overturned. We will have an election in November that may change the course of history as it relates to this bill.

Even if those two events have no effect on this bill, I wish to come back to my base premise, which is that there is no possible way this bill is going to work as it was laid out during the debate. There is no way the projections that were laid out as to what the cost of this bill is going to be are going to be what the actual costs are.

What I say is, regardless, this body is going to be pressed with replacing this legislation with something that makes common sense. There was actually a lot of bipartisanship, prior to us passing this piece of legislation, about what those commonsense measures should be. We ended up instead with something that was far more sweeping, something most Americans find offensive, something that, no question, will cause this Nation tremendous fiscal distress.

My point is, yes, we are going to be watching this June as the Supreme Court rules. Yes, we are going to pay attention to the elections in November. Regardless of those outcomes, it is my belief this body will have to come together and put into place a different piece of health care legislation that actually fits the times and the American people and allows the freedom of choice the people are accustomed to and is built on premises that will cause our country to be fiscally sound. I stand ready to work with people on both sides of the aisle when that time comes to make that happen.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Mississippi is recognized.

Mr. COCHRAN. Mr. President, the harsh realities of the health care reform law are coming home to roost.

My State is bracing for the impact of the so-called affordable care act.

Under the health care reform law, enrollment under an expanded Medicaid Program is projected to increase in my State of Mississippi by as much as 44 percent in 2014. Thousands of people will be forced onto the Medicaid rolls. The legislature in my state is wrestling with serious budget pressures from the cost of the Medicaid Program.

Mississippi has the highest Federal matching assistance percentage in the country at approximately 75 percent. But over the course of the next 10 years, our State match requirement will increase by $127 million each year for a total of $1.3 billion by the year 2020. Our State's budget can't handle that burden. Other States are facing similar constraints.

The affordable care act is essentially taking aim at State governments. The maintenance-of-effort requirements for the Medicaid Program are particularly restrictive. They inhibit a State's ability to spend taxpayer money wisely, and they ignore the inherent problems within the Medicaid Program. Mississippi faces the prospect of expending all of its resources keeping up with an unfunded mandate that increases its dependency on the Federal Government, while being forced to cut other important services, such as education.

In addition, physician services cannot keep up with the demands of an expanded Medicaid population. This law does nothing to address the decreasing physician participation rates and quality-of-care issues that are rampant in the Medicaid Program.

Another charge to States in these difficult fiscal times is the creation of health insurance exchanges. My State's efforts to develop an exchange began well before the affordable care act was enacted, and the State is on track to set up a health insurance exchange by the January 2014 deadline. We are committed to creating an exchange that can serve Mississippians well, but the state needs flexibility in order to do that. The Mississippi Department of Insurance is working to avoid defaulting to a federally-run exchange, but bureaucratic red tape threatens to hinder their progress. I am concerned that the deadlines put forth in the affordable care act are unrealistic due to the amount of time and resources that are required for such a large project.

These are just a few of the problems the affordable care act poses for my State and others as well. It is proving to be an increasingly expensive statute that is making health care more costly for individuals, businesses, and State governments. It is my hope that relief can be found at the Supreme Court to avoid the potentially devastating impact of this law.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. MANCHIN). Without objection, it is so ordered.

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent to speak in morning business for up to, or perhaps 1 or 2 minutes over, 20 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

HEALTH CARE

Mr. ROCKEFELLER. Mr. President, this week there is plenty of drama unfolding at the Supreme Court, the stately building across the street from where we now stand. The Justices are deliberating inside the building. There is a lot of shouting and clamoring outside. That is to be expected. But I am here today to encourage all of us to pause for a minute and to step back from the hype and think about what the broader health care reform means to so many Americans, not just the citizens the Presiding Officer and I represent but Americans across this country.

I do think, because I believe strongly that the rhetoric surrounding the issues has become so polarizing, many people routinely overlook the profound ways the law has already made life better to so many Americans. Let's remember why we started down this path of health reform at all.

Let me say for the record this is a path that has been well trodden over the years by both Democrats and Republicans—in fact, over the last century—but we had never managed to enact meaningful reform in our system. Yes, we added on some extraordinary things such as Medicare, Social Security, and Medicaid, but reform of the system we had not done. So we rejoiced in what happened in the mid-1960s, but that doesn't help us in terms of the overall disposition of the system.

When we renewed this debate about how to fairly make sure everyone in the country could get the health care they needed, we actually, at the time as we started, had 46 million uninsured Americans. To be uninsured is not pleasant; it is a fearful condition. Employers had been dropping coverage for a decade due to skyrocketing health care costs. People were losing their jobs and with them their coverage. Even those who had coverage were being saddled with horrendous bills, and they were thrust into bankruptcy even though many of them thought they had coverage that was protecting them financially. They did not, but they thought they did.

Some of those with preexisting conditions could not get back into the system at any cost whatsoever. Preexisting conditions are something people have—tens and tens of millions of Americans have those.

Americans thought our system was broken and unfair, and they thought it was time to finally achieve our shared goal of access to care and a more affordable system. That was sensible.

Let's start by looking at part of the law that protects those with preexisting conditions. As I just mentioned, there are about 133 million Americans, individual Americans, who live every day with chronic illnesses—or they fail to live—because of chronic illnesses.

What happens to them when insurance companies refuse to cover their illnesses even while the insurance companies are collecting premiums from them? That is called rescission. It is a dirty trick the insurance companies have been doing to us in America for years. This law stops that.

Before health reform, millions of Americans, including children, could be denied the health care they needed due to a preexisting condition. They might have had asthma. I had asthma until I was 12 years old. I wasn't worried about insurance, I gather, or maybe I didn't get sick, but anyway I couldn't have gotten insurance in those days because I had a preexisting condition.

If a woman has a C-section, she has a preexisting condition. If someone has acne, that person can have a preexisting condition. If people have almost anything, they can have a preexisting condition if the insurance company says they do, so they just cut them off. It is called rescission. They cut them off even though they are paying premiums. That is unfair.

I want to talk about what this has meant to real people every day. It means people have lived in fear of losing their employer-sponsored coverage or even leaving a job to start their own business for fear that they could not get coverage. It meant if somebody did get coverage, the insurance company could just carve out their condition. In other words, they could just get rid of them, dump them.

What is the practical implication of this insurance company abuse? Consider this: People could get coverage if they had cancer, but the cancer would not be covered. Not good. And the preexisting condition doesn't have to be as complex as cancer. Insurance companies could deny coverage for something as simple as allergies.

Before health reform, insurance companies could even deny coverage to a woman if she was a victim of domestic violence and had to be treated. That is unimaginably cruel, but it was a fact.

That is no more. Under the health reform law preexisting conditions will no longer be a barrier to quality affordable health care. That is over. They cannot do it. It is against the law—the law which so many are trying to repeal.

Is there anyone here who would like to go back to the old days, those good old days when individuals, including millions of children, were punished for things they couldn't possibly control? They were subject to devastating medical costs without the benefit of insurance—or their families were. I don't think people would want to go back there, but, of course, that is what will happen if we abandon all of this.

Let's talk now about another piece of this great effort that also is often overlooked, and it is the coverage of young adults under the age of 26. I know that is a particular matter the Presiding Officer likes about this bill.

In the past, many young adults in my State and everywhere have gone without health insurance as they made their way into the world after graduation. That is a ticklish time. Most of these young adults are not slackers, as they have sometimes been called. Many simply start out in low-wage or part-time jobs that typically do not offer health coverage. Because they were over the age of 18, and therefore technically adults, they were not able to maintain coverage under their parents' health insurance plan.

This meant many young adults would forfeit basic things such as checkups or put off seeing a doctor when they had health problems in the hope it would go away. But that is no way to live, particularly not when 15 percent of young Americans suffer from a chronic health condition such as depression or diabetes—yes, that young—and not when a staggering 76 percent of uninsured adults report not getting needed care because of cost.

Before health reform young adults represented one-third of our Nation's uninsured population. People always think of young people as healthy. Not so. They take risks. They end up in the emergency room often. Think about how many young adults and their families are so much in a better position. Why is that? That is because the law now allows young adults, with no coverage of their own, to pay premiums and to stay on their parents' health insurance policy up to their 26th birthday. This applies even if they no longer live at home, if they are no longer a student or they are no longer dependents on their parents' tax returns. In other words, they have coverage up to the age of 26.

As a result, over 2.5 million young adults gained coverage they did not have before—that is a fact today—including more than 16,000 young adults in West Virginia. Those families have the peace of mind that their families will be financially protected should an injury or an illness occur.

It is important to know that young people suffer a lot of mental health conditions, maybe a little bit more than the rest of the population. We don't think about that because they are young and therefore always ebullient. No, they are young and often troubled, trying to figure out what life holds for them. These conditions cause them problems, they need insurance, and they can get it.

So right off the bat, parents such as Sam Hickman from West Virginia are able to get young adult coverage. Isn't our country a better place—it would seem to me—when people have the security of knowing they are covered in case of illness or injury. To me, it just makes sense; maybe more important, to the people it brings peace of mind.

It is not all. The law provides access to free preventive health services and easier primary care, as well as increased financial assistance for students through new scholarships and loan repayment programs to build a stronger health care workforce. That is a major part of this bill.

In West Virginia, as the Presiding Officer knows, and all across the country, particularly in rural areas, we have a shortage of various kinds of necessary physicians and health care providers. In fact, one of my favorite parts of this law is the significant new financial incentives it creates to encourage young adults to go into primary care—dentistry, pediatrics, nursing, and mental health—to precisely address those shortages. It is in the bill.

Doesn't it make sense, given the shortage of skilled health care professionals in this country, to make it easier for young people to get into those well-paying stable jobs?

Health care job growth continues to be a major stabilizing factor in our economy. Creating additional jobs in our local communities is something many in this body have fought for in all kinds of ways—tax credits and plans and all kinds of things—but in the meantime, health reform tackles that problem too, just inexorably. Health care jobs continue to grow year after year, most of them private, obviously.

Just look at the numbers from the month of February of this year. The health care sector once again led the Nation's job growth last month, adding about 49,000 jobs, which was about the same as the month before. Health care is the economic engine—in fact, it kind of undergirds our economy. It is silent, it is relentless, and it will not stop because health care is something people cannot walk away from—the receiving of or the providing for.

Another important group helped by health care reform is our Nation's seniors, starting with lowering the cost of their Medicare prescription drug coverage. That is very important in West Virginia, as the Presiding Officer knows. Thanks to the new health care law almost 40,000 people with Medicare in West Virginia received a $250 rebate—they have already got it—to help cover the cost of their prescription drugs when they hit that famous doughnut hole in 2010. I will not bother to explain that.

In 2011, more than 36,000 West Virginians with Medicare received a 50-percent discount on their covered brand-name prescription drugs when they hit the doughnut hole. That is called very good news. Then we go on to close the doughnut hole entirely.

This discount I am talking of resulted in an average savings of $653 per person and a total savings of over $23.5 million in our State of West Virginia. By 2020, the law will close the doughnut hole completely, and I think that is rather sensational news for seniors.

Closing the doughnut hole is not all this law does for seniors. Under the new law, seniors can receive recommended preventive services. We talk about that all the time, and we always think it is not in a bill. Preventive services such as flu shots, diabetes screening, as well as new annual wellness visits—all things seniors should do but often decline to do because of lack of access or thinking they have to pay for it and they don't have the money. So now they can get all of these screenings for diabetes and flu shots and all kinds of other things for free. So far, more than 32.5 million seniors nationwide have already received one or more free preventive services, including the new, as I indicated, annual wellness visit, which is a very good idea for any person.

In 2011 more than 230,000 people with Medicare in West Virginia received free preventive services such as mammograms, colonoscopies, or a free annual wellness visit with a doctor, and 54 million Americans with private health insurance gained preventive service coverage with no cost sharing, including 300,000 people in the State of West Virginia.

The new law also provides new grants and incentives to improve health care coordination and quality, as well as a new office, the Federal Coordinated Health Care Office. We have to have that. I kind of wish we didn't have to, but we do because it is a new science. This is trying to get away from the health care system as usual, so we do have that one little addition, sort of managing care for seniors and managing care for individuals with disabilities and, importantly, eligible for both Medicare and Medicaid. Those, obviously, are known as our dual-eligibles: those who are poor enough to be on Medicaid and old enough to be on Medicare, so they can't afford life, so to speak. They need help and they need health care, and under this bill they get that. There are about 8, 9, 10, 11 million of them in this country.

Many doctors, many hospitals, and many other providers are taking advantage of the new options to help them work better as teams to provide the highest quality care possible. That is called coordinated care. It is new, it is important, and it is going to be really helpful. That is good news because many chronic illnesses can be prevented or managed better through this coordinated care. It means doctors actually talk to each other.

The way it is now, when a patient gets an x ray taken by a dentist or by somebody else, the patient has to carry the x ray with them—if they can manage to get their hands on it—to go see another doctor, as opposed to a system, such as telemedicine, which has the technology to shoot the information over the Internet so the next doctor already has it, so he or some of his people are thinking about what they are going to do next. It is so important to talk to each other, but we don't. Doctors and hospitals often operate as if in a vacuum, sort of taking it on a case-by-case basis. That is bad for patients.

The health care law also helps stop fraud with tougher screening procedures and stronger penalties and new technology. New technology can catch all kinds of things. Thanks in part to these efforts, we recovered $4.1 billion in taxpayer dollars in 2011. That was last year. The second year's recovery hit this recordbreaking level also. West Virginia tax dollars should not go to pay for criminals who are defrauding the system, and the administration is cracking down on this. Believe it or not, it is.

And I am not done. In just over 18 months, a new competitive health insurance marketplace called an exchange—which has everybody nervous for no reason at all; it is great news—will be up and running in West Virginia and all across the country where individuals and small businesses can shop for coverage in the private health insurance market. This is not government; it is all private. An estimated 180,000 West Virginians will be eligible for $687 million in premium tax credits to help cover the cost of private health insurance in the year 2014 when the exchanges start.

Families all over the country will finally have more power when it comes to buying health insurance that works for them—having more power is a big deal if you are trying to shop for health insurance—thanks to a clear, transparent summary of benefits. Yes, you actually get to see the choices from which you can pick. You have a list of all the services they are going to provide. It is required by law. They can't cheat. They can't just say: Oh, we will take care of you. Sign up with us. We are a big insurance company.

So they get the transparent summary of benefits and coverage that will let them compare benefits on an apples-to-apples basis, which will come standard with every single private insurance plan, which will be what makes up the exchanges. They will go through that, and they will pick out what best suits them.

In fact, it is quite telling that this little-known provision I have just talked about is the single most popular one in the entire law. I didn't know that. Eighty-four percent of Americans think that is really good. They like the idea of being able to choose what they are going to get in health care coverage. The insurance companies, of course, hate it and have been fighting with everything they have, but we have been beating it back, Mr. President, as you would expect me to do.

What that tells me is that people are frustrated and fed up with the confusing information they have been getting from their health insurance companies, and they are tired of guessing games about what is actually covered. They have a right to know, and now they can. So I look forward to September of this year when every insurance company finally has to come clean about what benefits are actually covered and the products they are selling. It will be there in black and white. They can read it, and families will obviously have much more purchasing power in their hands.

What is wrong with that?

While opponents have gotten used to talking about how the law costs too much, in fact, it has great provisions that will not only improve the quality of care but also save hundreds of billions of dollars—yes, that is true—for example, the average $2,500 discount thousands of West Virginia small businesses received last December as a result of the medical loss ratio rule. That was what followed the public option. Everybody so loved the public option. They thought it was wonderful. The only problem is that it could not get votes from the Finance Committee, so it could not come down here and we could not do anything about it, so we invented the medical loss ratio. It is totally understandable, right? The question is, How does it work? Does it help people? And it does because it says that health insurance companies are required to spend at least 80 percent of small businesses' and 85 percent of large businesses' health insurance premium dollars on actual medical care—not on administration, not on marble pillars, not on CEO salaries and all of that. They have 20 percent or 15 percent to do all of that. But if they fail to do that, they have to rebate to the consumer, to the patient who has been paying the premiums, the fact that they have not been abiding by this 80 percent or 85 percent law, and that is probably going to be several billions of dollars—at the very least, hundreds and hundreds of millions, and that is kind of like billions—and it starts this year. I am delighted.

Now, the Independent Payment Advisory Board, or IPAB, is another example. IPAB is not well understood and therefore not well received. What is not understood is generally not well received. That doesn't mean it is not good. IPAB will be made up of smart doctors, nurses, and other health care experts who will figure out ways to improve the quality of Medicare services and make sure the Medicare trust fund stays strong. And IPAB is legally forbidden in this law—which the folks across the street are now considering—from recommending cuts to Medicare benefits or in any way increasing cost sharing on the part of Medicare recipients. That is in the law—cannot cut benefits, no cost sharing.

Yet the House just last week rallied behind an effort to repeal IPAB. They didn't know what it was or they had really bad dreams about what it was, so they repealed it and felt better. The House vote is a good example of what happens when special interest wins and seniors lose.

The Independent Payment Advisory Board was created to protect Medicare for seniors by improving the quality of

Medicare services and by extending the life of Medicare for years to come. Instead of making Medicare better, House Republicans want to decimate the program and force seniors to pay much more and give private health insurance companies and other special interests the authority to raid the Medicare trust fund, which they will do in order to pad their bottom line, which they would love to do. This would take us exactly in the wrong direction. Every single senior in America should be outraged.

You can even get simple things like better information about private health insurance by just going to the Web site healthcare.gov. The information is out there to help people shop for better coverage today.

There is so much more that has already happened and more to come, such as the nearly $70 million in grants West Virginia has already received for things like community health centers. We put aside $10 billion in the bill for maybe up to 1,000 new rural health care clinics across America. As the Presiding Officer knows, in places such as Lincoln County in West Virginia, people don't want to go to hospitals, but they will go to clinics happily because they are on the first floor, tend to be in buildings that used to be stores or whatever, and they get good medical care right there.

In closing, why would we want to throw this law out the window knowing just these facts? Think about it. The reforms here are the most significant reforms in health care in several generations. It is an effort that 50 years from now history will record the same way we do Social Security or Medicare Programs—as an essential part of the implicit promise to care for its citizens, to allow people to age with dignity, and to find ways to make our society a better place.

So as we mark the 2-year anniversary of the health care reform law becoming the law of the land—and the folks across the street will decide if that stands up or not, but I think they will—I, for one, am proud of my role in its passage and grateful that Congress came together on such a historic issue.

I thank the Presiding Officer.

I yield the floor and note the absence of a quorum.

The PRESIDING OFFICER. 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 (Mr. TESTER). Without objection, it is so ordered.

Mr. KYL. I ask unanimous consent to speak in morning business for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

TAX SUBSIDIES REPEAL

Mr. KYL. Mr. President, I will address the bill that will be before us later today.

The title of the bill is ''Repeal Big Oil Tax Subsidies Act.'' I think that title begs the question: What is a tax subsidy? Most Americans would define a tax subsidy as a payment of cash, such as through a tax credit, from the government to a particular industry. Does this bill address subsidies? The answer is, absolutely. But instead of repealing tax subsidies, it actually creates more of them.

Under this bill, the government would subsidize particular industries or activities through a host of tax credits. These subsidies range from tax credits for energy-efficient homes, alternative fuel vehicles, plug-in electric vehicles, cellulosic biofuels, wind energy production, biodiesel and renewable diesel, and the list goes on and on. In other words, the Tax Code would be providing special tax breaks for specific industries, and the one thing that is common to all these is that they are the so-called green energies. They are the ones that would receive the special tax treatment, to the tune of $12 billion. There are even direct cash grants from the Treasury Department for industries that invest in green energy so companies don't have to worry about whether they have a tax liability to take advantage—direct cash grants. These are clearly subsidies aimed at particular industries, the very thing the President himself has said we should avoid if we want a simpler Tax Code with lower rates that doesn't pick winners and losers.

So, yes, this bill deals with tax subsidies. It creates a bunch of them, and they are in a very specific area—$12 billion worth.

What about oil and gas? It turns out there are no special tax provisions for oil and gas. There is no special oil and gas loophole or giveaway, as somebody called it. Oil and gas companies use the same IRS Code other kinds of companies use. They pay taxes under those provisions. They get deductions or credits under some other of those provisions but nothing that doesn't apply to other industries the same way. In fact, what this bill does is to take away the rights of oil and gas companies under some of these provisions and leave those provisions intact for others. In other words, it discriminates against specific companies within a specific industry.

There are four particular areas. The first is section 199 of the Tax Code. This is the basic code under which all producers—people who manufacture things, who produce things—are allowed to take what is called a manufacturing deduction of 9 percent, except we have already discriminated against the oil companies. They can only take a deduction of 6 percent, but it is the same for the other industries; otherwise, it is 9 percent. But this bill would eliminate that deduction altogether for the larger oil and gas companies—the so-called integrated companies—but not for other domestic producers. So it is discriminatory twice over. Remarkably, therefore, companies such as the Venezuelan company, CITGO—a large oil and gas producer—could continue to take the deduction, but U.S.-based companies could not.

How is that for double discrimination. First, all other companies in the country get to deduct 9 percent, big oil companies only get to deduct 6 percent, and this bill would eliminate that deduction for some of the American oil producers.

How about intangible drilling costs. This is part of the so-called R&D—or research and development—tax treatment. Research and development is something many businesses do, and when they do it, they get to deduct those costs as against their tax liability. For the oil and gas industry, the research and development is called intangible drilling costs. Those are part of the R&D exploration for energy.

Again, the oil companies are actually already discriminated against; whereas, other businesses can expense 100 percent of these R&D costs; large oil and gas companies, as I have said, can only expense 70 percent. So they are already being discriminated against, to some extent. This bill would further discriminate against them by eliminating the expensing altogether. In other words, whereas most companies can expense 100 percent and smaller oil and gas companies could still expense 100 percent, these larger companies could no longer expense any of it. Their current-year deduction would be gone.

The third area is for businesses that have operations abroad that pay both taxes and royalties. They are called dual capacity companies. There are a lot of dual capacity kinds of businesses. Oil and gas is one of them because they pay both taxes and royalties; casino operators are another, to give another example. In order to prevent double taxation for American companies that pay both foreign taxes and American taxes—and obviously they are competing against companies that only pay taxes once—in order to mitigate that, every American company, whether it is an oil company or any other kind of company, is allowed to take a foreign tax credit for foreign taxes paid. So whatever their American tax liability is, they get to take a credit against that for what they have already paid to another country in tax liability there.

If they owe $100 in taxes and they have already paid Great Britain $70 in taxes, then they get to take a credit of that $70 against the $100 American liability. That is the way it works for all businesses abroad, including the dual capacity taxpayers.

This bill would eliminate part of the foreign tax credit for the large integrated oil and gas companies; therefore, putting our companies at a severe disadvantage with other oil and gas

companies doing business around the world. Of course, oil and gas business is all around the world. They go where the oil or the gas is and extract it and then ship it to the user. Why would we deliberately give foreign competitors an even greater advantage in foreign markets than they already enjoy? As I said, this bill singles out oil and gas companies and would not extend the same discriminatory treatment to other dual capacity taxpayers such as, as I mentioned before, casinos. Again, it is a double discrimination against oil and gas companies.

Finally, we have what is called percentage depletion. Every company, including oil and gas companies, that extracts minerals from the Earth or other substances from the Earth is allowed to use the percentage depletion method for calculating their taxes. But, again, for the last 30 years, the large integrated oil and gas companies can't do it. So they are already prohibited from using this method. This bill repeals it again, so we are going to repeal something that has already been repealed. I guess that is OK. It is not necessary. I guess it is a way to further kick somebody in the rear end if we don't like them.

The question is, therefore, why should we be doing this to oil and gas companies? The Wall Street Journal pointed out in a recent editorial—by the way, the title is ''Big Oil, Bigger Taxes''—that the oil and gas industry is subsidizing the government, not the other way around. Because of the amount of taxes oil companies pay—far more than other companies—they are actually subsidizing the U.S. Government. Oil and gas companies paid almost $36 billion in taxes in 2009 alone. That is just one industry—the oil and gas companies—$36 billion. According to American Petroleum Institute figures, oil and gas companies had an average effective tax rate of 41 percent in 2010 and paid more in total taxes than any other industry.

For those folks who somehow suggest oil and gas is getting some big break, that they are not paying their fair share in taxes, this evidence clearly refutes that. We will remember the President's Buffet rule: Everybody should pay at least 30 percent in taxes. Oil and gas companies already pay at the rate of 41 percent, so it is not as if they are getting off with some kind of special break.

Generally, our Tax Code allows companies to recover their expenses. It allows businesses, including oil and gas businesses, to recover their costs of doing business. As I said before, the oil and gas industry is already discriminated against. They can't recover all their costs. Under section 199, for example, other companies get to deduct 9 percent; they can only deduct 6 percent. This bill would also remove provisions that allow them to expense. So the code which already treats them the same or worse than other industries would now treat them substantially worse.

Yes, of course, oil and gas companies have profits and, in some cases, they are large profits. But they are large in scale—their businesses are large in scale—because they have to be in order to compete. It costs billions of dollars just to invest in one oil rig out in the Gulf of Mexico, for example. According to industry estimates, it costs between $1.3 billion and $5.7 billion to produce oil in one deepwater platform in the Gulf of Mexico. Think about it: If someone is making $200 a year, obviously, they can't do that. It takes companies that make an enormous amount of money to spend $5 billion on one oil platform to try to find oil and gas. Don't we want companies such as that to find oil and gas so we can get more of it on the market so we don't have to pay as much when we try to fill our car at the pump?

What would happen if we used the Tax Code to further penalize oil and gas companies with these massive tax increases? Does anybody think the costs aren't going to be passed on?

According to the Congressional Research Service, tax increases such as the ones in the bill ''would make oil and natural gas more expensive for U.S. consumers and likely increase foreign dependence.''

Everybody talks about reducing the price of gas at the pump and reducing U.S. dependence. What these tax increases would do is to further that dependence and increase the prices at the pump. This isn't like shooting ourselves in the foot; it is like shooting ourselves in the head. Why would we do this? We would have less domestic energy production. Obviously, taxing an activity more means we will get less of it.

How about jobs? The oil and gas industry supports more than 9 million American jobs. The American Petroleum Institute estimates that 1 million new jobs could be created in the next 7 years if punitive new tax increases and unnecessary new regulations are avoided. We desperately need to create jobs. These are good American jobs. Why would we want to destroy jobs by imposing an unfair tax on an industry which is producing something we desperately need?

Foreign oil companies, such as those based in Russia and China and Venezuela, would have an even greater competitive advantage over American companies in these overseas markets if we impose these taxes on American companies.

Finally, we would hurt tens of millions of Americans who invest in these companies through pension funds, retirement accounts, and mutual funds. In other words, this bill would eliminate tax provisions that are not giveaways or subsidies to producers in the United States in order to pay for tax subsidies that would be given to specially chosen industries—so-called green industries. In the process, we would get higher fuel prices for consumers, less domestic oil and gas production, more dependence on foreign oil, fewer jobs, less American competitiveness, and less retirement saving. This does not sound like a deal worth making.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. HELLER. Mr. President, here we go again. Once again, Washington is doing its old familiar song and dance: pushing another measure that is big on talking points but very light on solutions.

The truth is, the measure we are debating will not help anyone struggling with rising gas prices. It is past time for Congress to get to work on solving our Nation's most pressing issues.

Nevadans have already been hit hard by this economic downturn. Gas prices are only making a tough situation worse. Congress should do everything within its power to provide relief to Americans who are already struggling to make ends meet.

In Las Vegas, the average price of gas is $3.93 a gallon. Up north in Reno, gas prices are already more than $4 a gallon. In the rural town of Elko, the local newspaper recently reported that gas prices have increased by 48 cents in the last month.

I received a text message recently from a prominent businessman in my State. He wrote:

> Regular gas at $4.56 per gallon in southern California—beginning to really affect our businesses.

This is an issue Congress has ignored for far too long. Instead of addressing gas prices, my colleagues on the other side of the aisle are retreating to failed policy in hopes of distracting Americans from the dramatic price and rise of prices at the pump. They are merely following the lead of this administration, whose own Secretary of Energy statements before Congress indicated that their overall energy goal is not to lower gas prices.

Unfortunately, my colleagues fail to understand what the American people have understood all along; that is, to have a healthy economy, we need affordable energy. Developing domestic energy resources and building the infrastructure to get it to market will not only create jobs, but it will bring more energy resources to market.

Nevada still has the unfortunate distinction of leading the Nation in both unemployment and foreclosures. Whether you live in the vast expanse of rural Nevada or in urban Las Vegas, high gasoline prices disproportionately impact my home State.

The current state of our economy and the rising gas prices represent an extreme blow to many sectors of Nevada's economy, tourism in particular. Tourism and the jobs dependent on that industry will be further devastated as gas prices increase at a time when Nevadans are hurting most.

Additionally, Nevada is roughly 110,000 square miles. High gas prices mean more vacant hotel rooms. It

means more empty restaurants. It means more closed small businesses. Many of my constituents must travel great distances to work or for basic goods and services. At a time when middle-class families across Nevada have already been forced to tighten their belts, the last thing they need is to feel the squeeze of higher gas prices.

In Nevada we need jobs, not policies that make job creation more difficult. I believe continuing to develop renewable and alternative sources is important to Nevada for the clean energy and job creation it brings. The development of renewable energy is something I have long advocated. However, our Nation must have a diverse energy strategy.

A truly comprehensive approach to our domestic energy security will create jobs and improve our economy. We must develop all of our resources, and I would argue that the positive impact increased domestic production would have on our economy in terms of jobs and revenue would actually facilitate the development of the technologies of the future.

There is no doubt alternative sources of energy are our future. While we work to develop and perfect those technologies, we need to secure our economy now by having an energy policy that respects the cause of the problem; that is, supply and demand.

What concerns me is we are not debating a bill that today provides solutions. Today's debate is about a bill that is merely two failed policies repackaged as a political stunt. Congress should not double down on failed stimulus programs that have put Nevadans out of work and have done little to salvage our economy. Americans do not want more political gimmicks. They want solutions. What Congress needs to focus on are policies that will lower gas prices for Americans and fuel job creation.

For this reason, I have authored an amendment to this legislation that is truly a compromise containing solutions to the issues we are facing today. My amendment, the Gas Price Relief Act, would relieve gas prices at the pump, increase domestic energy production, and close tax loopholes.

Under the Gas Price Relief Act, every American who drives a car will reap the benefit of tax relief. My legislation closes tax loopholes for the major integrated oil companies and cuts the gas tax while ensuring revenue is still being delivered to the highway trust fund.

My amendment also provides for domestic energy production and infrastructure, which will create jobs and at the same time increase supply. It is truly a commonsense ''all of the above'' strategy to provide for the development of our domestic energy resources in order to meet our energy needs.

It is imperative Washington takes on our Nation's most pressing issues, not simply instigate partisan fights. Washington should not continue to play politics with America's paychecks. The longer Congress delays making tough decisions the more people in Nevada and across our Nation suffer.

In my home State of Nevada, gas prices have more than doubled since 2009. Higher energy costs impact every aspect of life: from the cost of food and clothing to virtually every good and service on which we rely.

Expanding domestic energy production, improving our energy infrastructure, and passing savings along to the American people are the right objectives to meet our Nation's immediate and future energy needs.

Let's move beyond the partisan fights of today and start producing the results Nevadans and all Americans are asking for.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. PAUL. 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. PAUL. Mr. President, I rise today to discuss gas prices. Gas prices have doubled under this President, so today this body will consider new legislation which the other side, I assume, thinks will make the situation better. But their solution is to raise taxes on oil companies—raise taxes by $25 billion.

Any of you who have a business know when we raise taxes on a business, it simply is a cost to doing business. When your costs increase for making your product, what do you do? You charge your consumer more.

So I am not sure what person is advising the other side, but I do not quite understand how raising $25 billion worth of cost on the oil industry is going to help gas prices. In fact, I think it is going to send gas prices even higher.

Some on the other side say: Oh, this is a matter of fairness; everybody needs to pay their fair share. Well, oil companies actually pay $86 million a day in taxes. In the last 10 years the oil companies have paid over $100 billion in taxes. And the people who say, well, we must punish them; they are making too much money; let's punish them, well, the oil companies employ 9.2 million people. They are 8 percent of our GDP. Do we want to punish the people who are creating jobs, the people who are trying to make us energy independent in our country? It makes absolutely no sense.

Some will argue, well, we need to make the Tax Code fair, and the oil companies have special exemptions. Well, guess what. These exemptions and business deductions apply to other businesses. But they just want to take them away from one of our successful industries. It seems to me, if an industry is successful and creates 9.2 million jobs, instead of punishing them we should want to encourage them. I would think we would want to say to the oil companies: What obstacles are there to you making more money and hiring more people? Instead they say: No, we must punish them. We must tax them more to make things fair.

This whole debate about fairness is so misguided and it has gotten out of hand. The rich in our society do pay the vast majority of our taxes. Do not let them tell you otherwise. Those who make over $200,000 a year pay 70 percent of the income tax. Those who make more than $70,000 a year pay about 96 percent of the income tax. And 47 percent of our public do not pay an income tax. So those who are saying the rich are not paying their fair share are trying to use envy and class warfare to get people stirred up. But it makes absolutely no sense.

We as a society need to glorify those who make a profit and those who employ people. We need to encourage more business in this country. The oil companies employ 9.2 million people. We do not need to heap punishment on them. We need to give them encouragement to employ more people.

I will have two amendments to this bill that I think would actually make it better. While the President talks about people not paying their fair share, he is actually giving more than their fair share to his friends. I do not think the government should be used as a loan agency to give money to contributors. This is unseemly. I think the conflict of interest is undeniable.

We have companies such as Solyndra. This is a company that received $500 million of your money and went bankrupt. It just so happened that the owner of the company is the 20th richest man in the United States and a big donor of the President. It just so happens that this company, Solyndra, the person who approved their loan was related, was the husband, of a woman who worked for Solyndra.

Another company, a company called BrightSource out of Massachusetts, is owned by a member of the Kennedy family. They got $1.8 billion. Guess who approved their loan. A guy who used to work for the Kennedys who is now in President Obama's administration. It does not pass the smell test. What we have is crony capitalism or crony governmentalism where the government is picking out their friends and giving money to their friends.

So we come here today to raise taxes on Big Oil. Meanwhile, we are giving money to millionaires and billionaires, and it does not seem right that your tax dollars should be sent to companies simply because they were big contributors.

Another company, Fisker Karma, got $500 million supposedly to make an electric car in the United States. Guess where they are making it. In Finland. We sent money to Solyndra through international banks, through the Ex-

Im Bank. We sent money to First Solar through the Ex-Im Bank. Do you know what their money was for? Their money was given to them so they could buy their own products. The company bought a subsidiary in Canada. We gave money to the company in the United States and let them buy their own products with your money. It makes absolutely no sense. So I have two proposals.

One amendment to this bill would say. Look, if you think some companies are getting unfair deductions, let's get rid of all deductions. Let's just have a flat tax. Let's make the corporate income tax 17 percent. Currently it is 35 percent.

So if we want to encourage business, if we want to encourage employment, lower taxes; do not raise taxes. Canada has an income tax for their corporations of 17 percent. Most of Europe is in the low 20s, and we are at 35 percent. We wonder why we cannot get business started in this country. We wonder why there is billions, even trillions of dollars, left overseas that will not come home because we want to charge them a 35-percent tax when it comes home.

Our bill would also say: If you have already paid taxes overseas once, you do not have to pay again when you come home. So a 17-percent flat tax. We would see a boom in this country like we have not seen in a generation. We would see millions of jobs being created if we would just learn the basic facts of economics. If we punish a company, we will have less jobs. If we encourage a company by giving them more tax breaks, we will have more jobs. Taxes are a cost.

If this bill passes, not only will our gas prices continue to rise—they have already doubled—but we will see our gas prices going through the roof. But then again there are people in this administration who do not even drive a car. They do not understand the price of gas because they do not have to drive a car. Someone picks them up in a limousine. The thing is, they need to go to the pump. They need to see how much we are spending on gas. They need to see what they are doing to this country and what they are doing to the job market.

I have a second amendment to this bill that would take all of this money, all of these loans they are giving to their buddies—the Solyndra loans, the Fisker Karma loans, the First Solar loan—all of this money that is being dispensed to people who are large contributors of the President, we would take that loan program and eliminate it. When we eliminate that loan program, we would save nearly $30 billion. The GAO has said as much as $6 billion is at risk for loss now. If we were to eliminate that money, we could put half toward the debt and then put half toward rebuilding our infrastructure.

The President says he wants to rebuild our bridges. He came to my State. I stood on a bridge with him and said I would help. But the way to help is by not passing out dollars to friends that are being lost by the billions of dollars. We cannot simply create the money; let's find the money.

So I propose to end the Department of Energy loans and take that money, put half of it against the debt, and put half of that into repairing or replacing our bridges. This is how government should work. We should pick priorities. There is not an unlimited amount of money. So let's take it from an area where it is prone to corruption and where it is prone to a conflict of interest—these alternative energy loans that seem to be going mostly to the President's friends and political campaign contributors, let's take that money and use it to repair the bridges and to pay down the debt. This is what responsible government should do. But what we are doing in this body, what will happen in the next 24 hours as we discuss this bill is—and everybody in America needs to be very clear about this—when they go to the gas pump and pay more every day for gasoline, they need to realize where the responsibility lies.

The responsibility lies with those who are running up the debt, and as we pay for the debt we print new money. So gas prices rising means the value of the dollar is shrinking. That is why prices are rising. We need to realize who is to blame for the gas prices. It is those who are running up the debt. But we also have to realize it is even worse than that. It is not just the running up of the debt, we have to realize these people today now want to add $25 billion to the gas prices. That is what happens.

When we raise the taxes on the oil companies we will add $25 billion in taxes, but we will increase their cost by $25 billion. Any business that sells products simply passes that on to the consumer.

So what we are here about—and they should retitle their bill—since they are willing to, by this legislation, increase gas prices, it should be called ''the bill to raise your gas prices.''

So what I would ask this body to do is to consider two amendments that would actually lower the debt and take money away from crony capitalism and another one that would reform the Tax Code to eliminate deductions and discrepancies within the Tax Code, but to do it by lowering the tax rate, flattening the tax rate, and allowing businesses to succeed in our country.

It gets down to whom do you want to represent you in Washington, DC? Do you want a party that basically wants to punish business, those who are creating jobs, or do you want a party that wants to encourage business?

We are in the midst of a great recession. Until we understand this fundamental fact, we are not going to recover as a nation.

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.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS SUBJECT TO THE CALL OF THE CHAIR

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess subject to the call of the chair.

The Senate, at 12:43 p.m., recessed until 2:43 p.m. and reassembled when called to order by the Presiding Officer (Mr. WEBB).

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

REPEAL BIG OIL TAX SUBSIDIES ACT—MOTION TO PROCEED

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of the motion to proceed to S. 2204, which the clerk will report.

The legislative clerk read as follows:

Motion to proceed to S. 2204, a bill to eliminate unnecessary tax subsidies and promote renewable energy and energy conservation.

Mr. REID. Mr. President, I ask unanimous consent the time until 3:30 today be equally divided between the two leaders or their designees; that at 3:30 p.m. today the Senate adopt the motion to proceed to S. 2204, and then the Senate vote on the motion to invoke cloture on the motion to proceed to Calendar No. 296, S. 1789.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Florida.

(The remarks of Mr. NELSON of Florida are printed in today's RECORD under ''Morning Business.'')

Mr. NELSON of Florida.

I yield the floor.

The PRESIDING OFFICER. The Republican leader is recognized.

Mr. MCCONNELL. Mr. President, what we are seeing in the Senate this week is exhibit A in what the American people just don't like about Congress. Gas prices have more than doubled under President Obama and the Democratic control of the Senate. This is an issue that affects every single American and drives up the cost of everything from commuting to groceries.

What is the Democratic response? Well, it is legislation that even they admit won't do a thing to lower the price of gas at the pump. We have seven Democratic Senators on record saying this bill doesn't do a thing to lower gas prices. One of them has actually called it laughable. Yet that is what they are proposing here this week

at a time when gas prices are at a national average of nearly $4 a gallon. This is what passes for a response to high gas prices for Washington Democrats—a bill that does nothing about it. I cannot think of a better way to illustrate how totally out of touch and irresponsible the Democratic majority has become.

Look, Democrats know they have to say something about this issue, so what they are doing is taking a page out of the President's playbook and blaming somebody else. That is what this entire exercise is about—blaming somebody else—and, frankly, the American people are tired of it.

If Democrats don't want to do anything to lower gas prices, just go ahead and admit it. If Senate Democrats don't have any interest in lowering gas prices, then just say so, but don't waste the public's time by using the Senate floor to talk up a piece of legislation the only purpose of which is to convince people that you do. If the President doesn't want the Keystone Pipeline, why doesn't he just admit it? But don't insult the public by showing up for a ribbon cutting—for one part of it that you had nothing to do with while lobbying against the most important part at the same time.

Americans are tired of the political games and double-talk on this issue. They are tired of the constant campaign. They sent us here to actually fix problems, not to avoid them, and on this issue there is a lot we could be doing to make things a whole lot better. So Republicans are happy to use this opportunity to talk about some of those things. Who knows. Maybe more Democrats will decide it is long past time they joined us in actually supporting and approving some of these proposals. But we are never going to solve the problems we face if Democrats insist on using the Senate to make some political point instead of actually making a difference in the lives of working Americans at a moment of urgency like this. And we are certainly not going to make a difference if we keep sort of flitting from one issue to another.

We are now hearing that the Democrats want to move off this tax-hike legislation—maybe it didn't make the intended political point as forcefully as they wanted—to move on to postal reform. Evidently, the Senate schedule is driven not by the needs of the public but by the Democrats' perceived political needs, which seem to change from minute to minute around here.

I would suggest that the Democrats learn to prioritize. Let's stick with one thing and actually do something. As I said, there is much we could do to address gas prices. Why don't we stick with that? This is something that matters to every American. Postal reform is important, but we all know nothing is going to get done on it until after we return from the Easter recess anyway. Let's make that the pending business when we return and put first things first.

We were sent here to solve problems, not avoid them, and the refusal to come together on commonsense solutions such as the ones we are proposing on gas prices is precisely the kind of thing people detest about Washington, and they are perfectly right to do so. So I would suggest that our friends on the other side rethink this strategy of theirs and join us. Why don't we just try doing the right thing.

I yield the floor.

The PRESIDING OFFICER (Mr. FRANKEN). The Senator from Minnesota.

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that I be allowed to speak for 2 minutes, Senator BOXER for 8 minutes, and then Senator MURKOWSKI for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

SURFACE TRANSPORTATION ACT

Ms. KLOBUCHAR. Mr. President, I rise today to stress the critical infrastructure needs across our Nation and urge the House of Representatives to act quickly and pass the surface transportation reauthorization bill that we passed in the Senate with an overwhelming bipartisan vote. The fact is that we have neglected the roads, bridges, and mass transit that millions of Americans rely on for far too long. I know that. A bridge collapsed just a few blocks from my house. It wasn't just a bridge, it was an 8-lane highway, and 13 people died and dozens of cars were submerged in the river. A bridge just doesn't fall down in America—well, it did that day—and I am committed to passing this highway bill. This bill is important for jobs, and it is important for drivers who sit in congestion. Americans spend a collective 4.2 billion hours a year stuck in traffic at a cost to the economy of $78.2 billion.

So what is the solution? Pass this highway bill. It reduces the number of highway programs from over 100 down to around 30, defines clear national goals for our transportation policy, and it streamlines environmental permitting.

I spoke to 75 highway contractors today, and they are ready to go. They want this bill to pass. Companies such as Caterpillar, which employs 750 people at its road-paving equipment facility in Minnesota—I visited that company in August. Caterpillars' employees are the kinds of people who are out there on the front lines of American industry. They want to build these roads and are the ones who are building the products when we talk about ''Made in America.''

With the short construction season for winter States such as Minnesota—my friend from California may not quite have the same situation—we cannot delay, delay, delay on this highway bill. We cannot stop these construction projects in their tracks.

It is time to pass the Senate highway bill. It has bipartisan support, with 74 out of 100 Senators voting for this bill. I ask that the House of Representatives quickly pass this bill and get this done without delay. It means jobs, it means safety, and it means a future for America.

I thank the Chair.

I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I would like to thank my friend from Minnesota. Her leadership when she was on the Environment and Public Works Commission was amazing. We miss her leadership there. She is working so hard on other committees, but she still carries in her heart the great understanding that if anything is bipartisan around here, it is the highway bill and the transportation programs. We proved it here. So I thank the Senator.

I wish to talk a little bit about Big Oil and this crying about Big Oil by my Republican friends here, and then I am going to segue to the battle to pass a transportation bill and the 3 million jobs that hang in the balance.

First, I have to say that I listened very hard to the Republican leader, Senator MCCONNELL, talk about what a useless thing it is to try to say to Big Oil, which has had these big subsidies for so long, decade after decade, starting when they were young companies—what a terrible thing it would be to take away those subsidies, billions of dollars, when they are making multibillion dollars and they are robbing us at the pump, pocketing the profit. We would like to see that money be used for alternative fuels, for energy-efficient cars so that we don't have to worry so much if the price of gas goes up a penny. If we are getting 50 to 60 miles to a gallon—I drive a hybrid car, and I don't visit the gas station that often because we get about 50 miles to the gallon, so the shocks that come with the increase in gas are a little bit muted.

But here is the story. Americans have made sacrifices. They are paying more at the pump. They are told by Big Oil: We are so sorry that Americans have to pay more at the pump because there is instability in the world. Americans have to pay more at the pump because our refineries are down, and we are really sorry.

What they don't say is that they are exporting the oil they find in America to other countries. What they don't tell us is that they are pocketing the profits we are paying for. They are pocketing the profits. In 2010 the five biggest oil companies made $80 billion among them. In 2011 they made $140 billion among them. So no one can stand here—not even the esteemed Republican leader—and tell me that Big Oil is making sacrifices just like ordinary Americans. The people who are running away with our money that we are paying at the pump are Big Oil and the speculators on Wall Street who are playing around with the instability in the Middle East on commodity futures trading.

So if you want to do something, let's take away those subsidies from these big oil companies that are making life miserable for the American people. But, no, our friends on the other side put up a fight, and they cite a couple of folks on our side who agree with them because they come from big oil States. I understand that. Let's stand up for the American people.

Another way we can stand up for the American people is to speak with one voice and ask the House to take up the Senate bipartisan Transportation bill that passed this Senate overwhelmingly. The clock is ticking toward a shutdown, and extensions are dangerous. So my story on the Transportation bill is a beautiful story of compromise, working together here in the Senate, and a very ugly story about what the House is doing, which is dithering around, playing with fire. And I am telling everyone that extensions are death by a thousand cuts. They think they can just send over an extension and feel they have done their job.

Well, let me say that what we found out today from the American Association of State Highway and Transportation Officials, AASHTO—these are folks who are on the ground in our States. Today I spoke to the departments of transportation from North Carolina, Nevada, Maryland, and Michigan. I think most people know I represent California, and I will be back with all of the details. Senator FEINSTEIN is talking to the transportation officials today. But the reason I am talking about these four States is because they have already calculated the job losses that have already begun because the House is dithering and will not pass our bipartisan Transportation bill.

North Carolina, which is not a blue State—I spoke to Gene Conti, the secretary of the North Carolina Department of Transportation today, and what he said was that he has delayed the remaining 2012 project awards, which total $1.2 billion in projects and employ 41,000 people.

The House is right down the hall. I had the honor of serving there. I hope they are hearing this while they debate an extension. An extension of this program is not benign. An extension of this program is damaging. An extension of this program means job losses—41,000 in North Carolina.

I spoke with Scott Rawlins today, who is the deputy director and chief engineer of the Nevada Department of Transportation. He said he is holding up advertising for federally funded projects until there is a reauthorization bill committing Federal funds. He is required to slow down the development of future projects. He will not execute consultant agreements without reauthorization. And right now, today, AASHTO, the American Association of State Highway and Transportation Officials, tells me that 4,000 jobs are at risk in Nevada.

What the Nevada people tell me is that in the good old days when they were in a boom, the State could come forward and take these extensions in stride. They had the funding to frontload their projects and not worry about the Federal reimbursement. They thought that reimbursement would come. A, they are very worried about reimbursement, and B, because of the recession that has hit some of our States very hard because of the construction slowdown in housing, they do not have the funds to fast-forward any of these projects.

So North Carolina has 41,000 jobs at risk, and Nevada has 4,000 jobs at risk.

I spoke to Caitlin Rayman in Maryland. She talked about the uncertainty, and she went into four or five different things she is trying to do now that she cannot do. It is because the House is dithering and they won't take up the bipartisan Senate bill and pass it. So 4,000 jobs are at risk in Maryland because projects are being delayed.

I spoke to the director in Michigan, Kirk Steudle. He said several large construction projects have to be delayed.

The PRESIDING OFFICER. The Senator has consumed 8 minutes.

Mrs. BOXER. I ask unanimous consent for 30 more seconds, and then I will turn it over to my friend.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. So in Michigan it is the same story: 3,500 jobs.

So I am saying to the House today—and I encourage my colleagues to—and I know the Senator from New Hampshire is here and she is going to speak a little bit later about this—come to the floor with stories about their States.

These extensions are dangerous and they will lose jobs. Tell the House to pass the bipartisan Senate bill.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Ms. MURKOWSKI. Thank you, Mr. President. This is a good discussion on the floor today. I join with my colleague from California in urging that the House move to the Transportation bill. But that is not why I rise this afternoon.

I wish to speak on the legislation that is before us. This is the Menendez proposal to raise taxes—raise taxes on American energy companies and I think inevitably prices to American consumers. It has been described as something else, but I suggest to my colleagues any effort to increase taxes on the energy companies that are providing a resource to us is nothing more than a tax on our energy companies. As we tax those energy companies, it is sure not going to make them produce things that are more affordable, more abundant. In fact, it will have the resultant effect: to impact prices to American consumers negatively.

This legislation before us is not a new idea. This is something we have seen before. I think the numerous times we have rejected it leads me to the conclusion that it still remains a bad idea. It is a messaging bill that has failed over and over, and I think it deserves to see that same fate again.

This very Congress, just a little less than a year ago, rejected this same tax hike. Anybody who is curious to see what it is we did back then just needs to look up vote No. 72, which was back in May of last year, just to see how all 100 Members of the Senate voted.

Some have accused Republicans of using this opportunity, when gas prices are high, to push our cause, if you will, for increased supply and that somehow we welcome the aspect of higher gasoline prices. It was actually the President himself who said some see a political opportunity to call for greater domestic energy production.

With oil sitting at over $100 a barrel, I think we all recognize there is impact out there. But I can tell my colleagues for a fact that my constituents don't view this as a political opportunity.

I get a weekly summary of what is happening with gas prices around my State. Right now the average price of a gallon of unleaded in the United States is just a little shy of $4. Well, in my hometown of Anchorage, we are paying $4.14. In Juneau, which is our State capital, we are paying $4.24. In Barrow, the top of the world, they are at $5.75. Bethel is paying $6.33. They long for the day they could be paying closer to $4. We are so far beyond the national average, they don't view higher gasoline prices as any kind of a political opportunity. What they are asking for is that they do more. In fact, there is an imperative that we in Congress do more to address prices.

I believe there is no question—there is no question—that we can bring additional resources on line, that we can bring several million additional barrels of American resources to market. There is no question but what it would do. It is going to help to create jobs. We know that for a fact. It will absolutely generate revenues. It will better insulate our Nation from the instability we have with the global price markets. We know that is what is happening right now. Every time Iran is mentioned, everything gets a little shaky out there.

We know so much of this is due, in effect, to the fact that there is little spare capacity in the global markets. So let's look closer to home. What do we have closer to home?

The President has suggested time and time again we only have 2 percent of the world's reserves. Well, in fact, this myth about the U.S. oil scarcity is just exactly that. We talk about proven reserves. In fact, it is a much smaller piece of the pie: 20.6 billion barrels of proved reserves. But what needs to be understood and, unfortunately, doesn't make a good bumper sticker is that we have, as a nation, demonstrated incredible national reserves: 5.6 billion barrels of technically recoverable resources. We don't even count the 800-

plus billion barrels of oil shale that are out there.

So one asks the question: Why are we not going after the rest of the pyramid, the part in blue. So much of what we are facing is that so much of this is put off-limits. It is not accessible, and it is not accessible because of our government policies.

I recognize there is more to it when it comes to an energy policy than just drilling, just increased domestic production. But it must be part of the solution, and it must be a significant part of the solution if we are going to talk about true North American energy independence. We must do more when it comes to conservation and efficiency. We need to build out toward the renewable energy sources of the future. If we want to have a bumper sticker, it is, ''Find More, Use Less.'' It is pretty simple.

The chart lets us know we truly can find more here. But what we are facing with the Menendez bill that is in front of us takes us in a completely different direction. What the President and the Democratic leadership are proposing cannot by its own definition reduce our gas prices. If anything, we are just going to see them pushed higher, and my constituents back home just can't afford to see them pushed higher when they are paying above $5, above $6 per gallon at the pump.

We know pretty basic economic principles are at play. Taxing something does not make it cheaper and more abundant. We know from past experience. Due to a failed experiment with the windfall profits tax that harmed domestic fuel production and collected far fewer revenues than what was expected, we know this is taking us in the wrong direction.

Again, our problem is high fuel prices and their effect on average Americans. I have yet to hear anyone explain to me how raising taxes is going to lower prices. Even when we look at the subsidies that are extended in the Menendez bill, not even half of these are related to the transportation fuels.

The first section in his bill is extension of credit for energy-efficient existing homes. Well, I am all for that, but tell me how this ties in somehow to our Transportation bills. In terms of costs, it is even more unbalanced. So I am left at a loss to understand how permanent tax increases for oil and gas producers, in exchange for another year of subsidies for efficiency and renewable energy, is going to make any kind of a meaningful difference. It kind of says to the American people: Well, that $4 you are paying at the pump, too bad about that. But how about a government-subsidized dishwasher? That just doesn't work.

Some will also come here to argue that increasing taxes will have no effect on production. In response to that, I ask unanimous consent to have printed in the RECORD at this point two news stories from last week.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From Oilgram News, Mar. 22, 2012]

UK OFFERS NEW TAX BREAKS FOR REMOTE FIELDS

(By Robert Perkins, Jillian Ambrose, and Nathan Richardson)

LONDON.—The UK government March 21 pledged new tax breaks to boost the development of some remote, deepwater fields and remove doubts over offshore decommissioning costs as part of a package of measures to support the country's declining oil and gas industry.

Presenting his 2012 budget to Parliament, UK Finance Minister George Osborne said the government would create new tax breaks worth GBP3 billion ($4.75 billion) to cover large and deepwater fields off the west of the remote Shetland Islands in the Atlantic margin.

''We are introducing new allowances . . . for large and deep fields to open up West of Shetland, the last area of the basin left to be developed. A huge boost for investment in the North Sea,'' Osborne told Parliament.

The area to the west of the Shetland Islands is still largely underdeveloped and could contain up to 20% of the UK's remaining gas reserves, according to the government.

The government said it also plans to increase existing tax breaks for developing small fields and promised support for investment in existing fields and infrastructure.

As expected, Osborne also said the government plans to enter into contracts with oil companies over future decommissioning tax relief, helping to end the uncertainty over the massive costs of decommissioning old oil and gas production infrastructure in the North Sea.

UK oil producers applauded the decommissioning move, estimating it could spur an extra GBP40 billion of new investment in UK waters and result in the recovery of an additional 1.7 billion barrels of oil and gas equivalent ''over time.''

''We see today's action by the Treasury as a turning point for the UK's oil and gas industry—toward a more stable future fostered by constructive collaboration between the government and industry to ensure that the recovery of the country's oil and gas resource is maximized,'' UK offshore operators association Oil & Gas UK head Malcolm Webb said in a statement.

The new tax moves could result in further investment of over GBP10 billion and the production of ''hundreds of millions of barrels'' of oil and gas, the association said.

The tax measures, which were widely anticipated, extend an olive branch to an industry that has placed some of the blame for last year's record 18% decline in UK oil and gas output on a tax hike in the governments 2011 budget.

Last year, the UK government unveiled a surprise tax increase on offshore producers in a bid to tap the higher earnings of oil companies due to rising oil prices.

UK offshore operators said the move, which took an extra $3.2 billion out of oil companies' pockets last year, would damage confidence in the UK oil industry and hamper investment plans.

Under the decommissioning initiative, the government said it plans to introduce legislation in 2013 giving it the authority to sign contracts with oil companies operating in the UK to provide assurance on the relief they will receive when decommissioning assets.

The government said it would consult further on the details of the new contracts in the coming months.

''Confirmation that the government intends to enter into contractual agreements on tax relief for decommissioning costs improves the fiscal stability of the UK Continental Shelf, while the targeted incentives for particular types of fields will go some way in increasing the attractiveness of areas currently starved of investment,'' Derek Leith, the head of oil and gas taxation at Ernst & Young, said in a statement.

The UK oil industry has been lobbying the government over the need for greater certainty around future decommissioning costs for some years.

In 2010, UK industry body Decom North Sea estimated the total cost of decommissioning the UK's oil and gas production assets had risen to around $46 billion.

Under the contractual arrangement, every North Sea participant would sign a contract with the government guaranteeing that, if decommissioning tax relief falls below 50% in the future, the government would pay back the difference.

Currently, new North Sea entrants might have to post security of as much as 150% of its share of the expected decommissioning costs.

If the industry were confident that the 50% tax relief on costs now available would continue into the future, the new entrant could post a lower security, effectively only 75% of the expected costs.

However, the industry has not yet been prepared to accept securities at the lower rate because there is uncertainty over whether tax relief would continue in future governments.

In steps to mitigate the tax hike impact on North Sea operators last year, the UK government said it would consider introducing a new category of oil or gas field which would qualify for field tax allowances.

It said, however, tax relief for decommissioning spending will be restricted to the existing 20% rate to avoid accelerated decommissioning.

In addition to decommissioning costs, UK oil and gas players also have been talking to the government on allowances to boost specific projects, or categories, where investment is marginal.

In 2009, the UK introduced a new field allowance for small fields and challenging HPHT—or high-pressure, high-temperature—and heavy oil fields, providing them an allowances to offset against tax, reducing the rate of tax paid once in production.

In January 2010, the allowance was extended to remote, deepwater gas fields to the west of Shetland.

Osborne said the government also plans to increase the allowance for small fields to GBP150 million, introduce legislation this year to support investment in existing ''brown fields'' and continue to look at further allowances for HPHT fields.

In documents supporting its 2012 budget, the finance ministry said it expects its tax revenues from the oil and gas industry to slip by 14% in the 2012–13 tax year as declining production levels in the North Sea offset higher expected oil prices.

Oil prices are expected to average $118/b in the coming tax year, up from $111/b in the 2011–12 period, the ministry said without saying if the estimate is based on Brent or WTI crude futures.

Including a record 20% slump in gas production in 2011 due to weak demand and a warmer than average winter, total oil and gas output slumped 18% on the year. Over the previous five years, the UK's mature North Sea fields had seen decline rates average 6%.

UK oil production peaked at about 2.6 million b/d in 1999 and gas output peaked in 2000. The UK became a net importer of both commodities in 2006 and 2004 respectively.

[From the Wall Street Journal, Mar. 21, 2012]

U.K. PLANS OIL SECTOR TAX RELIEF

(By Alexis Flynn)

LONDON.—Oil and gas firms operating in the U.K. North Sea will be guaranteed tax relief for the costs of retiring old rigs and platform and be given fresh tax allowances totaling £3.5 billion ($5.55 billion) for harder-to-access deep water fields.

The move comes as the U.K. seeks to spur renewed investment in its energy sector, Chancellor of the Exchequer George Osborne said Wednesday in his annual budget speech to lawmakers.

The measure ends months of uncertainty among the region's oil producers and comes after intense talks between government and industry over possible measures to aid investment in the North Sea.

The move extends an olive branch to the industry, which was incensed by a surprise hike in the windfall tax on oil and gas profits last year. A record 18% decline in oil and gas production in 2011 was blamed in part on the tax increase.

Mr. Osborne said Wednesday the government will sign contracts with companies such as Premier Oil and Apache Corp. guaranteeing tax relief for the lifetime of a project. The ironclad government assurance on decommissioning could pave the way for at least £17 billion of new investment over the life of the North Sea basin, said Mr. Osborne.

In addition, it will provide tax allowances for companies investing in fields located in the deeper waters west of the Shetland Islands that are much harder to reach and require greater amounts of capital investment.

Mr. Osborne said the fresh allowances for this harder-to-reach exploration and production would total some £3.5 billion.

Under current rules, the government covers between half and three-quarters of the costs of dismantling old fields by making them tax deductible, but there are fears among many companies—and the banks that lend to them—that these rules could change.

An entire production facility needs to be removed once a reservoir has been exhausted, with its wells plugged and the site returned to as natural a state as possible. The process is expensive and complicated, and poses a number of environmental and safety challenges.

Decom North Sea, a nonprofit organization jointly funded by the industry and the government, expects the cost of decommissioning efforts to reach about £30 billion by 2040.

The issue is particularly acute for the smaller independent firms that are leading much of the next wave of investment in the North Sea, wringing out the last drops of oil from many of the older fields that were sold off by majors like Exxon Mobil Corp. and BP PLC.

These companies have been hamstrung by the legal requirement to provide security, usually letters of credit or large cash deposits, against future decommissioning costs. A tougher economic environment means these companies are finding their access to capital restricted and lenders less willing to issue letters of credit against a backdrop of fiscal uncertainty and declining North Sea production.

Ms. MURKOWSKI. Mr. President, these are news stories, not editorials. One is from Platts Energy; the other is from the Wall Street Journal. Both detail an announcement from the British Government that it is going to reverse its own taxes on the oil companies.

Last year, England decided to do essentially what is being proposed with the Menendez bill. They were responding to high oil prices, and so they moved to increase taxes on the industry. Well, the result is not going to come as a surprise. When the government made it less economical to produce oil by hiking their tax rates, companies stopped producing and they were making their investments elsewhere.

In the years since Great Britain imposed its tax hikes, its production decline has tripled from 6 percent to 18 percent. Let me repeat that. In the year since Great Britain imposed tax increases on oil producers, production decline accelerated from 6 percent a year to 18 percent a year. Now Britain is in the process of doing an absolute about face. They are likely going to offer $5.5 billion in tax relief to the oil companies to try to bring the production back.

I am sure some here would refer to that tax cut as a subsidy and ignore the inconvenient fact that higher tax levels lead to lower production. They don't lead to cheaper fuel; they lead to lower production. Yet even in the face of high fuel prices and compelling empirical evidence, the proposal in front of us is going to take us down the exact same path that Great Britain went down last year. It would make the clear mistake of driving production away when I think we need it most. The outcome in England just helps prove this is a seriously defective idea and a dangerous one. So we just need to look at what has happened across the pond.

If the Senate were really serious about addressing gasoline prices, we would be taking long-overdue steps.

The PRESIDING OFFICER. The Senator has consumed 10 minutes.

Ms. MURKOWSKI. Mr. President, I don't see anyone in the queue, if I may have another minute to wrap up.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. MURKOWSKI. If we are really serious in the Senate about what we are doing in terms of increasing our long-overdue requirement to up our oil resources, our oil production and supply, we know how. We have opportunities from our neighbors to the north in Canada with the Keystone Pipeline. We clearly have opportunities in Alaska from the Outer Continental Shelf, from the Rocky Mountain West. We still import about half of our oil supply and about half of that is from OPEC.

One last chart, if I may. Right now, about 47 percent is OPEC; non-OPEC is 53 percent. If we were to add to our mix in this country what we could get from Keystone, which is the middle pie, but look where we would be as a nation. If we were to plus up our activity with domestic production, bring on Keystone, and with our existing resources, our imports from OPEC are reduced to a minimal amount. We talk about North American energy independence, and we truly could be in that position where we are not vulnerable—not vulnerable to the volatility of the markets, not vulnerable to the volatility that comes from OPEC setting the prices as they do, not in a situation where we are spending millions and billions of dollars to import a resource we need but that we have as a nation.

I can't fathom why the Congress would want to drain our economy by raising taxes on the very businesses that help minimize our foreign dependence, help create good-paying jobs for our families, and truly help to make a difference to Americans around the country in the long run.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I am going to yield in just 2 minutes because I know Senator SANDERS is here. I really feel I need to respond because it is very important to note that under the leadership of President Obama—for decades we did not drill as much as we have drilled now. We have more wells pumping than at any time in recent memory. I think it is an important point.

Of course, we are not going to drill off the coast of some of our precious areas because we have to support the fishing industry, we have to support the recreation industry, the tourism industry. But all this argument about drill, baby, drill and we will solve everything does not work because we threaten jobs when we go to certain areas that are pristine and very important sources of economic income for our States. Plus, if you ask my colleagues on the other side, they will not support keeping the oil in America—they will not—and we are exporting more oil than we ever have before.

So this thing gets very interesting when we look at it. Still, in all, the big oil companies—as we all make our sacrifices at the pump—are bringing in record, record, record profits. They ask us to make sacrifices because there is instability in the world, but they are pocketing those increases. Yet our Republican friends cry bitter tears because we want to suggest that subsidies they got decades ago—kept on undisturbed billions of dollars—we would like to see those funds go into making it easier for America's families to be able to buy more fuel-efficient cars, to be able to find alternative fuels, et cetera, et cetera.

When I come back to the floor after this discussion on the postal reform, I am going to talk more about the highway bill. The House is about to vote on a 60-day extension. Let me tell you, that is dangerous. I hope colleagues over there will not do that because, I have to tell you, every day we extend the highway trust fund for a short period of time, we lose jobs, and we need certainty.

I am happy to yield the floor at this time.

The PRESIDING OFFICER. The Senator from Vermont.

POSTAL SERVICE REFORM

Mr. SANDERS. Mr. President, later this afternoon—actually, in a fairly short while—we are going to be voting on whether to proceed with the Postal Service reform bill, and I hope we vote yes. I hope we have a strong bipartisan vote to go forward. I will tell you why.

About 9 or 10 months ago, the Postmaster General came up with a proposal for the Postal Service. In my view, that proposal from the Postmaster General is an unmitigated disaster for our country and especially for rural America.

This is what his original proposal outlined: What he proposed was the shutting down of more than 3,600 mostly rural post offices. If one lives in a rural State such as mine, one knows how important rural post offices are, and their function is beyond being just a post office. In many small communities throughout this country, post offices are the center of the town. It is where people come together. It is what develops a sense of community. In some cases, it is what that small rural town is all about. If we shut down that rural post office, in some instances we are literally shutting down that town.

We should also understand, in the midst of the serious financial problems facing the Postal Service, shutting down 3,600 mostly rural post offices would save the Postal Service one-quarter of 1 percent of their budget. So the original plan—which has since been modified—was to shut down 3,600 rural post offices, and I would suggest whether one is a conservative Republican or a progressive Independent, that is not good for their State, not good for America.

In addition, the Postmaster General's original proposal talked about shutting down some 220 mail processing facilities all over this country. That is approximately one-half of the mail processing plants. If he did that, that would end overnight delivery standards for first-class mail.

At a time when the Postal Service is facing extreme competition from e-mail and the Internet, in my view, the last thing we would want to do is to slow down mail service. I think I speak for many Members of the Senate who say, if we move in that direction, making mail delivery slower, we are beginning the death spiral for the Postal Service. Many businesses, many consumers will be saying: Sorry, I am going to look elsewhere to get my packages, get my mail delivered.

Furthermore, the original proposal from the Postmaster General was to shut down Saturday mail delivery and, in the process, reduce the workforce of the Postal Service—in the midst of the worst recession since the Great Depression—by over 200,000 jobs.

Senators LIEBERMAN and CARPER, Senators COLLINS and SCOTT BROWN, the ranking members of the committees, came together and put together a bill which was significantly better than what the Postmaster General had proposed, no question about it.

Some of us felt the Lieberman-Carper-Collins-Brown bill did not go far enough, and we have been working with the chairmen of the committees to try to improve that bill, and I think we have made some success. I think if we look at the managers' amendment, we will see stronger guarantees to make sure we are not shutting down rural post offices all over America; that if we shut down processing plants, it will be a significantly smaller number than was originally proposed, and that also we would maintain strong mail delivery standards—if not as strong as I would like, at least stronger than what the Postmaster General originally proposed.

Here is my fear: The Postmaster General is raring to go. If he perceives and the board of postal commissioners perceive the Congress cannot act, they are going to go forward and bring forth a proposal which will not be as strong in protecting post offices and workers and the American people as we can do. So what we managed to do back in December was get a 5-month moratorium to prevent the shutting down of rural post offices and processing plants. That expires on May 15.

I think it is terribly important we begin the process, we vote to proceed within the next hour, we bring that bill to the floor, there is an open process by which people, including myself, will bring forth amendments to make the bill even stronger than it is right now.

I would point out to my colleagues, in terms of the financial problems facing the Postal Service, clearly, they have to deal with the serious problem, the very real problem that first-class mail has gone down very significantly, being replaced by e-mail. There is no question that is a real, legitimate problem.

But what is not a legitimate problem is that the Postal Service uniquely in America—not in local governments, State governments, Federal agencies or the private sector—the Postal Service alone is being asked to put $5.5 billion every single year into their future retiree health benefits program. According to the inspector general of the U.S. Postal Service, given the fact there is some $44 billion in that fund already, with interest rates accruing, we do not need to put more money into that fund. There is widespread agreement the Postal Service has overpaid into the Federal Employees Retirement System some $10 billion or $11 billion; into the Civil Service Retirement System, at least a couple billion dollars and perhaps a lot more.

The bottom line is this: If we are serious about protecting rural America, if we are serious about protecting 3,600 rural post offices, if we believe the post office must continue being an important part of what America is about—so important to our economy and to small businesses—and we do not want to delay mail service, slow down mail service, we do not want to shut down half of the mail processing plants in this country, I think it is important we begin that debate and vote for cloture.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I rise to urge our colleagues to vote for cloture to proceed to the Postal Service bill. I will speak very briefly.

This a great American institution, right there from the founding of our country. In fact, it is in the Constitution to provide post offices. It is an institution that is today in trouble. Last year, it lost almost $10 billion. Why? Part of it is the economic recession, but the real explanation is that mail volume has dropped 21 percent in the last 5 years, and mostly that is because people are using the Internet and e-mail instead of traditional mail. Yet the Postal Service not only itself provides a great service, but it facilitates various sectors of our economy that employ 7 million people—mailers, mail order catalogs, and the like.

Our committee, when confronted with this crisis—and the statement from Postmaster General Donahoe that if nothing was done, he would have to begin curtailing operations sometime this year because he would essentially run out of enough money to operate the Postal Service as it is—tried to get together and work on a balanced program. We reported out a bipartisan bill. Some people said it was too much; some people said it was too little. We think it was just about right.

There has been a lot of dialog with Senator SANDERS and others, people on both sides of the aisle. When we take this up—and I sure hope it is ''when'' and not ''if'' because I do not know how we could just turn away from this problem and essentially say to the Postmaster: We are not going to provide you any help; you are going to have to handle this. What he is going to do is close a lot of post offices, in my opinion, close a lot of mail processing facilities, raise prices to the extent he can under existing law.

This is a balanced program. It creates some protections for small and rural post offices before they can be closed. It creates new standards in the delivery of mail so the Postmaster will, in his wisdom, be able to thin out employment at some of the mail processing facilities, perhaps close some of them but nowhere near what he wanted to do earlier.

The Postmaster asked us for authority to go from 6 days of delivery of mail to 5 days of delivery of most mail, and we essentially said: You may have to do that, Mr. Postmaster, but do not do it for 2 years. See if the other things we are authorizing you to do enable you to get the Postal Service back in fiscal balance. But if not, after the 2 years, with the process we ordained, they will have to go to 5 days of delivery.

Here is the bottom line: We are trying everything we can to save this great institution. It is not a relic. It is

a fundamental part of the modern economy, and it has some great resources. First is its presence all over the country. One of the things we are doing—we worked on this with Senator SANDERS and others—in the substitute, we will create an advisory commission, a new commission which will be charged with the responsibility of not only reviewing the operations of the Postal Service to make sure it is being managed and run most efficiently but for looking for a new business model, for new ways to use the great assets of the Postal Service—one, that it is all over the country in the post offices; and, two, that no one else can cover the last mile of delivery to everybody's house or business in the country regardless of where you live, including the iconic burros that help deliver the mail in the Grand Canyon and the mailmen on snowshoes who deliver it in rural parts of Alaska. Right now, FedEx, UPS, and others use that service of the last mile to complete their delivery to their customers.

We want to see if we can figure out how the Postal Service can make more money so it can stay alive. This is a great American institution which I believe has a great future, but it is not going to have it unless we help.

So here we are challenged again. Are we going to fall into ideological rigidity or partisan conflict and let this great institution slide and fall into a deep crisis or are we going to work together, as I believe our committee has, to present a bipartisan solution which will guarantee, in a very different time in American history, that the post office—the U.S. Postal Service—can play as vital a role as it has throughout all the rest of our history.

I yield the floor.

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. 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.

Under the previous order, the motion to proceed to S. 2204 is agreed to.

UNANIMOUS CONSENT REQUEST—S. 2204

Mr. REID. Mr. President, I ask unanimous consent that if cloture is invoked on the motion to proceed to S. 1789, which is the postal reform bill, and the motion to proceed is later adopted, the Senate resume consideration of S. 2204, which is the Repeal Big Oil Subsidies Act, at a time to be determined by the majority leader, following consultation with the Republican leader.

The PRESIDING OFFICER. Is there objection?

The Republican leader.

Mr. MCCONNELL. Mr. President, reserving the right to object, I share the majority leader's view that we ought to turn to the postal reform bill. What I intend to do is to ask that we modify the consent that the majority leader just offered—modify his request so that on Monday, April 16, we proceed to the consideration of S. 1769, the postal reform bill.

That would give us an opportunity to further debate and discuss the Menendez proposal, which we just invoked cloture on yesterday, for the remainder of the week. So I object.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, reserving the right to object, I think most people know I worked here as a police officer for most of the time I was going to law school. I also worked for a period of time in the post office. I am not an expert on the post office, but I know the importance of post offices.

I know what is going to happen in the State of Nevada if we do not make some arrangement to help the Postal Service survive. Scores of small post offices in Nevada will go out of business. There will be distribution centers that may not exist after a few months. So I wish to get to the postal bill as much as anyone in this Chamber, having worked for the Postal Service, through the House Post Office.

I wish to move to the postal bill. But I am not going to be forced into doing it at a time that may not work out just right for our schedule; that is, the Senate. So I will move to that shortly after the recess as quickly as I can, but I am not going to agree to a specific time.

I object to the modification.

The PRESIDING OFFICER. The request of the initial modification is objected to.

Mr. MCCONNELL. Mr. President, I object to the initial request.

The PRESIDING OFFICER. Objection is heard to the initial request.

21ST CENTURY POSTAL SERVICE ACT OF 2011

The PRESIDING OFFICER. Under the previous order, pursuant to rule XXII, the clerk will report the motion to invoke cloture.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to Calendar No. 296, S. 1789, the 21st Century Postal Service Act.

Harry Reid, Thomas R. Carper, Sherrod Brown, Mark Begich, Bill Nelson, Frank R. Lautenberg, Jeanne Shaheen, Richard Blumenthal, Christopher A. Coons, Dianne Feinstein, Patrick J. Leahy, Richard J. Durbin, Joseph I. Lieberman, Patty Murray, Charles E. Schumer, Mark L. Pryor.

POSTAL REFORM

Mr. DURBIN. Mr. President, there is no question the Postal Service faces serious challenges, and it needs to work with Congress and the American people to address them.

There are some who say that the Postal Service can cut its way out of its financial hole.

The plan put forth by the Postmaster General would do just that. It would have a heavy impact on my State, with at least 8 processing facility closures and perhaps more than 250 post office closures. Under that plan, mail from Springfield—the State capital—would be shipped all the way to St. Louis, just to come back to Springfield once again.

And these facilities are key hubs of commerce throughout the State.

Take Quincy, IL, for example. The Postal Service had already studied Quincy for consolidation in 2009. At that time, the Postal Service found that the facility in Quincy was efficient and closing it would not create new efficiencies. Despite that finding, the Postmaster General decided to press ahead with the closure of the Quincy facility this year. The facts are in Quincy's favor, but it seems that the Postal Service only wants to cut its way to death.

This bill is about jobs too. The Postal Service employs more than 30,000 people in my State, from clerks, to drivers, to postmasters, to letter carriers, and so many more. These are not high-paying jobs, they are not glamorous. These are middle-class jobs that support the world's best postal delivery network. Nationwide, the Postal Service employs more than half a million people. Millions more in this country are employed in businesses that depend on the Postal Service.

Given the wide-reaching impact of the Postal Service, it is clear to me that cutting to the bone is the wrong approach. It will lead to a death spiral and the eventual end of the Postal Service as we know it.

The Postal Service must grow and reform its way into 21st century competitiveness. This bill is a first step toward achieving that goal. Brought to the floor under the leadership of Senators LIEBERMAN and COLLINS, this bill begins the process of addressing some of the serious challenges facing the Postal Service. This will help USPS reduce long-term costs, increase efficiency, and grow into a 21st century service provider. I think these steps can be taken while maintaining a world-class level of service.

There is no question there will be some short-term and long-term pain associated with reforming the Postal Service. Without tough choices, I can assure you there will be bankruptcy and the demise of the Postal Service.

I believe that measured steps now, though painful, are worthwhile to preserve and improve the Postal Service for generations to come.

I urge my colleagues to join me in voting for cloture on the motion to proceed to this important legislation.

And I look forward to an open and honest debate and to working with my colleagues to strengthen the bill.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the motion to proceed to S. 1789, a bill to improve, sustain, and transform the United States Postal Service, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant bill clerk called the roll.

Mr. KYL. The following Senators are necessarily absent: the Senator from Utah (Mr. HATCH), the Senator from Illinois (Mr. KIRK), and the Senator from Alabama (Mr. SESSIONS).

Further, if present and voting, the Senator from Utah (Mr. HATCH) would have voted ''nay.''

The PRESIDING OFFICER (Mrs. SHAHEEN). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 51, nays 46, as follows:

[Rollcall Vote No. 60 Leg.]

YEAS—51

Akaka	Gillibrand	Murray
Begich	Hagan	Nelson (NE)
Bennet	Harkin	Nelson (FL)
Bingaman	Hoeven	Pryor
Blumenthal	Inouye	Reed
Boxer	Johnson (SD)	Sanders
Brown (MA)	Kerry	Schumer
Brown (OH)	Klobuchar	Shaheen
Cantwell	Kohl	Snowe
Carper	Landrieu	Stabenow
Casey	Lautenberg	Tester
Collins	Leahy	Udall (CO)
Conrad	Levin	Udall (NM)
Coons	Lieberman	Warner
Durbin	McCaskill	Webb
Feinstein	Menendez	Whitehouse
Franken	Moran	Wyden

NAYS—46

Alexander	Enzi	Mikulski
Ayotte	Graham	Murkowski
Barrasso	Grassley	Paul
Baucus	Heller	Portman
Blunt	Hutchison	Reid
Boozman	Inhofe	Risch
Burr	Isakson	Roberts
Cardin	Johanns	Rockefeller
Chambliss	Johnson (WI)	Rubio
Coats	Kyl	Shelby
Coburn	Lee	Thune
Cochran	Lugar	Toomey
Corker	Manchin	Vitter
Cornyn	McCain	Wicker
Crapo	McConnell	
DeMint	Merkley	

NOT VOTING—3

Hatch	Kirk	Sessions

The PRESIDING OFFICER. On this vote, the yeas are 51, the nays are 46. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The majority leader is recognized.

Mr. REID. Madam President, I enter a motion to reconsider the vote on which cloture was not invoked on the motion to proceed to Calendar No. 296, S. 1789.

The PRESIDING OFFICER. The motion is entered.

REPEAL BIG OIL TAX SUBSIDIES ACT

Mr. REID. Would the Chair be kind enough to announce the pending business?

The PRESIDING OFFICER. S. 2204 is the pending business, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 2204) to eliminate unnecessary tax subsidies and promote renewable energy and energy conservation.

AMENDMENT NO. 1968

Mr. REID. I have an amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 1968.

The amendment is as follows:

At the end, add the following:
This Act shall become effective 1 day after enactment.

Mr. REID. I ask for the yeas and nays on that amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 1969 TO AMENDMENT NO. 1968

Mr. REID. I have a second-degree amendment that has also been filed at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 1969 to amendment No. 1968.

The amendment is as follows:

In the amendment, strike ''1 day'' and insert ''2 days''.

MOTION TO COMMIT WITH AMENDMENT NO. 1970

Mr. REID. I have a motion to commit the bill with instructions, which is at the desk.

The PRESIDING OFFICER. The clerk will report the motion.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] moves to commit the bill to the Committee on Finance with instructions to report back forthwith with an amendment numbered 1970.

The amendment is as follows:

At the end, add the following:
This Act shall become effective 3 days after enactment.

Mr. REID. I ask for the yeas and nays on that motion.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 1971

Mr. REID. I have an amendment to the instructions at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 1971 to the instructions on the motion to commit S. 2204 to the Committee on Finance.

The amendment is as follows:

In the amendment, strike ''3 days'' and insert ''4 days''.

Mr. REID. I ask for the yeas and nays on that amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 1972 TO AMENDMENT NO. 1971

Mr. REID. I have a second-degree amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment No. 1972 to amendment No. 1971.

The amendment is as follows:

In the amendment, strike ''4 days'' and insert ''5 days''.

Mr. REID. I have a cloture motion at the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on S. 2204, a bill to eliminate unnecessary tax subsidies and promote renewable energy and energy conservation.

Harry Reid, Robert Menendez, Benjamin L. Cardin, Jeff Merkley, Patrick J. Leahy, Michael F. Bennet, John F. Kerry, Al Franken, Tom Udall, Jeanne Shaheen, Bill Nelson, Daniel K. Akaka, Claire McCaskill, Christopher A. Coons, Jack Reed, Richard Blumenthal.

Mr. REID. Madam President, I ask unanimous consent that the mandatory quorum call under rule XXII be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROPOSING A MINIMUM EFFECTIVE TAX RATE FOR HIGH-INCOME TAXPAYERS—MOTION TO PROCEED

Mr. REID. I now move to proceed to Calendar No. 339, the Paying a Fair Share Act, which is S. 2230.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

Motion to Proceed to S. 2230, a bill to reduce the deficit by proposing a minimum effective tax rate for high-income taxpayers.

Mr. REID. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. COONS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

SURFACE TRANSPORTATION ACT

Mr. COONS. Madam President, I rise today to address a simple but important issue about what our path forward is to building a stronger and safer America. I was deeply frustrated to hear earlier today that the Transportation bill, which was passed by an overwhelming bipartisan consensus in this Chamber, has gone over to the House and they cannot find a way forward to respond to this bill from us or find any clarity or certainty about whether to simply take up, debate, amend, or consider and enact, hopefully, our bill from the Senate or ask for short-term extensions of 30, 60, or 90 days.

Madam President, as you know as a former Governor and as I know as a former county executive, when investing in work as important as bridges and highways and roads that make infrastructure, transportation, and a reliable and predictable future for our economy possible, nothing is more important than certainty. Financing major highway projects, buying major pieces of equipment, and hiring the crews to do the work are exactly the sorts of things where certainty is critical.

I have a simple question to our friends in the other Chamber, which is when will they take up this bill that passed this Chamber by such an overwhelming margin and when will they take seriously the broad bipartisan input from every imaginable group in support of this.

I was active in my previous elected role as county executive with the National Association of Counties, the U.S. Conference of Mayors, the U.S. Chamber of Commerce, and the AFL–CIO. All have weighed in. In fact, if I remember correctly, the U.S. Chamber of Commerce wrote every single office at the Senate in support of this legislation, calling for specific action that both the Congress and administration could take right now to support job growth and economic productivity without adding to the deficit.

This bill came out of the committee after remarkable work by Senator BOXER of California and Senator INHOFE of Oklahoma, two Senators who are widely viewed as being at the opposite ends of our political spectrum here in this Chamber.

When I go home to Delaware, I hear folks say over and over again: Why can't you work together? Why can't you iron out your differences and put America on a clearer, straighter track toward a stronger recovery?

Well, this is exactly the sort of bill that will accomplish that end. A 2-year reauthorization, a $109 billion bill that in my small State of Delaware would create 6,700 jobs now hangs in the balance. It will expire at the end of this month. Rather than take up and consider and hopefully pass this bill, folks in the other Chamber—and frankly, sadly, largely folks on the other side of the partisan aisle here—are refusing to do so and will instead take a short-term chip shot of an extension.

I simply wanted to say, if I might, that certainty is something I respect from my years in the private sector. Certainty is something I hear from the other side of the aisle in the other Chamber all the time. And this is a moment when certainty can be served by the House taking up and passing the Senate-passed bill.

Mr. BEGICH. Will my friend from Delaware yield for a question?

Mr. COONS. Absolutely. I yield to the Senator from Alaska.

Mr. BEGICH. The Senator was a county executive; I was a mayor of a community. We had to deal with the real-life aftermath of what happens around here, especially when it comes to these extensions. I know in my city, when I saw these extensions from that end of the table, we always had to stop projects, slow them down, didn't have the money to finish them, winter shutdown. All it did was add costs, decrease the capacity of roads, and literally take projects off the list.

In his community, the Senator had to deal with this probably like I had to. Did the Senator have the same kind of impact where you had to tell contractors: I am sorry, we don't have the money because the Federal Government has not done their job that they said they would do 20-some times before and never completed it? Is that a similar situation?

Mr. COONS. Madam President, the Senator from Alaska is absolutely right. In my county, we didn't do roads, our State does the roads, but we did sewers, and heavy capital investments in infrastructure would cost our little county tens of millions of dollars. We would be on a project, off a project, on a project, off a project. We were fortunate that our county in good times had enough money in reserve that we could go ahead and authorize the bond issue and authorize the project. But as the economy turned and as our balance sheet got tougher, we had to wait, we had to put things on hold, and we had to put off key projects.

I know the good Senator from Alaska, as a former mayor of Anchorage, also saw that happen in transportation. Is that not the case, that certainty was an enormous challenge when the Senator was relying on a Federal partner who was unreliable?

Mr. BEGICH. Absolutely, I say to the Senator from Delaware. In Alaska, I chaired the Metropolitan Planning Organization, the MPO, which had this money that would come from this legislation. It would come to us, and if they delayed it here or they had these crazy continuations because for some reason they could not get their work done—and now we are seeing that on the House side. They have had months to work on this. I think they actually banked that we would not work together here, Democrats and Republicans, and get something done. We actually did, and a pretty significant piece of legislation about transportation infrastructure that is crumbling in this country got 74 votes, bipartisan, from all spectra of political persuasions. I think they banked that we would fail, but we didn't. There were five weeks of work and a lot of compromise because we know what the impacts are on the street if we don't do this.

Back home, if the House doesn't take action on a very reasonable bill, a bipartisan bill, what will happen in Alaska is that some of these projects will de-obligate, or not obligate the funds, which means they will delay them. That means the contractors who expected to do work this summer will not. And in Alaska, because we are a winter climate—a lot of Northern States have a similar situation—the plant that provides the asphalt closes usually the first part of October. So you have a window that shrinks very rapidly. If you are not careful, the net result is that you have no projects and you pay more, which means that the delay the House side is doing is going to cost taxpayers more money and there will be less jobs. In Alaska we have 18,000 jobs at risk. And at the end of the day, again, you get less product, fewer roads.

I can only assume the experience I have here matches the Senator's State government that worked with the county when he was county executive; it is the same thing they had to go through, as the Senator explained on his water and sewer projects. But, as he said, times are different. You can't supplement it with local money, the way it used to be, because we don't have it.

The economy is struggling and starting to come back. But here we are at a moment when the economy is moving in the right direction, and what are we doing? The House over there is just waiting. I think that is not the example we are looking for but what we are doing and what we are suffering through.

Mr. COONS. What strikes me most about this, Madam President, and to the good Senator from Alaska, is that of all the sectors in the entire American economy—at least in my home State—that have suffered since the financial collapse of 2008, construction was hit the hardest. We already knew that we were far behind in investment. We have tens of thousands of bridges that are out of compliance with basic engineering standards. Half of our roads are below the standards we would expect from a modern economy. This is money that can and should be invested in putting people to work in construction, which has suffered from the highest unemployment. It has the support from the Chamber of Commerce to the AFL–CIO, where we wrestled through

the tough processes here over several weeks, and we have a strongly bipartisan bill sitting and ready to go.

There are other things we debate in this Chamber that will maybe create jobs, maybe won't. There is no question—even those who have the strongest concerns about the Federal role in our economy cannot disagree that Federal highway projects put people to work, strengthen our economy, and make us more competitive. This bill is ready to go. Why you would not take it up and enact it today, I cannot imagine.

To the good Senator from Alaska, I might say Alaska may have a shorter summer season than we do, but if you have 18,000 jobs at risk, I can only imagine the kinds of calls the Senator is getting from his home State, as I am getting from my State, urging that the House of Representatives take up this strong and bipartisan bill and pass it so we can all move forward and create some real jobs.

Mr. BEGICH. The Senator and I have the same situation he has described: Yes, we are getting those calls and they are not just—people say this is a union thing. No, it is union, nonunion, chamber, environmentalists, neighborhoods, community councils. It is everybody you can imagine because these are real jobs, about real people, about real communities.

Over there I think they think it is some theory that if they delay it, nothing will happen. They are wrong because the Senator and I have lived on that other side and had to live with the consequences of inaction. This is one of those bills where there is bipartisan support, all the groups out there from all walks of life support it, and everyday people understand it.

When I was back in Anchorage getting some gas at the gas station, someone came up and they asked me, because why? We are about to start our season in the bidding process because you have to take 30, 60, 90 days to get the bids out and then you actually have to construct. I think sometimes in the House they think it is some fantasy land that whatever they do has no effect. This does. I think the Senator said it very clearly, and I appreciate being allowed to ask a few questions and comment here. But it seems the most ridiculous thing to have Alaskans telling me every day to work together, create bipartisan legislation, whatever it might be. Here is one we have done successfully and now we are ready. But over there they are playing politics. They have now tried twice to do something this week and they still cannot get it moving.

I would encourage those on the other side to move forward on the bipartisan bill that the Senate has passed when I know they were banking we would not pass it. We did it; we did our work. The American people are waiting for these jobs, the contractor community is ready, and the communities are ready. It is time to move forward.

I thank the Senator and the Presiding Officer for allowing me to ask a few questions and give a little commentary.

Mr. COONS. I thank the Senator from Alaska. As we both know from our former roles, when you have a short-term extension, there are costs. It means that folks getting mobilized, getting organized, getting ready—you have to pull them back. When the State coffers, the county coffers, the municipal coffers don't have the ability to float and put in place the Federal funds they are waiting for, it means projects get canceled, people lose their jobs, opportunity and optimism that were moving forward get pulled back.

We have folks in this Chamber and the other, former Governors, former mayors, former county executives, former business leaders, who know the importance of a strong and reliable Federal partnership in strengthening infrastructure in this country.

I congratulate Senator BOXER and Senator INHOFE for working together so well to craft a tough, strong, capable bipartisan bill, and it is my plea that the Members of the other Chamber will promptly take it up, consider it, and pass it so we can get America back to work.

I thank the Chair.

I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Madam President, before they leave the floor, I thank Senator COONS and Senator BEGICH and Senator SHAHEEN for the very important words they gave today on behalf of the House taking up and passing the bipartisan Senate Transportation bill. It is interesting to know we also have the senior Senator from Alaska, Senator MURKOWSKI, speaking out in favor of the House picking up and passing the Senate bipartisan bill. I also served as a county supervisor a long time ago, but I think we all understand that what we do here makes a difference.

This is one Nation under God, indivisible. There cannot be a circumstance where one State puts their own funding from their State into highways but the State next door does nothing. They cannot have commerce. That is why I thought Dwight Eisenhower, when he was a Republican President in the 1950s, said it well. He was a logistics expert. He is the one who started the National Highway System. He knew from his experience in war that you have to move goods and people. He also knew, in his role as President, that in order to have a strong economy, we have to do the same thing here at home.

For me to see this House dither as they are doing—they are dithering on a bill. All they have to do is take up the bipartisan bill. For goodness sake, they have three-quarters of the Senate to support it, and all we need is 218 votes. When I served in the House for 10 years, what did I learn? You needed 218 votes. Tip O'Neill never cared where he got his votes, he just got the votes for the American people. So I have written letters to Speaker BOEHNER and Leader CANTOR, and I have begged them to please work with us on this bill, and all we get back are statements from their staff, saying: Well, we are going to do it our way. As Congresswoman PELOSI, the Democratic leader, said today: When you say my way or the highway about the highway bill, you don't get much done.

I also wanted to thank Senator KLOBUCHAR. She also held office at the State level. She was a district attorney, and she understands what happens when the Federal Government, State government, local government, all work together for jobs, and that is what this bill is about.

So I am going to call today on the House to immediately take up and pass the bipartisan Boxer-Inhofe bill. I am going to ask them to abandon their goal of a series of extensions.

When someone goes to buy a house, they need a mortgage. Maybe it will be a 10-year mortgage, 15-, 20-, or a 30-year mortgage. If the banker looked at them and said, We can only give you a mortgage for 30 or 60 days, it would be very difficult, to put it mildly. It is disruptive. You don't know how to plan, you don't know what it is going to cost, you don't know if you are ever going to get the money for the house. So the House, by taking up these extensions, has to understand the impact.

Today I called a press conference to let the press know what the impact is of these extensions. The extension means job losses. We started to put together a list that is coming to us from the States of job losses already happening in the field because of the lack of action by the House. I spoke to the Secretary of Transportation in North Carolina today. He has delayed the remaining 2012 projects totaling $1.2 billion that would employ 41,000 people. So 41,000 people do not have work, as we speak today, because the House is dithering and not passing the bipartisan Senate Transportation bill.

I spoke to the officials in Nevada. As we speak, thousands of jobs have been lost there because the House is considering an extension instead of passing a bill such as our bill.

I spoke to the officials in Maryland. Same thing, thousands of jobs. I spoke to the officials in Michigan. Same thing. Right now we are putting together a list from all across the country of job losses in all of our States as a result of the House failing to take up and pass the bipartisan Senate bill. What more bipartisanship do they need than to have 75 Senators support the bill? One of them was absent due to a funeral. So we have 74 votes for it and 22 against it. What more do they want?

Anyone watching the Senate today sees how paralyzed we are. We have not been able to do a thing. There are filibusters on fixing the post offices. There are filibusters on making sure that Big

Oil doesn't keep ripping off consumers at the pump. Filibuster, filibuster, filibuster, filibuster. But we were able to get over all of that and pass a transportation bill. Why wouldn't the House be thrilled about that? Why wouldn't the House embrace what we did? Why would the House instead stand up again today and say, We are going to have a 60-day extension. Guess what. They pulled it. They are not having a vote on that today because of the uproar it is creating in the States and on the House floor. The House has not delivered on its promise for a bill. All the leadership does is complain about our bill.

Today—I couldn't believe it—Chairman MICA said this bill is not paid for. Senator BAUCUS, Senator THUNE, and others worked across party lines to pay for our bill. It is 100 percent paid for. And guess what it does. It protects 1.9 million jobs and creates another million. That is what our bill does. So they are pulling this vote. They are pulling this vote today. Good. I am glad they are pulling this vote because they ought to instead pass the bipartisan Senate Transportation bill.

I want to tell you a story about what is actually happening out there in the economy. If we do nothing, 1.9 million jobs are gone on March 31. If we do an extension, then you have death by a thousand cuts, a proportion of these jobs is lost, and it keeps getting worse with every extension. So it is the end of these jobs, a slow torturous end of these jobs.

I want to show how many unemployed construction workers there are—1.4 million. Why is that? When the unemployment rate is 8.3 percent, the unemployment rate among construction workers is 17.1 percent. Why is that? Because we were having a very tough housing crisis, and we are not out of it yet. So all of these workers who were building houses now were hoping to be able to build highways, build freeways, and fix bridges. And our bill does that. Our bill will take these people and put them to work. We could get this unemployment rate down to 400,000 because we will take a million off this with the expansion of the TIFIA Program, which stands for Transportation Infrastructure Finance and Innovation Act, which gives the money upfront for cities and States and gets projects built faster.

I want to show you what it would look like if you put every unemployed construction worker into a football stadium. This is a Super Bowl stadium, and it is filled. Imagine each and every one of these seats is filled by an unemployed construction worker, and then close your eyes and imagine 13 more stadiums for a total of 14 stadiums. Fourteen stadiums full of unemployed construction workers, that is what we are facing. Yet, the House will not take up and pass the bipartisan Transportation bill. They are flirting with extensions, which is the end of these jobs, but slower and more excruciating.

We talked about jobs, but we have to talk about businesses. These jobs are private sector jobs, and these businesses—over 11,000 of them—are construction companies that would be adversely impacted.

I met with business owners. One man was teary eyed. He said, Senator, I have had to lay off 1,000 people because of the indecision here, because of the constant extensions we have had on the highway bill. We need your bill now. I said I understood. He said, I cannot look at another worker. He said, Extensions are like living hand to mouth. It doesn't work.

If you know, again, that all you are going to get is 90 days' worth of Federal funding, how can you let a contract for a year? No one is going to go out and let a contract for 90 days for a big program that lasts for a year or a year-and-a-half of construction. So we just have to remember we are not just talking about workers; we are talking about the businesses that support those workers.

I am going to show my colleagues a series of editorials. They have run in red States. They have run in blue States. They have run in purple States.

I am going to make a statement, and I am going to stand by it: Everyone in America gets this except the House of Representatives. Everyone in America gets this except the Republicans in the House of Representatives, save a few of them who are courageous. Four of them have broken off—one of them from the Presiding Officer's home State, two of them from Illinois, and one of them from North Carolina. They said: We stand with those who say take up and pass the Senate bipartisan bill. Good for them for showing that kind of courage.

I say to my colleagues now, it is a quarter to 5 in the evening. If any of them are tuning in to this discussion, listen to what these newspapers are saying: ''House should pass transportation bill.''

> The No. 1 priority for the House of Representatives should be passing a bipartisan transportation bill—as the Senate already has done on a 74–22 vote. . . .
>
> The Senate has done its job. . . . House Speaker Boehner should drop the notion of passing an extreme Republican-only House bill and do as the Senate did—craft a bipartisan bill that can pass both Houses.

This is in the Fresno Bee. It is in the reddest part of California. Trust me when I say that. I know. It is the reddest part of California, and they are asking the House to pass the Senate bill.

Then we have, in Michigan, the Detroit News: ''Congressional Waffling Hurts State Roads.''

> The U.S. Senate . . . has approved a bipartisan plan. While imperfect, it's better than another reprise of an outmoded transportation act that already has been extended eight times. . . . The disarray hardly gives States the kind of revenue certainty they need to get from a Federal plan, but if Boehner and House Members can't agree on their own plan, they would probably be wise to take what is politically possible and pass it. Pass the Senate bill.

Newspapers all over the country—look at this one: ''Road to Compromise.'' One would think the House would embrace this. What are the American people telling us? We are viewed—we in the Congress—as fighting constantly. Our approval rating is 10 percent. I don't know who represents that 10 percent, but it is probably the Presiding Officer's family, my family, and the family of my colleague from Missouri.

Why is that? We can't work together. We proved today on two bills that we can't get together. But we proved a couple of weeks ago, after 5 weeks of debate, we could do it on the Transportation bill.

When Senator INHOFE and I agree, my goodness, that is a day. We don't agree on so many things, believe me. We are struggling over anything that has the word ''environment'' in it. He is fighting to overturn the EPA clean air rules, and I am fighting him to keep them. He doesn't want that much oversight on nuclear accidents; I want more oversight. He says I don't do enough oversight on things he wants oversight on. Listen, we argue. We respect each other. We like each other. We disagree with each other. But on this we came together. What more does BOEHNER want? What more does CANTOR want?

Speaker BOEHNER is putting at risk 55,000 jobs in Ohio, and Leader CANTOR is putting at risk 40,000 jobs in Virginia. Don't they care about the businesses and the workers there?

This headline says the ''Road to Compromise.'' This is the Ohio Akron Beacon, from the heartland:

> On Wednesday, 74 Senators, Republicans and Democrats, joined together in a real accomplishment. They approved a two-year bill. . . . The timing couldn't be better. . . . What will the House do? It should take the cue of the Senate and quickly approve the legislation that won bipartisan support.

It couldn't be more clear. That is Ohio.

I will tell my colleagues I have never seen such an array of newspapers from all over the country.

This one is the Chicago Sun-Times: ''For a Better Commute, Pass Transportation Bill.''

> The Senate just delivered a gift to the House: A bipartisan transportation bill at a time when America really could use a lift. Here's hoping the House Republicans don't mess it up. . . .

Well, hope against hope. So far, I feel very worried—very, very worried. The whole program expires on Friday and all they can come up with is extensions, and then they don't even have the votes for that. How bad would it be for them to give me a call, give Senator INHOFE a call, and say: We are going to come over and sit down and bring the bipartisan leadership of the committee—there are four of them—bring the bipartisan leadership of the Senate, and let's hammer out something.

What is happening over there? Speaker BOEHNER is the Speaker of the House not Speaker of the Republicans. He needs to work with the Democrats. I don't expect they will love each other, my goodness. We don't expect miracles, but we should expect them to work together.

I remember fondly my days in the House with Tip O'Neill and Bob Michel. Couldn't have better friends. Did they agree on everything? No. Did they work on everything? Yes. I remember those days. I was a whip at a certain point in the House, and they used to call us together and we would come back and say: There are 25 Democrats who can't vote for this Democratic bill. You know what Tip O'Neill would do? He would say: Fine, I will call Bob Michel and see if he has 25 votes for me. They saw that they might have had 20 and they didn't have 25 and they had to compromise the bill. And they did it. That is why I decided I loved legislating.

I loved working on this bill with my friend Senator INHOFE. I loved working with my staff and his staff. Our staffs became almost like family. I would encourage Speaker BOEHNER to take a page out of this book.

I see the Senator from Louisiana on the Senate floor. He and I go at it on a number of issues. We work together. We even put on this bill the Restore Act—a bipartisan piece of legislation that is going to make sure the gulf can rebuild and get paid back for the suffering that went on there. Did California get a lot out of that? No. But the country will get a lot out of that because the gulf is a region we care about. It is where we get a lot of our energy. It is where we get a lot of our seafood. We need to work together.

So Senator VITTER and I don't agree on a lot of subjects, and we go at it pretty hard in the committee. But on this we agreed.

So let's look at a few others, and then I will yield the floor after we go through the rest of these.

''Highway Bill Would Boost Stability.'' This is Mississippi. This is one of the reddest States in the Union. I beg Speaker BOEHNER to open his ears and hear me:

> A two-year, $109 billion highway bill that passed the U.S. Senate this week buoys the hope of interest groups like roadbuilders and the travel industry that the House can be prodded by the Senators' action to pass its own bill before a March 31 expiration date. . . .
>
> This bill has no earmarks. . . .
>
> Mississippi could derive major benefits.
>
> I am just saying, when we have editorials from Mississippi for a bill, we know it is a bipartisan bill.

Let's take a look at some others: ''A Solid Transportation Bill.'' This comes from Oregon, the Register Guard, an editorial:

> By an impressive bipartisan vote of 74 to 22, the Senate on Wednesday passed a two-year blueprint for transportation. The House should move quickly to approve the Senate measure. If a transportation bill is not approved and signed into law by April 1, the government will lose its ability to pay for Federal transportation projects.

So now we have Mississippi, Oregon, Illinois, and Ohio. I don't remember all that I read.

''Bipartisanship in Senate Moves Transportation Bill.'' This is Oklahoma, another deeply red State:

> With rare bipartisanship, the U.S. Senate on Wednesday passed a much-needed and much-delayed national transportation bill that could create jobs and fund road projects. . . .
>
> The country's infrastructure has been ignored for too long and is in dire straits. This is an important and necessary extension of the transportation bill. It will make needed improvements to our infrastructure, and it is a real job-creator. . . .

I am telling my colleagues that I am buoyed by these editorials because these editorials from Republican papers and Democratic papers are nonpartisan. They are all urging us to act.

''Transportation Funding Held Hostage in the House.'' Fort Worth Star-Telegram, Texas—another red State:

> What an exciting thing to see the Senate pass a surface transportation bill last week on a 74 to 22 vote. Such bipartisan support for maintaining and improving this crucial part of the national infrastructure makes it almost seem like the good old days in Washington. . . .
>
> At one point, [House Speaker Boehner] said he would put the Senate bill before the House. Earlier, he said House Republicans might go for an 18-month extension. . . . It's beginning to look like Boehner doesn't have a clue what the House will do. . . .
>
> Does this sound familiar? Does it remind you of the congressional follies of last summer, the reality-TV drama and brinksmanship of the debate over raising the federal debt limit.

I can't reach Speaker BOEHNER. He doesn't answer my letters. CANTOR doesn't answer my letters. They just have spokespeople who put something out there. What is wrong with talking to each other? What happened to those days?

Now, it goes on, and I am going to go through these: ''Pass This Transit Bill.'' This one is the Miami Herald:

> In an all too rare display of bipartisanship, the Senate, by a vote of 74 to 22 last week, passed a transportation bill of vital interest to South Florida and the rest of the country. . . .
>
> This uncompromising approach is why public approval of Congress stands at 10 percent or below in recent polls. Mr. Boehner should urge the members of his caucus to set aside their job-killing intransigence and accept the bipartisan Senate version before funding runs out.

So here is the thing—I will wrap up—there is a clear path to success, and it is not painful. It is not painful. Speaker BOEHNER and Leader CANTOR should abandon their idea of these endless extensions. We have proven today through the State organizations and by talking to State officials in all of our States that jobs are already being lost because of the uncertainty, the dithering—that is my word—and the fact that they are talking about extensions. Extensions are no good. Extensions mean job losses—41,000 jobs already lost today as of now in North Carolina and thousands in other States because States do not have the ability to up-front the Federal share. They are counting on us.

Our bill is fully paid for in a bipartisan way. Our bill has not one earmark. Our bill takes 90 programs down to 30. It is streamlined. It is made efficient.

We have, in a bipartisan way, added the Restore Act. We added ways to fund rural districts for their schools by the timber receipts. This is a good bill, and this is a bill that is truly a work product of everyone in this Chamber. Even those who ended up voting no had something to do with it and helped us get it through.

So there is a clear path. They pulled their 60-day extension off the floor of the House, and that is a good thing. Now they should put the Senate bill on the floor and both sides should embrace it and pass it.

Let me tell my colleagues a signal it will send to our people at home: It will send a signal of job growth in the future, a signal that we are working together, a signal that we are going to get out of this recession, a signal that we put aside politics for the good of these hard-hat workers and the companies that employ them. They deserve it. They got hurt by Wall Street. Everybody in the country did. But for these construction workers, because of all this messing around with these mortgage-backed securities, it killed the construction industry and housing.

We have a chance to help some of the hardest working people in our Nation. I call on the House leadership to take a page out of our bipartisan book here and pass the Senate bill.

I thank my colleagues, and I yield the floor.

The PRESIDING OFFICER (Mr. CASEY). The Senator from Missouri.

GAS PRICES

Mr. BLUNT. Mr. President, this week the majority brought a bill to the floor to talk about gas prices and energy-producing companies. That was yesterday. Today the majority brought another bill and tried to move away from that bill. We ought to be talking about gas prices. We should be talking about what impacts so many families and so many businesses and so many individuals.

I talked to somebody on the phone just yesterday, a friend of mine from St. Charles, MO, where gasoline is about $3.50 a gallon. That is a little lower than it is maybe in other places where it is $3.90, the national average, though I am sure we can find a place in St. Charles where the gas is $3.90. But my friend talked about gas prices, how it affects his business, the restaurant business.

I have said on this floor before, when American families stand before that gas pump and the cost goes from $40 to $50 to $60 to $70, almost every family in America watches those numbers and

thinks of something they were going to do that week or that weekend that they are not going to do. Certainly, if you are in the restaurant business, as my friend is, you know that.

But he said: I was at the gas station just yesterday, and there was a woman there in a car with a child. She said: Could you just give me $5? I don't think I can get home with the gas I have. I don't have any money. I need to put a little more than a gallon of gas in the car just to know I can get home. Could you put $5 of gas in the car for me?

He said: I put $20 of gas in the car. And $20, at $3.90 a gallon—the national average—does not last very long.

People who are putting $5 or $10 in their gas tanks are not doing it because they love to go to the gas station. They are doing it because they cannot afford to put the gas they need in the car to do the things they need to do.

The national average hit $3.90 just a day or two ago, and it is on the way up now. It is more than double what it was in January 2009 when gasoline was about $1.90 or $1.91 a gallon.

People feel this. I cannot think of a meeting I have had in the last 2 weeks with any group who did not have some story about how energy and gas costs were impacting them.

Now, why we would have a bill on the Senate floor that would raise gasoline prices I have no idea. But that is the bill that is on the floor. I think the idea is that the majority is wanting to blame somebody else rather than the President's energy policies. The American people do not accept that.

I asked people in Missouri to talk to me about some of the challenges they are having with these skyrocketing fuel prices. Remember, the President, in the fall of 2008, said at the San Francisco Chronicle, under his energy policies, energy costs would ''necessarily skyrocket.'' So I guess he has to believe his policies are doing exactly what he thought they would do. But here is what they are doing to people all over America.

Trent Drake, a farmer in southwest Missouri, who raises soybeans, corn, wheat, and cattle, told me—of course, like every farm—he is heavily dependent on fuel, in his case diesel fuel. His fuel bill went up 125 percent over last year. That is more than twice the fuel bill he had last year.

Roger Lang, who owns a company, Byron L. Lang Inc., in Jackson, MO, told me a majority of all the profits they are making are now going back into paying the fuel costs, which, of course, means they cannot look at profits they made and think: What can we do for better benefits or better wages or to hire more employees? They have to think: How much higher is this gasoline bill going to go? How much higher is my energy bill going to go under the energy policies we are working under now?

According to Roger Lang, if something is not done, he believes this one issue will end his business. A business his family has been operating since 1947 would be ended because we have energy policies that do not make sense.

Linda Yaeger, who is the executive director of the Older Adults Transportation Service—I do not know what it is called everywhere else; it is called the OATS system in Missouri—provides transportation for seniors and people with disabilities in 87 of our 115 counties.

For every penny gas goes up, Linda said it costs her program $15,250. For every penny that gas goes up in 87 counties all over Missouri—essentially, for vans and buses that take seniors and handicapped people where they need to go—for every penny gas goes up, it costs $15,250. And for every penny that is a loss of the equivalent of 10,000 one-way trips for the people they serve. Multiply that $15,250 by the 200 pennies gasoline has gone up in the last 3 years and suddenly we have a budget that does not do what we would hope it could do for the people they serve.

The Ozarks Food Harvest in Springfield, MO, where I live is a regional food bank that serves one-third of the State of Missouri, delivering about 1 million pounds of food a month. Bart Brown, who runs the Ozarks Food Harvest, cannot, obviously, predict—as none of us can—these gas prices. But they did just have to raise their delivery costs from 4 cents a pound to 6 cents a pound. So there is a 50-percent increase in the delivery costs to the Food Harvest in getting food to people's homes.

The charities of America are incredible in their ability to make money last, to stretch a dollar, to do everything they can to make their contributions have real impact. The Food Harvest—I have been to a lot of these food banks, and they benefit from getting food from people who are food producers, the processors who have an overrun or they have a damaged box or they have whatever is still perfectly good, but they are willing to make it available to somebody else because it does not quite fit the way they do business.

But when they have to increase their delivery costs by 50 percent just because gas has gone up—gas has gone up 100 percent. So if they increase their delivery costs by 50 percent, I guess they are still trying to make the most of the situation in which they find themselves. It is not the only part of the cost, but it is a big part of the cost. That is going to have a big impact on all the people in one-third of the counties in Missouri that get food from the Ozarks Food Harvest.

Meanwhile, a lot of my colleagues on the other side have already admitted this tax hike on American energy producers would do nothing to lower gas prices. This clearly is a messaging bill. But why, if they were trying to divert attention away from the President's energy policies, they bring this bill to the floor is a surprise to me.

In May 2011—a year ago—the bill's sponsor, Senator MENENDEZ, acknowledged:

> Nobody has made the claim that this bill is about reducing gas prices.

Well, why would they be talking about it if they could be spending the same time doing things that would reduce gas prices. The American people believe the government could have an impact on gas prices. I believe the government could have an impact on gas prices. This bill we are talking about is not even designed, according to the sponsor, to reduce gas prices.

Senator BEGICH said the proposed tax hikes ''won't decrease prices at the pump for our families and small businesses.'' He may or may not be for the bill, but he certainly has figured out what the bill would do.

Senator BAUCUS noted ''this is not going to change the price at the gasoline pump. That's not the issue.''

Well, what is the issue? Maybe we ought to figure out what the issue is. Families think it is the issue. Families think, when they see that sign go up three different times maybe in a week—that the price goes up—that there is some issue we ought to be dealing with. Senator SCHUMER admitted this bill ''was never intended to talk about lowering prices.''

Probably this bill was never even intended to be on the Senate floor. I assume the majority brought this bill to the floor thinking Republicans would not want to talk about this topic of whatever tax policies are designed to encourage more American production. But why wouldn't we want to talk about that? Why wouldn't we want to have more American energy of all kinds?

Senator LANDRIEU told Americans this bill ''will not reduce gasoline prices by one penny.'' She is absolutely right.

Even the majority leader, who brought the bill to the floor, said this bill ''is not a question of gas prices.''

So, really, this bill maybe is not a question of anything we ought to be talking about, so let's talk about what we should be talking about. We ought to be talking about what increases American energy. The shortest path to more American jobs is more American energy—the jobs that produce energy and the jobs that benefit from competitive energy prices.

We are not some little European country. I know in the fall of 2008, before the President chose him, the Secretary of Energy said our problem was that our gasoline prices were not as high as the gasoline prices in Europe, where at that moment they were $8 or $10 a gallon.

I do not think that is our problem at all. In fact, we are not a European country. We are the United States of America. We are a big country. Our transportation needs are different. Our energy needs are different. We generally do not walk to work or we generally do not only benefit from food

products and other products that come from 5 or 10 miles away. That is not who we are. That is not who we are going to be. We need to have energy policies that work for us.

Congressional Republicans in the House and the Senate have long supported a plan that uses all American energy. In fact, at the State of the Union Message, one of the few smiles on the Republican side of the aisle that night was when the President said he was for an ''all-of-the-above'' energy strategy because that is what we have been for for a long time, and mean it. That can include wind and solar, renewable, biomass, shale gas, shale oil, coal, nuclear—all of the above.

It seems to me the message has not gotten through to the regulators and the legislators that we need to be doing all we can to find more American energy—all of these things, every one I mentioned: Nuclear, big and small; natural gas. We now think we have more natural gas than anybody in the world. Let's go after it. Let's use that resource to the advantage of our economy.

They all have bipartisan support, and I think there is bipartisan support for investing in the future. Let's figure out what comes next in the energy world, but it will not come quickly, and our economy could not afford for it to come quickly. If we decide: OK, tomorrow we are not going to drive cars powered by gasoline, that would be a huge mistake. It would be an equally huge mistake if we decided 10 years from tomorrow none of us will be driving cars powered by gasoline. We do not even know what the next power source will be. We are going to use these fossil fuels for a while, and we should use them to our benefit.

Instead, my colleagues on the other side of the aisle want to talk about raising taxes on domestic energy and domestic energy manufacturers—tax hikes that absolutely will be passed along to consumers. Some of these things in the Tax Code are to encourage American energy production. There is energy all over the world. Why wouldn't we want to encourage the energy production jobs to be here rather than somewhere else?

I know the President said we are going to give money to Brazil, and we want them to drill in the deep water, and we will be glad to buy some of their oil and gas when they produce it. But why would that be our alternative when we could, in fact, do things that encourage American energy production or, if it is not from the United States of America, what about our neighbors? The Keystone Pipeline—80,000 barrels of oil a day is going to go somewhere because they are going to use that resource to their benefit, and it is either that the pipeline is going to come south to our refineries or it is going to go west and be sold to Asia.

Why we would not want the 20,000 jobs to build that pipeline—not taxpayer-paid jobs but jobs for people who pay taxes, working for companies that pay taxes—why we would not want those jobs to be right here in the United States rather than in Canada, sending that pipeline west to eventually have that same oil sold to Asia, is a mystery to me.

If the President wants to support an ''all-of-the-above'' energy strategy, he should stop blocking all this energy. The President should work to enable all sources of energy we have in the United States. The best place for us to meet our own energy needs is right here. The next best place is our best trading partner, our biggest trading partner, our closest neighbor, Canada. Then even the Mexican energy appears to be on a rebound in a positive way that could benefit us.

Let's be as independent as we can be on energy and the energy that relates most directly to American jobs.

The responsible development of more domestic energy will help create jobs, bring down prices at the pump, and position our country to have greater energy security. The shortest path to more American jobs is more American energy. Let's get on that path instead of this path that is discouraging the very thing that can help us the most.

I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. VITTER. Mr. President, I too come to the floor to talk about the most pressing issue facing so many millions of Louisiana and American families; that is, the price at the pump. Sometimes we seem to get ourselves in a cocoon in Washington, DC, divorced from the real world.

We need to reconnect to the real world. Back in Louisiana, Pennsylvania, and every State across the country, middle-class, lower middle-class families are struggling with this ever-increasing price at the pump. When President Obama was sworn into office a little over 3 years ago, that price was about $1.84 a gallon. Today, it is over double that, $3.80 and beyond.

That is a big hit to American families. That hits folks where it counts and where it hurts—in the wallet, in the pocketbook, in the family budget. All around Louisiana families are huddled around the kitchen table trying to figure out how to make it work because gasoline, transportation, driving is not a luxury. Sure, they can cut back a little bit, but for the most part it is a real necessity; it is going to work; it is getting the kids to school; it is doing absolute necessities.

This is a big hit to middle-class, lower middle-class families' budgets and wallets and pocketbooks. So let me suggest the obvious; that we focus on what truly matters to American families, that we focus on that in the Senate, here in Washington, and we do something about that.

That is why I favored moving to the Menendez bill on the Senate floor. That is why I voted against moving off the bill today, not because I agree with that solution—it is not a solution—but at least we can talk about the topic, at least we can offer amendments on what is to millions of Louisiana and American families the biggest day-to-day challenge they face; that is, that ever-increasing price at the pump.

The Menendez ''solution,'' the Democratic plan, will not help bring down the price at the pump. In fact, it will do the opposite. I think the American people with good old-fashioned American common sense get it. Look, we can love the oil companies, we can hate the oil companies, but the Menendez bill increases taxes on U.S. energy companies and on U.S. energy production.

It increases taxes on those folks and on that activity. What do we think is going to be the result of that in terms of the price at the pump. The American people know. The American people get it. It is obvious. It is going to increase the price at the pump. It is certainly not going to leave it alone or decrease it. Why? It is economics 101. When we give business a new additional cost, almost all the time that is going to be passed on to the consumer.

The American people get that. They see that. They feel it. They deal with it every day. Also, when we increase taxes on something, we produce less of it in the market. In this case, the Menendez bill is increasing taxes on energy production, in particular, ironically, U.S. energy production, which I thought we wanted to increase and maximize.

So when we tax something more, we get less of it. Supply goes down. Guess what happens when supply goes down and demand is the same. Price goes up. So I not only agree with, but I go further than some of the Democrats who were quoted by the previous speaker saying this bill is not about reducing the price at the pump. It is not only about not reducing the price at the pump, it will have the impact of increasing the price at the pump.

Conservatives have a different suggestion that will decrease the price at the pump; that is, to use the resources we have in this country, to open our ability to use those energy resources, to produce more good U.S. American energy for ourselves, to increase supply, and to thereby lower the price at the pump. We can do that and we should do that.

A lot of Americans do not realize the United States is actually the most energy-rich country in the world, bar none. When we look at total energy resources, when we compare countries in terms of their total energy resources, the United States is the richest in energy, bar none. This chart shows that. The United States is top. Russia comes second. Saudi Arabia is third. But look at Saudi Arabia and all Middle Eastern countries—way below our total U.S. energy resources. We are very rich in terms of energy.

This map shows just how rich we are in terms of U.S. resources. We have

enormous recoverable natural gas, particularly with new technology and horizontal drilling that has been developed. That is these green circles. That represents, conservative estimate, 88 years of natural gas using just that for U.S. use.

We have enormous recoverable oil—again, very conservative estimates. But in the gulf, where we do produce, also on the east and west coast and Alaska, there is lots of oil, and we have enormous recoverable oil from shale, particularly out West. That is being blocked now. It is off-limits. But we have these resources.

The problem is—and I said we are the single most energy-rich country in the world, bar none. We are. The problem is we are the only country in the world that puts well over 90 percent of our resources off-limits. We are the only country that does that. East coast production, no, absolutely not; west coast production, no—big red no; ANWR, Alaska National Wildlife Refuge, where we could access millions of acres of lands from a very select footprint, smaller than an area the size of Dulles Airport in suburban Virginia, no; western shale production, where we saw so much of the resource potential on the previous map, no; even production in the eastern Gulf of Mexico, no. Under Federal law, because of this administration, because of this Senate, we keep saying no, no, no to our U.S. resources.

A good example of that is President Obama's 5-year lease plan for offshore production. Under Federal law, every President has to develop and issue a 5-year plan about leasing the Outer Continental Shelf offshore. President Obama's 5-year plan is half of the previous plan. We have very little we are able to touch as it is, and President Obama has backed us up from this, has turned us around, moved us in the wrong direction from there. His plan is literally half the previous plan. So we are moving there in absolutely the wrong direction.

This map shows that. This map is what was available for potential drilling under the previous plan. We were finally moving forward on the east coast, on the west coast, offshore Alaska. We have been in the gulf. But under President Obama's very different lease plan, we are back to saying no, no, no, no, no, no—backing up, moving in the wrong direction.

We are moving in the wrong direction in other areas too under this administration. In the Gulf of Mexico near where I live, traditionally, the area where we produce the most U.S. energy, even in the Gulf of Mexico we are moving in the wrong direction. Production is down 17 percent in 2011. It is projected to go down more in 2012. Permitting is down over 40 percent compared to the pre-BP levels of permitting. I know with the BP disaster there had to be a quick pause. We had to change some rules. But it is still down over 40 percent. Production is down 17 percent in one of the few areas we allow activity. We cannot afford that. We need to produce more good U.S. energy.

Oil production on Federal property, again, is down on all Federal property, down 14 percent. Federal offshore is down 17 percent in the last couple years. We need to do better.

Of course, perhaps the clearest example of this approach to energy by President Obama is his recent veto of the Keystone Pipeline, a true shovel-ready project, truly ready to go. It is not U.S. energy, but it is the next best thing, from our biggest trading partner, a very good friend and reliable trading partner, Canada. The President has vetoed it and with it the 20,000 jobs it would have created—no; 700,000 barrels a day of oil from Canada, no; $7 billion of economic investment when we are trying to come out of this horribly weak economy, no; help to lower prices at the pump, no—again, No, no, no, no, no, no.

We can do better. We can do better as a country. We certainly can do better in Washington and say yes. We can do better by accessing more domestic energy resources. Again, we are the most energy-rich country in the world, bar none. But we are the only country that puts over 90 percent of that off-limits. We need to change that. We can create more great U.S. jobs. Let us say yes to that. By the way, those are jobs which by definition cannot be outsourced to China or India or anywhere else.

If we are creating energy in the United States, that job has to stay in the United States. We can build greater energy independence. Let us say yes to that. We can dramatically increase revenue to the Federal Government and thereby reduce deficits and debt. After the Federal income tax, the second biggest source of revenue the Federal Government has is revenue on domestic energy production, those royalties, second only to the Federal income tax.

Let's say yes to that new revenue, deficit and debt reduction, and we can help lower the price at the pump because supply does matter. Increasing supply does matter. It will lower prices.

Again, I disagree with the Menendez approach. The Menendez approach will increase the price at the pump and increase taxes on an industry and that is going to be passed on to the consumer. Taxing something more produces less of it. Less oil means the price goes up. But we can have an American solution. We can open access to our own resources and thereby gain control of our own future. We do not have to beg Saudi Arabian princes. We can regain control of our own destiny and our own future. Let's do it. The American people want us to do it. Common sense dictates that we do it. Let's move forward together and do it for the good of our country.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

SURFACE TRANSPORTATION ACT

Mrs. SHAHEEN. Mr. President, I come to the floor this evening to join my colleagues who were here earlier to talk about the bipartisan Senate-passed Transportation bill. I give credit to Senator BARBARA BOXER, Chair of the Environment and Public Works Committee, and Senator INHOFE from Oklahoma, the ranking member, for all of their good work on this legislation. They joined three other committees that also passed their portions of the bill with strong bipartisan support.

I think we could all agree that transportation is one of the Federal Government's core responsibilities. It has been far too long since Congress updated and reformed Federal transportation programs. Every committee that worked on the Senate's long-term Transportation bill passed it with a strong bipartisan vote. When the bill came to the floor, 74 Senators from both parties voted in favor of the Transportation bill.

Now I urge the House of Representatives to follow our lead in the Senate and act on a long-term bipartisan transportation bill. I think they ought to take up the Senate bill. The Senate's Transportation bill is about strong bridges, good jobs, and dependable roads that businesses count on to move goods and reach customers.

The Senate bill reauthorizes transportation programs for 2 years, it maintains current funding levels, and it does not increase gas taxes. Repeating that, it doesn't increase gas taxes, and it is fully funded. Cutting funding for transportation right now would be a very dangerous choice.

We are seeing emerging economies, such as China and India, spending roughly 9 percent of their gross domestic product per year on roads, bridges, public transportation, and infrastructure. At the same time, in the United States, we are spending about 2 percent. That is half of what we were spending in the sixties. At this rate, we will not be able to stay competitive with the rest of the world. That is a macro reason why we need to pass the Transportation bill. The bill is fully paid for, it doesn't increase the deficit, and most of the funding comes, as usual, from the gas tax.

To make up the gap in funding, we came up with bipartisan ways, including stiffer penalties on tax delinquents and by shifting unused funds designated to clean up underground storage tanks.

The Senate's Transportation bill is about making our investments more efficient so that we spend less on overhead and more on roads and bridges. I think several people have talked about the fact that this is a good time for States to be able to borrow. There are low interest rates. We can get a lot for our money. That is what I heard in New Hampshire when I talked to our transportation officials, that interest rates are very low right now.

This bipartisan bill streamlines the number of Federal transportation programs from over 90 to 30. For the first time it requires States to collect data so we can measure what kind of bang we are getting for our buck. Not only is it a reform bill that is more efficient, but it is more accountable. I think that is why groups from the AFL–CIO to the U.S. Chamber of Commerce support this bill. They have come together to support a bill that is truly bipartisan and that would support nearly 2 million jobs nationwide and, in my State of New Hampshire, about 6,600.

There have been a lot of reports about the difficulties facing the House in finding an agreement on a transportation bill. I think the Senate has provided a very good model that maintains current funding levels and avoids an increase in both the deficit and gas taxes.

What we need now is for the House to join the Senate and produce a reasonable, bipartisan, long-term transportation bill that can give local governments and businesses some certainty before the height of the construction season. State and local transportation projects budget and plan based on the idea that the Federal Government will provide a consistent level of long-term funding. When you are planning a multimillion dollar project that employs hundreds of people, it is critical to know what your budget is going to be more than just a couple months in advance. We would not run a business that way, and we should not expect the government to run that way.

If the House doesn't pass a bipartisan, long-term, transportation bill, States and towns won't have the certainty they need from us in Washington to plan their projects and improve their systems.

According to numerous studies, deteriorating infrastructure costs businesses more than $100 billion a year in lost productivity. This is no time to stall programs that encourage economic growth and create the climate that our businesses need to succeed.

In New Hampshire, we have seen firsthand the real-world consequences of uncertainty in Federal transportation funding. Our Interstate 93 corridor runs from the capital in Concord down to the Massachusetts border. It runs pretty much the length of the State. Right now we have a project underway that would spur economic development in the southern half of that highway. It has been underway for several years, but the pace of the project has lagged because there has been no certainty around our highway bill.

It has been impossible for businesses and developers around the I–93 corridor to predict the future of the project. At a time when the number of people working in the construction industry in New Hampshire is the lowest in a decade, it is unacceptable that we cannot provide certainty for this project. We know highway projects like Interstate 93 produce good jobs. New Hampshire's Department of Transportation has said that just one section of Interstate 93, between exits 2 and 3 close to the Massachusetts border, created 369 construction jobs.

All around the country, there are projects just like Interstate 93 that are stalled while we wait for the House to pass a bipartisan long-term transportation bill. We need to come together and make the Federal investments that are necessary to get these projects moving and get people back to work. Investing in transportation creates jobs and the conditions that our companies need to succeed. It is, as the U.S. Chamber of Commerce says, a core function of government. It should not be an issue for politics or partisanship.

I urge the House to take up the Senate bill. Congress needs to work together to pass a transportation reauthorization bill before the March 31 deadline.

The PRESIDING OFFICER. The Senator from South Carolina.

UNANIMOUS CONSENT REQUEST

Mr. DEMINT. Mr. President, I rise today to talk about the new Federal regulation that many may or may not be aware of. According to the Department of Justice, every swimming pool of ''public accommodation,'' meaning any pool at a hotel, motel, lodging establishment, recreation center, YMCA, apartment complex, condominium complex, school, or community pool, is to install a large, expensive permanent pool lift for the disabled, or else face steep fines from the Department of Justice and the threat of lawsuits.

We must make sure that we have accommodations for the disabled in every public place. This is happening around the country. But to do this with very little thought of the implications and the cost and the actual service to the disabled is a huge problem.

As we have seen time and time again, one-size-fits-all mandates from Washington don't work. We want public pools to have the flexibility to work with people with disabilities to ensure success.

On January 31 of this year, 2012, the U.S. Department of Justice Civil Rights Division published revised requirements for swimming pools and their means of entry and exit. This was 2 months ago.

The DOJ has now put forth new requirements for all facilities ''of public accommodation'' that go beyond those contained in the final rule issued in 2010 giving hotels and other residential communities insufficient time to comply with this burdensome new rule.

We need to think about it for a minute, because their lack of planning here is pretty evident by the fact that they are suggesting that this already be in place in less than 2 months, when the equipment is not even available in the country to do it. So it is clear that they have not thought through how to best serve the disabled, how to make sure that these services are available, and to do it in a way that does not put an undue burden on businesses that want to provide this service.

Senator GRAHAM and I have a bill that nullifies the requirement and stops the Attorney General from enforcing this requirement or any ''guidance'' associated with it. It also prevents against any third party using this rule or guidance in any manner.

To be clear, our bill will allow public pools to work directly with people with disabilities to meet their specific needs. Hotels, motels, and other public pools already have financial incentives to meet the needs of people with disabilities that use their facilities. They have been working diligently to do that. Our bill simply says the DOJ should not impose a national mandate for a one-size-fits-all solution that may not be appropriate for every facility.

This new burdensome rule seriously changes the obligations of public facilities around the country. There are an estimated 309,000 public spas and pools in the United States. The number of businesses—and not just the large hotels and resorts—that will have to comply is staggering.

The rule requires a permanent pool lift be installed for every pool or spa. So if a hotel, resort, or community association has more than one pool, they will have to get multiple lifts, instead of what is being done now, which is using a portable lift that can be moved around the facilities as needed.

A pool lift can run from $4,000 to $10,000, and the installation could run $5,000 to $10,000, depending on how much work needs to be done. So we are talking about billions of dollars being spent on something that could perhaps help the disabled but also become an obstacle and danger to others using the pool if this is not thought out and done in a careful manner.

The last thing we need to do right now is to add burdensome rules and requirements on businesses across the country. Hotel owners want to work in good faith to make sure pools are accessible to everybody, but we have to make sure that here at the Federal level we are not killing off more businesses by imposing mandates.

Mandates such as these are burdensome on businesses, and we all know these costs will be passed on to consumers—including the disabled—in the form of higher hotel costs for rooms and services.

The Department of Justice has left many questions from the hotel industry and others unanswered on issues such as compliance ability, timeframe, and economic cost, as well as rising insurance premiums.

It is clear that the deadline for compliance should be extended to allow hotels and other places of public accommodation flexibility in providing access to guests with disabilities. We should start over. They have given a 60-day relief period, but that is not enough time for this to be planned or for the equipment to be manufactured. The companies cannot comply in this period of time.

We need to guarantee that services are available to the disabled, but the quickest way to do the wrong thing is the way the Justice Department is doing it now. So instead of us letting this go into effect and letting large fines be put on businesses all around the country, even community pools and YMCAs, let's set this judgment aside by unanimous consent today, and if we want to debate and work with the Department of Justice to come up with a rule that works for the disabled and works for America, we can do that. But I have a unanimous consent request here that I wish to read.

I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 336, S. 2191, that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill appear at this point in the RECORD.

The PRESIDING OFFICER. Is there objection?

The Senator from Iowa.

Mr. HARKIN. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. HARKIN. Mr. President, as one of the Senators who wrote the Americans With Disabilities Act and whose name appears as the lead sponsor of that bill that was passed 22 years ago, I oppose Senator DEMINT's effort to bypass the regular order and to amend the ADA to remove the ability of the Justice Department to regulate the accessibility of swimming pools. Twenty-two years have passed and periodically things such as this come up, but I believe the ADA has withstood the test of time.

We look around at an America that has been transformed, not just for the disabled but for everyone. Everyone utilizes universal design now in the fact that things are easily accessible for everyone. When we initially started putting in ramps, we thought only people using wheelchairs would use those ramps. I ask anyone here, go out and watch who uses those ramps. It is not just people in wheelchairs. The elderly use it, mothers with baby carriages use those ramps. You would be amazed how many people find those ramps a lot easier than climbing up and down stairs. That is one example. But I want to be clear about what is at stake here.

The Americans With Disabilities Act is a civil rights law that guarantees equal rights and equal opportunities for individuals with disabilities. Senator DEMINT's legislation attempts to interfere with the Justice Department's ability to enforce the statute, a civil rights statute. Again, it would be a dangerous precedent for the Senate to set, and that is why I object to his bill. Let me get to the point here on the swimming pools.

In September of 2010, the Justice Department published final regulations implementing title II and title III of the ADA. These new regulations addressed a number of issues that have arisen over the past 22 years, one of those being access to swimming pools and other recreational facilities. The requirement that has prompted Senator DEMINT's bill has to do with swimming pool accessibility.

Under the new regulations, newly constructed or altered pools covered by the ADA are required to provide at least one accessible means of entry into the water for people with disabilities, which must either be a sloped entry into the water or a pool lift that is capable of being independently operated by a person with a disability. Larger pools—pools larger than 300 feet in length, which is a big pool, Olympic size—are required to provide a second accessible means of entry. Again, these were promulgated in September of 2010, so it has been almost 1½ years. These requirements apply in the case of a newly constructed pool or one that has been significantly altered as a part of a renovation. Again, new pools or pools undergoing significant renovation.

In addition, since the ADA requires that public accommodations remove architectural barriers where it is readily achievable to do so, some existing public accommodations may be required to also increase access to pools for people with disabilities under title III's readily achievable standard. Let me repeat: readily achievable standard. The readily achievable standard is not one-size-fits-all. I heard my friend from South Carolina saying this is a one-size-fits-all. That is not so. It is a very flexible standard.

For example, if the equipment is not available—I heard Senator DEMINT say the equipment may not even be available. If it is not available, by definition it is not readily achievable and, therefore, not required by the ADA. If it is not available, by definition it is not readily achievable. So it is not a one-size-fits-all. It is very flexible. It means ''without much difficulty or expense.'' That is the law.

So what constitutes readily achievable in a particular case is an individualized analysis based on a number of factors, such as what the cost would be, the resources of the entity involved. In short, it is what a business can afford to do. So readily achievable for a Fairmont Hotel would be a lot different than readily achievable for a mom-and-pop motel that has a small swimming pool—much different. It is what the business can afford to do.

I know the American Hotel and Lodging Association has been upset about the application of this readily achievable standard and what their members may be required to do. But again, keep in mind, the pool requirements from September of 2010 were required to go into effect by March 15 of this year, 1½ years later. But there were some misunderstandings, and so the Department of Justice has extended the deadline to May 21. Again, I understand that the Justice Department has issued a notice of proposed rulemaking asking for comments about extending the deadline an additional 4 months, until September 17 of this year. The deadline for those written comments is April 4. Again, the process is working just as it has worked for the last 22 years.

When we were working on the ADA back in the 1980s, we heard from a number of industries that requiring accessibility for entities such as restaurants, retail stores, theaters was going to create serious problems for small businesses. I remember having numerous hearings in my subcommittee about that. So in an effort to address this concern and to help small businesses comply with the ADA, we created a disabled access tax credit. We heard Senator DEMINT talk about the costs, but we instituted a tax credit in the IRS Code.

The two sides: For businesses with 30 or fewer full-time employees or with total revenues of $1 million or less per year, they get a tax credit. It can be used for adaptations to existing facilities. The amount of credit is 50 percent of eligible access expenditures. It is up to $5,000 a year. I don't know what a lift might cost. I think the figures my friend used were a little high, but let's say it costs $10,000. You get a tax credit of up to 5,000 for that, so it really only costs you up to $5,000. You get a 50-percent tax credit for that.

In addition, section 190 of the IRS Code provides a tax deduction. For businesses of all sizes for costs incurred in removing barriers to meet the requirements of the ADA, the maximum deduction is $15,000 per year that they can deduct. So these two tax incentives certainly help the hotel industry offset any expenses associated with installing access to swimming pools.

Again, I want to say the rule does not require a permanent pool lift, as my friend from South Carolina said. That is not so. It is a flexible standard under readily achievable. If it is not readily achievable for existing pools, it is not required. So if you had a mom-and-pop motel with a very small swimming pool, if a permanent lift is not readily achievable under the outlines I have just stated, then it is not required.

Again, we have had 22 years, a lot of court cases. Some went to the Supreme Court. Then in 2008, this body unanimously—without one dissenting vote, this body and the House passed the ADA Act amendments to overcome three rulings by the Supreme Court. We passed it unanimously. The second President Bush signed it into law. And, again, we moved the ball forward in making this country more accessible for everyone, including people with disabilities. So as I say, it has stood the test of time. There is no reason to curtail the Department of Justice enforcement authority. There is no reason to bypass the regular process and to do what Senator DEMINT is trying to address.

Let's remember how popular the accessible improvements that the ADA required turned out to be for all Americans. I mentioned earlier the curb cuts, elevators, captioning on television

screens, all of the things that seem to be commonplace today that we take for granted.

I am confident that the improvements in swimming pool access that these new regulations will require will turn out to be popular. Actually, they may turn out to be very popular with hotel guests who don't have disabilities. But think about it in terms of families who are traveling—it may be an adult, may even be a child with a disability, and they want to use the hotel pool, yet there is not a lift or there is not a ramp. So one person from that family is barred from using those facilities.

As I said, keep in mind, it is readily achievable. If it is not readily achievable, they don't have to do it. That is why I objected to Senator DEMINT's request to bypass the regular process. I hope the Justice Department will continue. I don't have a view one way or the other on the extension to September. If the Justice Department feels that is okay and most of the comments that have come in ask for that extension, I see nothing wrong with extending it another 5 or 6 months. But at some point the law must take hold, and we have to meet our obligations to remove the barriers to accessibility in our country. We have come a long way since the ADA. Let's continue the wonderful progress we have made in the last 22 years.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

INCREASING AMERICAN JOBS THROUGH GREATER EXPORTS TO AFRICA ACT OF 2012

Mr. DURBIN. Mr. President, my colleagues Senator BOOZMAN and Senator COONS and I are on the floor to speak to an issue relative to Africa. It is my understanding the majority leader is coming to the floor to make a unanimous consent request. With the understanding of my colleagues that we will interrupt our presentation for his request, I think we can proceed, if it meets with the approval of my colleagues. Since I was the last to arrive, I want to defer to Senator COONS and Senator BOOZMAN to start the conversation.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. COONS. Mr. President, I ask unanimous consent to engage in a colloquy with Senator DURBIN and Senator BOOZMAN for up to 30 minutes. And, as Senator DURBIN indicated, we will suspend when Leader REID arrives.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COONS. I want to briefly lay the groundwork for the conversation we are going to have in this colloquy about the Increasing American Jobs Through Greater Exports to Africa Act of 2012, of which Senator DURBIN is the lead sponsor and Senator BOOZMAN and I have joined him as original sponsors.

The core question is, what is it about the rapid growth in Africa and the economic opportunity in Africa that should concern Americans, that should concern our constituents at home, and that should occupy our time and attention.

Back on November 1 of last year, the African Affairs Subcommittee of the Foreign Relations Committee delved into this. Senator DURBIN, Senator ISAKSON, and I looked hard at the ongoing developments in Africa. As this first chart suggests, there has been a dramatic change in the amount of exports from China to Africa relative to the exports from the United States to Africa. In fact, since 2000, Chinese exports to Africa have outgrown U.S. exports to Africa by a more than 3-to-1 ratio.

Why does that matter? Why does it matter if American workers and American companies are losing out on a continent that I think many Americans view as having relatively modest opportunity? Frankly, Africa is a continent of enormous opportunity. In fact, out of the 10 fastest growing economies in the last decade, 6 of them were in Sub-Saharan Africa. That is not a widely known fact. So part of why I lay this groundwork to start this colloquy is to help folks who are watching at home and to help our colleagues understand why Senator DURBIN has taken the lead in making sure that we focus America's efforts on strengthening our exports to Africa, a continent of enormous opportunity.

Senator DURBIN.

Mr. DURBIN. I say to my colleague from Delaware that the Commerce Department estimates we can create jobs here in America capitalizing on the opportunities in Africa, and that is a good starting point in the midst of a recession, to know that in Delaware, Arkansas, Pennsylvania, and Illinois there are jobs to be created, good-paying jobs right here at home, taking advantage of these export markets.

The chart Senator COONS has brought to the floor at this point indicates the dramatic growth that is occurring right now in Africa, and I think it would surprise a lot of people, as he said, who believe this is still a continent which is struggling with age-old problems.

In the past 10 years, 6 of the world's 10 fastest growing economies were located in Sub-Saharan Africa, and in the next 5 years it is expected that 7 of the world's 10 fastest growing economies will be in Sub-Saharan Africa.

The bill which we are bringing here is an effort to focus America's export market on this great continent and this great opportunity, creating jobs at home and a better working relationship with the countries and leaders of Africa.

I went to Ethiopia last year and met with the Prime Minister of Ethiopia. As I have done in the times when I have traveled to other countries, I asked: What has been the impact of China on your country? We stayed and spoke for another 30 minutes as he explained to me the dramatic changes taking place in Ethiopia because of China.

The numbers tell the story. When we look at what China offers to Ethiopia and the continent of Africa, they are offering concessional loans. What it means is, if it is a $100 million project that you need to start in Africa, the Chinese will give you $100 million and say ''but you only have to pay back $70 million.'' What a great deal that is, a 30-percent discount—with a few conditions: that you use Chinese engineers and Chinese construction companies and half the workers will be coming over to your country from China.

They are building a base of economic support within Africa. Between 2008 and 2010, China provided more to the developing world than the World Bank, loans totaling more than $110 billion. What we are suggesting is that as this is a growing opportunity for exports, we need to grow with it.

I would like to yield to my colleague from Arkansas who has been kind enough to join us in this effort.

Mr. BOOZMAN. I thank the Senator from Illinois for doing that. It is a pleasure being with him and the Senator from Delaware. I think this is a good example of working together. The name of the game now is jobs, jobs, jobs, and exports mean jobs. The other people being so very helpful to our colleagues—in the House, Congressman CHRIS SMITH, and also BOBBY RUSH from Illinois. These guys have been very helpful. Then, Don Payne, who is my former ranking member and chairman who recently passed away, I know he would be very pleased with this effort.

I have had the opportunity to travel to Africa on many occasions, being on the House Foreign Affairs Committee and now being in the Senate. It is interesting. You go to these places—the Senator mentioned this—you go to these places and all they want to do is talk about trade. They like American products. They want American products. I was part of the first delegation to visit South Sudan. Here they are, this small, struggling country and again all they want to do is talk about trade.

Mr. COONS. Mr. President, I ask unanimous consent to suspend our colloquy.

The PRESIDING OFFICER (Mr. BENNET). Without objection, it is so ordered.

Mr. REID. Mr. President, I hope I am not interrupting anything that cannot be restarted in a short time.

UNANIMOUS CONSENT REQUEST—H.R. 1905

Mr. REID. Mr. President, I ask unanimous consent that the Foreign Relations Committee be discharged from further consideration of H.R. 1905, the Iran Threat Reduction Act, and the Senate proceed to its consideration; that all after the enacting clause be stricken and a substitute amendment

which is at the desk, which is the text of Calendar No. 320, S. 2101, the Iran Sanctions Accountability and Human Rights Act as reported by the Banking Committee, be inserted in lieu thereof; that the bill as amended be read a third time and passed and the motions to reconsider be laid upon the table, there being no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

The Senator from Kentucky.

Mr. PAUL. Reserving the right to object, I am amazed the majority party objects to an amendment that simply restates the Constitution. Our Founding Fathers feared granting power to declare war to the Executive. They were quite concerned that the Executive can become like a King. Many in this body could not get boots on the ground fast enough in a variety of places, from Syria to Libya to Iran. We don't just send boots to war; we send our young Americans to war. Our young men and women, our soldiers, deserve thoughtful debate. Before sending our young men and women into combat, we should have a mature and thoughtful debate over the ramifications of war, over the advisability of war, and over the objectives of the war. James Madison wrote:

> . . . that the Constitution supposes what history demonstrates, that the Executive is a branch most interested in war, and most prone to it. Therefore, the Constitution, with studied care, vested that power in the legislature.

My amendment is one sentence long. It states that nothing in this act is to be construed as a declaration of war or as an authorization of the use of military force in Iran or Syria.

I urge that we not begin a new war without a full debate, without a vote, without careful consideration of the ramifications of a third or even a fourth war in this past decade. I, therefore, respectfully, object.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. Mr. President, I am terribly disappointed. There is nothing in the resolution that talks about war; in fact, it is quite to the contrary. It is unfortunate. I know, I read the Constitution a few times. My friend says he wants to restate the Constitution. That is a strange version he just stated. I don't see that anyplace in the Constitution. So I am deeply disappointed the Senate was not able to enact additional critical sanctions against the Republic of Iran.

The sanctions that came out of the Banking Committee unanimously are a key to our work to stop Iran from obtaining nuclear weapons and threatening Israel and jeopardizing the U.S. national security. It is a bipartisan bill which passed unanimously out of the Senate Banking Committee. It would have had much needed new sanctions put in place right now, as we speak. We could pass this legislation this minute if the minority would drop their opposition. We can't afford to delay these sanctions or slow down this process in any way. I am willing to move this bill without amendment also at any time.

I say to my friend, whom I respect, I say to my friend, if there are additional things that should be done—I was told this morning that Republicans want to offer amendments to this unanimous consent request. I said, no, because Democrats want to also. But we are satisfied with where we are. This is a wonderful piece of legislation, done on a bipartisan basis in the Banking Committee. If people, such as my friend, the junior Senator from Kentucky, want to do more, as do my friends from this side and the Republican side, let's come up with something else. But I think not to do this is unfortunate.

We are slowing down these sanctions. This is not a declaration of war or even anywhere within the neighborhood of that. We are slowing down these sanctions. That I believe is the way to avoid war. I am willing to move this bill without amendments, at any time, I repeat. I am hopeful my Republican colleagues will see the light and realize how important it is to advance this measure and prevent Iran from obtaining nuclear weapons.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I ask unanimous consent we can resume the colloquy.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. At this point, I yield to the Senator from Arkansas, if he would like to conclude his remarks.

Mr. BOOZMAN. I thank the Senator from Illinois. Again, I was making the point that as we go to these African countries that want American products, whether it is the newest country in Africa, South Sudan, or the older countries, and we need to have the ability to supply them. Both Senators have mentioned China. China is certainly lurking out there. Again, it is not only China; it is India and a number of other countries. The Senator might want to comment on that. Senator COONS.

Mr. COONS. Senator BOOZMAN is right. There is a real challenge to the United States in Africa, and it is not just a economic challenge. We face competition from China, from Russia, from Brazil, from India, from other rapidly growing countries.

But there is also a values change because, frankly, in countries I visited—and I know both Senators, in their service to the public in the House and Senate, have visited more countries on the continent than I have—but I am concerned that China's agenda in Africa is sometimes different from ours. It is not a values agenda. They are not there to promote democracy, tolerance, transparency, protection of intellectual property from piracy, from counterfeiting. There are lots of different things we advance in partnership with trade opportunities that are not part of their issues and are not part of what they try to advance. I am impressed Senator DURBIN has pulled together an all-of-government strategy for dealing with this opportunity, and I would be interested in hearing more about how the mechanics of this bill would actually work to deploy all the great resources of the American Government.

Mr. DURBIN. This bill develops a comprehensive strategy to coordinate the agencies of our Government in helping U.S. businesses export to Africa. Currently, the U.S. export promotion and financing regime is a patchwork of overlapping, loosely coordinated, and maybe in some cases wasteful efforts that are difficult for U.S. businesses to navigate and too often unresponsive to the real needs of real businesses.

This bill creates a special Africa export strategy coordinator to ensure this is no longer the case. He will work with the existing export agencies and make sure they are on the same page. The bill establishes a minimum number of commercial Foreign Service officers to be stationed at U.S. embassies in Africa and the multilateral investment banks. These are the men and women who are contacted by American businesses, wanting to do business. They can navigate them through local government requirements as well as some of the other cultural challenges they might face. The bill formalizes and standardizes the training received by economic and commercial officers. It also incrementally increases the amount of money Ex-Im can loan over the next 10 years and creates a standard of accountability for those loans. Remember, this is only an increase in the lending limit, and these loans actually make money for the U.S. Treasury.

Lastly, the legislation gives the Export-Import Bank greater incentive to aggressively counter concessional loans, below-market loans such as the one I mentioned earlier in the case of Ethiopia and China, that countries such as China often use to undercut our bidding in the process.

After the Prime Minister of Ethiopia explained to me how the Chinese were offering these concessional loans, he then said: But, of course, then we turned around with the telecommunications contract and the Chinese won that too. He said they are winning everything. That is not good news for us. We have the capacity to produce goods and provide services competitive with any nation in the world. But once they have basically become a part of the local economy and once they are part of the local culture, it is difficult for our companies to compete. That, I think, is the real challenge we face.

That is what this bill basically does. I think it not only creates an opportunity to create jobs here, but as has been mentioned by Senator BOOZMAN and Senator COONS, these are developing nations which are reaching a

level of economic maturity. We want to be not only good trading partners but partners with them in the future, developing not only good markets but good values that are consistent with our view of democracy and the participation of people who live in each of these countries.

I would like to yield at this point to Senator BOOZMAN.

Mr. BOOZMAN. I agree with the Senator from Illinois. We trade not only goods and services, but we trade ideas. That is so important as we go on. Certainly, Africa is developing a very healthy middle class. This is certainly something new that they have not seen before. Again, they are hungry for American products.

I appreciate the way the legislation was crafted in the sense it is revenue neutral so there is no cost to the taxpayer. What we are trying to do is get a plan together to make it such, particularly our small businesses, so they can compete in this huge continent that has so much going for it. Again, it could be such a great help to a State such as mine. In Arkansas, we are talking about we already export $5.6 billion in merchandise. I think one of the ways we are going to climb out of the economic doldrums we are in and create jobs is going to be through exports, and certainly this gives us an opportunity.

We are almost—we could almost say, using the statistics from the Senator from Illinois; he talked about 7 of the 10 top emerging economies coming out of Africa—we are almost doing a disservice to our small businesses by not going forward with this legislation.

Mr. COONS. That is right. I am grateful Senator BOOZMAN has been an active participant in helping pull together on this bill what has been a bipartisan consensus in this body and in the House on the importance of improving the access to the export opportunities of Africa for businesses large and small in the United States.

Both of our States are well known for poultry exports. All three of our States also have manufacturing exports, across all the different sectors of our economy. We can't help but do better if we increase our exports to Africa.

Fifty years ago, 70 percent of all U.S. funds that flowed toward Africa were development or relief assistance from U.S. Government sources. Today that is inverted. Today more than 80 percent of all resources that go to Africa are direct investment by the private sector. So Senator DURBIN has led the effort to create a wise and smart bill that uses that leverage, that makes, as Senator BOOZMAN said, the rapidly growing markets of Africa accessible to our home State businesses, large and small, but also makes a more efficient, more focused use of the dramatic resources of our Federal Government and makes it more accessible.

What is next and where do we go from here?

Mr. DURBIN. I can tell the Senator from Delaware and the Senator from Arkansas if you ask the average American to give you their image of Africa, it will be an old image. The image of new Africa is a continent that is changing dramatically as those numbers show. Listen to these numbers: In the year 2000, 7 percent of the population of Africa had access to the Internet. In 2009, the number was up to 27 percent. That is almost a fourfold increase in access to the Internet.

There was also a revolution when it comes to mobile telephones. In 1998, there were fewer than 4 million phones on the entire continent. Today there are 500 million. From 4 million to 500 million phones. Most people have this image of a dusty little village in Africa where people live under pretty primitive circumstances, and that is true in many parts of Africa. But 78 percent of Africa's rural population has access to clean water. Seventy-eight percent has access to clean water. Access to information and the global market are the pillars of building a middle class. In Africa this means a middle class hungry for goods and services, and the United States can use that to our advantage.

I am openminded about this. I want us to be able to import from Africa as well because that is the nature of a good trade relationship. It cannot be all one-sided. Of course, our first priority is American jobs in Arkansas, Delaware, Illinois, and Colorado. But let's understand as the middle class grows, their productivity will grow too and what they can provide us can make a big difference.

The world banks said recently in a report that Africa could be on the brink of an economic takeoff much like China was 30 years ago and India 20 years ago. So this bill, promoting our trade into Africa, could not come at a better moment.

I wish to yield to Senator BOOZMAN at this point.

Mr. BOOZMAN. Well, I agree with the Senator from Illinois and the Senator from Delaware. The bottom line is there is a tremendous opportunity for our country. I think that our country, as we do start the trade process, trading ideas along with goods, that, again, we are givers. We can be very proud of the work we have done in Africa. Nobody has done more when we are talking about food. I was one of the cochairs of the malaria caucus. We can be very proud of the work the Congress has done in the last several years. These are things that the Western world can get together and eliminate.

As the continent settles down and develops a middle class, 60 percent of the businesses that do exports are small businesses and certainly we need to get in there. This bill challenges us to increase that by 200 percent and gives us the incentive and a template for how we do that so we can stop this erosion by the Chinese where they are outdoing us by about 3 to 1.

The Senator from Delaware.

Mr. COONS. Senator BOOZMAN is absolutely right. The significant investments that have been made by the last administration and the current administration, by Congresses controlled by both parties, in relief of the very broad health challenges throughout sub-Saharan Africa have produced dramatic results. It has been both positive results in terms of relieving human misery but also positive results in terms of the view that most Africans have of the United States. This is the continent on the Earth where we are most positively viewed. We need to take that platform and use the tools Senator DURBIN is trying to craft through this legislation we support to make sure that businesses large and small all across the United States see this continent clearly as a continent of opportunity, as a continent where we have strong potential partners, and get us back in the race.

Frankly, right now we have a wakeup call. When those of us who have been to Africa repeatedly see it as a continent of great opportunity perceive that we are allowing other countries to rapidly move past us, with Senator DURBIN's leadership with this bill, we can take that opportunity, refocus our resources and make this the decade where the United States and Africa, working in partnership, build and sustain tremendous growth in imports, exports, and trade.

Mr. DURBIN. I hope we can change a few things in Washington as we look at Africa. I hope the U.S. Commerce Secretary will travel to Africa. That has not happened in years. I would encourage our Secretary to discover the opportunities on this continent for the good of our economy here in the United States.

It is hard to imagine, as well, the Commerce Department is actually cutting its staff in Africa at this point, and the Export-Import Bank doesn't have an African staff at this point. This can change. The tremendous growth of the African economy and its middle class makes lack of engagement inexcusable. We can reverse it, and this bill is a step in the direction to reverse it.

As Senator BOOZMAN said, it is modest, commonsense, and doesn't add to the deficit. It thinks of ways to use current resources more effectively. It moves us in that direction with low-cost steps that will actually earn U.S. money while creating U.S. jobs.

I will yield on this issue and allow my colleagues to close if they have closing remarks.

Mr. BOOZMAN. I thank the Senator. We appreciate his leadership. Perhaps the three of us, and maybe others, can write a note to the Secretary of Commerce and ask him to make a much-needed trip to Africa, to look at this bill and not only do this, but use other ways as a strategy to implement so we can get our small businesses trading more with the continent, again, keeping up with the likes of China, India, and all of the places we mentioned.

I think once it is all over, we will be very proud of our efforts, just as I am

very proud, as was mentioned, of the efforts we have made in feeding the hungry, helping those with HIV, those with malaria, and diseases such as that. It is interesting that it is the place in the world where we have the highest acceptability. The people are very pleased with what the Americans have done there. Our State Department is doing a great job. We are teaching people how to fish rather than feeding them, and that has been very successful.

I appreciate everybody's efforts and hopefully we can get our colleagues together and get this thing passed.

Mr. COONS. I thank Senator BOOZMAN and Senator DURBIN for the opportunity to join together in this colloquy.

As Senator BOOZMAN referenced, this is another example of how when America leads with its values, America will find success for our workers, our families, our communities at home in terms of increased export opportunities, but also in terms of higher regard for our values, for our priorities throughout the world. When we are willing to take on the challenge of combating terrible diseases such as HIV-AIDS, tuberculosis, and malaria in partnership with research universities, in partnership with African universities, and doctors and health care professionals, we can achieve remarkable results.

When we pull together with Senator DURBIN's leadership on this bill and we pull together all of our government, OPEC, Ex-Im, the Trade Development Administration, the Department of Commerce, the Department of State, and we deploy the strength and the capabilities of America's entrepreneurs and small businesses, the sky is the limit in terms of the difference we can make for the people of Africa and the people of the United States.

I wish to thank Senator DURBIN for his leadership on this important bill. I am grateful for the chance to join him and Senator BOOZMAN in the colloquy today.

Mr. DURBIN. I thank my colleagues Senator BOOZMAN and Senator COONS.

Mr. President, I ask that this colloquy be brought to an end, and I be recognized individually in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

STUDENT LOAN DEBT

Mr. DURBIN. Mr. President, I held a hearing last week in the Judiciary Committee on an issue that most Americans are aware of, but not aware of the severity of the challenge we face. The issue relates to student loan debt.

Last month the National Association of Consumer Bankruptcy Attorneys issued an eye-opening report entitled ''The Student Loan Debt Bomb.'' The report pointed out that American student borrowing exceeded $100 billion in 2010, and the total outstanding student loans exceeded $1 trillion last year. There is now more student loan debt in this country than credit card debt.

Of course, when used prudently, student loans can be valuable. I am living proof of that. I borrowed money to go to college and law school. I paid it back and felt it was money well invested. I stand here today because of it. A lot of students have gone through the same experience. Unfortunately, too many students today are being steered into loans that they will never be able to repay.

According to an analysis by the Federal Reserve Bank of New York, 37 million Americans hold outstanding student loan debt with an average balance of $23,300. However, only 39 percent of those student loan borrowers were actually paying down the balance. More than half of the student loan borrowers in the United States are not paying down their loan.

The New York Fed's study found that 14 percent of student loan borrowers—that is 5.4 million Americans—were delinquent while the remaining 47 percent of borrowers were either in forbearance, which means a delay in payment as the actual cost of the loan increases, or still in school and adding to their debt.

Last month Standard & Poor's issued a report saying that ''student loan debt has ballooned and may turn into a bubble.'' Moody's Analytics recently said that ''the long-run outlook for student lending and borrowers remains worrisome.''

The overall growth in student indebtedness is troubling. The most pressing and worrisome parts of it are private student loans. What are these loans? These are loans given to individual students, not by the Federal Government or through a Federal agency, but rather through a private entity.

According to the Project on Student Debt, the most recent national data shows that 33 percent of bachelors degree recipients graduated with private loans—one out of three—at an average loan amount of $12,550. The difference between private and federal student loans is significant. Private loans to students in school are far riskier to pay. Federal student loans, through the government, have fixed, affordable interest rates at 3.4 percent. They also have a variety of consumer protections, such as forbearance in times of economic hardship, and they offer manageable repayment options such as income-based repayment plans.

On the other hand, private student loans often have high variable interest rates. While interest is at 3.4 percent for a government loan, it can be as high as 18 percent for the student loans from a private source. We found that in our committee. That dramatic interest rate increase means that many students, unless they land a great job and can pay it back quickly, will find the principal not being reduced and the interest building up over the years.

Once a student takes out a private loan, that student is at the mercy of the lender. I have invited students from across the United States to share their stories about private loans and what has happened to them. I want to tell you one of those stories this evening. A young lady came to testify before my committee. Her name is Danielle Jokela. Danielle is a constituent of mine who lives in Illinois and appeared at our hearing on the looming student debt crisis.

The odds were against Danielle. Both of her parents were high school dropouts, but because of the personal value education has for her, Danielle was determined to go to college. Not unlike a lot of young people these days, her family couldn't help her. She had to do it on her own. In the year 2004, she moved from Minnesota to Chicago to attend the Harrington College of Design, a for-profit institution owned by Career Education Corporation.

Before I go any further, let me tell you the story of the Career Education Corporation. November 1 of last year the CEO of Career Education Corporation resigned after it was disclosed that this for-profit school had reported incorrect information to its accreditor about the number of students who were getting jobs after they graduated. It was such an embarrassment to the corporation that he was forced to resign. The parting gift for this embarrassing situation was a $4 million parachute to the CEO as he left the Career Education Corporation. He failed in his job and got rewarded for it.

Now let's go back to Danielle's story. She didn't fail. She kept going to school. She fully trusted the staff at Harrington to help her with financial aid. They helped her fill out all the financial aid paperwork for her loans and made phone calls on her behalf. There was no discussion about interest rates and what the actual debt load would be by the time she finished. School employees never talked about monthly payments once she graduated nor did they tell her about the kind of salary she could expect to earn upon graduation or the percentage of graduates coming out of the Harrington School of Design who actually found a design job.

In 2007 Danielle graduated with a bachelor of fine arts in interior design. You can imagine how proud she was coming from a family where her parents had not finished high school. After graduation, she started to pay back the following amounts that she had to borrow to graduate: $37,625 in Federal loans and $40,925 in private loans. Danielle owed $79,000 when she got her bachelor's degree in interior design. Today, 5 years after graduation, she still hasn't found a job in that field and she now doesn't owe $79,000, she owes more than $98,000. Those loans just continue to grow. She makes one combined payment each month of approximately $830. Nearly 28 percent of her current income goes to student loan debt. Twenty-five years from now—25 years in the future—if the interest

rates hold where they are, she will have paid nearly $56,000 for her Federal loan, which started off at $37,000, and nearly $155,000 for the $41,000 private loan. That is approximately $211,000 she will have paid 25 years from now on her $79,000 debt. That is a staggering 264 percent.

Do we believe any college student could even understand when they are signing these loan forms what they are getting into? They assume that if the Federal Government loans money to the school, it must be a good school. Not true.

Many of these schools, such as Career Education Corporation, have what they call national accreditation. I met with a national accrediting agency. It accredits a lot of schools, some of which the Presiding Officer is very familiar with in his State. It turns out that the for-profit schools have a peer-reviewed accrediting operation. They look to one another to decide whether they are competent to hold themselves out as schools offering higher education, and the Department of Education accepts it. So what is the student to think? I am going to an accredited school, a nationally accredited school. The Federal Government is offering loans, maybe even Pell grants. The student would assume that this must be a good school.

Secondly, of course, the situation with the cost of these for-profit schools is dramatically higher, the amount of indebtedness of the students is dramatically higher than public education and even private not-for-profit schools. The amount of the indebtedness of the students is dramatically higher, and more and more of these for-profit private schools are dragging the kids, the young students, into debt with private loans with absolutely explosive terms to them.

There is one thing I haven't mentioned that bears saying. Under the current law, no student loan is dischargeable in bankruptcy except under the most severe and extreme circumstances. It hardly ever happens. It means that the loan papers you sign at the age of 21 are going to be with you for a lifetime. And if you aren't one of the lucky ones—landing a good job, making enough money—you will watch what happens as that student debt increases. Danielle's debt went from $79,000 in 5 years to over $98,000, and it continues to grow.

I asked her about her lifestyle—32 years old, married. She is trying to do the best she can. She can't go back to school—impossible. She can't borrow more money to do that. She is looking for a job and trying her best. She said: It looks like I am going to lose my home over this. It is just a little house my husband and I were working on paying for. We just can't do it anymore.

Age 32, virtually in debtors' prison for these private loans and Federal loans—for what? For making the mistake of going to college? I don't happen to think that is a mistake. For most of us, it was a ticket to a future. She thought it was a ticket to a future for her. It turned out to be a ticket to a life of debt.

What are we going to do about this? Are we just going to shrug our shoulders and say that these students ought to think twice about signing up or their parents who cosigned should have asked harder questions or are we going to be more honest about this? The current situation has to be examined in honest terms.

How many private loans are now not dischargeable in bankruptcy? What other private loans would not be dischargeable in bankruptcy? The answer is none. The only things nondischargeable in bankruptcy are things like Federal student loans, taxes you owe the government, child support, and alimony. These private loans from schools were added a few years ago. We gave them the sweetest deal of any creditor in America. No other private unsecured creditor gets that protection in bankruptcy, other than those issuing private student loans, like for-profit schools.

So you say to yourself, Congress, why did you do that? Why did you offer that kind of a benefit to one tiny sector of the economy? And the answer is, there wasn't a lot of debate about it and there wasn't a lot of talk about it. It was in the bankruptcy reform bill, which I voted against, and the provision was stuck in there that gave them this sweetheart arrangement, this sweetheart deal.

Well, it may have been a sweet deal for the schools and the private lenders; it sure isn't for Danielle. I don't know what to tell this young woman. There is no place for her to turn. At age 32, that is her plight in life now. It is happening more and more.

What I read earlier about this looming student debt crisis and the fact that we could be dealing with a bubble is something we ought to take seriously. It is a serious problem. While the volume of private student loans is down from its peak in 2007 when it accounted for 26 percent of all student loans, we know that private lending is still being aggressively promoted by the for-profit college industry.

I always put these numbers on the record so people can put it into perspective. Ten percent of the postsecondary students in America attend for-profit colleges—10 percent. The for-profit colleges receive 25 percent of all Federal aid to education—10 percent of the students but 25 percent of the Federal aid to education.

We had to put a statutory limit on the Federal subsidy of these schools at 90 percent. They can receive no more than 90 percent of their money—a for-profit school—in money directly from the Federal Government—loans, Pell grants. The GI bill is excluded, so it can go up even higher. These are the closest things to government agencies with multimillion-dollar parachutes for their CEOs that I have ever seen. Yet we turn our backs and say that is the way it works.

The Project on Student Debt reports that 42 percent of for-profit college students had private loans in 2008, up from 12 percent. For-profit college students also graduate with more debt than their peers. And the last statistic: 10 percent of the students, 25 percent of the Federal aid to education, 44 percent of the student loan defaults through for-profit schools.

The answer is obvious: They string these kids out, bury them in debt, they end up graduating, and they can't find a job to pay off their debt. And we sit here and say: Gosh, I wish there was something we could do about it.

There are a lot of things we can do about it. We need to take action. I have introduced legislation—the Fairness For Struggling Students Act—that restores the pre-2005 bankruptcy treatment for private student loans. If those for-profit schools and those creditors making private student loans knew they were dischargeable in bankruptcy, would they ask harder questions about the payback? Would they be more concerned about whether the students actually could end up with a job? You bet they would. There is no reason private student loans should get treated differently than any other private debt in bankruptcy, and it is especially egregious that these private loans are nondischargeable where a student was steered into a loan while the student still had eligibility for the much lower costing Federal student loan. Think about that. Here is a student who is eligible for a 3.4-percent Federal student loan being lured into a private loan at 18 percent. As long as they have eligibility for the Federal student loan, the private loan certainly should not be nondischargeable in bankruptcy.

I am encouraging my colleagues to take a hard look at this issue. I bet a nickel that if my colleagues went to a town meeting in any town in America—in Illinois or any other State—and asked folks there, does anybody have any concerns about student loans, watch the hands go up. People are worried about it.

The last example I will use is one of the people who work in my Federal office who is a wonderful lady who cleans the building and we have gotten to know her. She is an immigrant to this country with a limited command of English, but she is a hard-working person. Her daughter graduated from high school with a GED, and she was so elated when her daughter finally made it through high school. She came in one day and said: I have great news. My daughter was accepted to college.

It turned out she was accepted at Westwood College. Westwood College accepted her and offered her a degree in law enforcement. We asked her mother what it is going to cost. Well, it is the $5,500 Pell grant plus $17,000 more for 1 year. This college, unfortunately, has become notorious. It is under investigation by the Illinois attorney general for its loans. Students

who watch all these crime programs on TV can't wait to become part of law enforcement. Here is the bad news: Westwood College's law enforcement degree is not accepted by any law enforcement agency in Illinois. It is not a legitimate college degree.

Well, we called Westwood because we have been through this with them before many times and said: If you don't tear up those papers right now and allow her mom and her to walk away from this, there will be a press conference out in front of your building tomorrow morning. They tore up the papers. But, sadly, many college students who went to Westwood didn't have that good result. The worst one I know of is a young lady living in the basement of her parents' home now, a graduate of Westwood with a law enforcement degree and $90,000 of debt and nowhere to turn. She is in her late twenties and has nowhere to turn. That is the reality of what is happening out there in the real world.

We have a responsibility here, a responsibility to these students, these leaders of tomorrow, a responsibility when it comes to the reputation of education in our country to step in and police the for-profit schools that are not doing a good job, that are taking advantage of students and leaving them deeply in debt with worthless diplomas. It is not an issue where people jump up and say: Let's get down to the floor and join DURBIN on this one. It is just not that interesting to a lot of folks yet. I am afraid it will be. If this looming student debt crisis grows, there will be more and more tragic stories like the one I put in the RECORD today about Danielle Jokela.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

ENERGY POLICY

Mr. BARRASSO. Mr. President, I rise to speak on the issue that is before us today on the floor of the Senate; that is, the issue of high gas prices.

I was at home in Wyoming and filled up again this weekend, as I do most weekends, and today the average price of gasoline, regular unleaded gasoline nationwide, is $3.91 a gallon. That is about 20 cents more than it was a month ago.

People at home in Wyoming see the prices continue to go up week after week. High gasoline prices are causing hardships—hardships for American families and American businesses. When families pay more at the pump, they can't spend money on other goods and services. For families dealing with kids and a mortgage and bills, they know the specific impact as they fill their car or truck and see that price rise to the point where it is most, if not more, than $100 to fill the tank. Also, when companies pay more for gasoline, they have less money to expand their businesses. That hurts job creation in this country.

Wyoming families and Wyoming businesses know this all too well because in Wyoming we drive longer distances than most Americans. The President also knows this, and that is why he continues to give speeches on energy. It is clear that the President is defensive on this issue. I have heard the speeches, and I say: Pay less attention to what he says and pay more attention to what he does.

The average price of a gallon of gasoline, regular unleaded gasoline, is over 100 percent higher than it was when President Obama took office. I will say that again. The price of gasoline is over 100 percent higher than it was when President Obama took office. It is clear that the President's policies are contributing to higher gas prices, but instead of changing course President Obama and Democrats in Congress are doubling down on bad policies and desperate schemes.

Here is an example. One Senate Democrat—someone across the aisle from me—said: Let's ask Saudi Arabia to produce more oil. That is exactly what he said. He said his solution is to ask the Secretary of State to ask Saudi Arabia to produce more oil. Now President Obama and Senate Democrats want to raise taxes on American oil production. So we are going to ask Saudi Arabia to produce more and yet raise taxes on those who are producing American oil. So the President and the Democrats want more oil from Saudi Arabia, and they also want to make it more expensive to produce American energy.

The legislation on the floor doesn't make sense, and the American people recognize that it doesn't make sense. Americans know that if you want less of something, you tax it more. They also know that if you want to increase the cost of something, you tax it more. Raising taxes increases the cost for consumers, and that is, in effect, what President Obama and Senate Democrats are doing with this legislation. They are proposing increasing gas prices by increasing taxes. Even the author of this legislation has said that "nobody has made the claim that this bill is about reducing gas prices."

So, then, why would President Obama want to increase gas prices 7 months before a Presidential election? Well, it appears to me it is because his political base fiercely opposes fossil fuels. Now that should not surprise anyone. We have seen this before. Of course, I am referring to the President's rejection recently of the Keystone XL Pipeline, bringing energy from Canada into the United States. The Keystone XL Pipeline would have created thousands of good-paying jobs for Americans. The President said no. The Keystone XL Pipeline would have facilitated oil production in Montana and in North Dakota. The President said no. The Keystone XL Pipeline would have increased supplies of oil from Canada. The President said no—to the point that the Prime Minister of Canada actually went to China to ask if they would buy the energy from Canada if the United States is not interested.

So why would the President reject it? Well, because his political base has fiercely opposed the pipeline. Now the President wants to have it both ways. He would like to please his political base as well as the American public. That is why the administration wants to go hat in hand and ask Saudi Arabia to produce more oil. It is also why the President is considering plans to tap the Strategic Petroleum Reserve.

This will be the second time President Obama tapped the Strategic Petroleum Reserve. Last June, if you will recall, the President released 30 million barrels of oil from the Reserve. Prior to that, it had only been tapped twice for emergencies since 1975. So between 1975 and June of 2011, the Strategic Petroleum Reserve had only been tapped twice for emergencies. It was tapped in 1991 upon the outbreak of the Persian Gulf war, and it was tapped following Hurricane Katrina. In both instances those were real disruptions of the supply of oil to the United States.

But when President Obama tapped the Strategic Reserve last year, there was no substantial prospect of a supply disruption. His decision at the time was based on politics, as would be his decision to tap it now. That is why Jay Leno recently called the Strategic Petroleum Reserve President Obama's "Strategic Re-Election Reserve."

Well, my Republican colleagues and I think there are other ways to address high gas prices. The other thing is, when they tapped the Strategic Reserve last year and took out the 30 million barrels, they did not actually refill it, so that the Strategic Petroleum Reserve is not filled up right now. It is lower. Just to fill it back to where it should be, its baseline level, would cost actually almost $1 billion more than they got when they sold the oil last year.

I believe there are things we should be doing and can do that will enhance, not jeopardize, our Nation's security and specifically our Nation's energy security. We understand the Strategic Petroleum Reserve is for emergencies, not political disasters; and we understand if we want more of something or if we want to lower the cost of something, we do not raise taxes on it. What we do is make it easier to produce the product. That is why my Republican colleagues and I support making it easier to produce American energy, and it is why we are asking the President to make it easier to produce American energy—not harder, not more expensive but easier.

A few weeks ago, we learned oil and gas production on Federal lands and waters is down. Specifically, we learned there was a 14-percent decrease in oil production on Federal public lands and waters from 2010 to 2011 and an 11-percent decrease in gas production from 2010 to 2011.

Again, the President has not made it easier, but he must make it easier to produce American energy. The President can begin by increasing the number of permits issued for exploration in the Gulf of Mexico. It is my understanding there are only 25 deepwater rigs active in the gulf right now. I understand 34 deepwater rigs were active in the gulf at this time in 2010. The administration needs to approve more permits and to do it immediately.

The President should also increase access to other offshore areas. He should provide access to offshore areas in the Atlantic and the Pacific Oceans. In November, the President proposed an offshore oil and gas leasing plan that amazingly excluded the Atlantic Ocean and the Pacific Ocean. He excluded areas off the coast of Virginia, even though both of the Senators from Virginia who are Democrats, as well as the Governor of Virginia who is a Republican, all support such exploration.

The President should also increase access to onshore areas. The President should open areas of Alaska, and we should support proposals to open ANWR. Both Senators—a Democrat and a Republican—and the Governor of Alaska strongly support opening ANWR for energy exploration. The President should too.

The President should also take steps to facilitate onshore production in the West. Specifically, the President should scrap new regulations requiring ''Master Leasing and Development Plans.'' These regulations were put into place over 2 years ago by the Secretary of the Interior. It is unclear to me why the Secretary issued these regulations. They add more redtape, they cause more bureaucratic delay, and they slow down American energy production.

Of course, there are other regulations that are driving up the cost of American energy—specifically, the EPA's forthcoming tier 3 regulations that will affect America's refineries. A recent study shows this rule could increase the cost of manufacturing gasoline by 6 to 9 cents a gallon. This rule could also raise annual compliance costs for refineries by billions of dollars. And it will almost certainly increase the pain at the pump that is being felt by American families. To me this is unacceptable. The President should at the very least delay the issuance of this rule.

In addition to providing more access to Federal lands and waters and eliminating burdensome regulations, the President should address delivery bottlenecks. Specifically, he should address all the bottlenecks the Keystone XL Pipeline would relieve. Here, of course, I am referring to the 100,000 barrels of oil each day that Keystone would ship from Montana and North Dakota. That is right—homegrown American energy from Montana and North Dakota.

Right now there is not sufficient pipeline capacity out of North Dakota and Montana. Do you know how they are getting the oil out of there? Well, they are shipping it on trucks and in trains, and that is a lot more expensive than shipping it by pipeline.

The Keystone XL Pipeline would reduce the cost of shipping American oil. In addition, the pipeline would ship about 700,000 barrels of oil a day from Canada. The Canadian oil would replace oil imports from OPEC and thus increase our Nation's energy security. Approving the Keystone XL Pipeline is an easy decision, and the President should make that decision immediately.

Again, the President must abandon his support for policies such as this legislation that is ahead of us today, which will only increase the pain at the pump. He must also abandon plans which will put our Nation's security further at risk. Instead, the President must make it easier to produce American energy. He should increase access to Federal public lands and waters, eliminate costly regulations, and approve the Keystone XL Pipeline.

It is my hope the President will take all of these steps and do so immediately so the American public does not continue to suffer the significant pain at the pump that continues to affect our country today.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

ORDER OF PROCEDURE

Mr. BEGICH. Mr. President, I would like to enter into a colloquy with my colleague from Louisiana.

The PRESIDING OFFICER (Mr. UDALL of Colorado). Without objection, it is so ordered.

ENERGY PLANNING

Mr. BEGICH. Mr. President, just as I expected, we have been in this back-and-forth show-and-tell on oil and gas issues instead of spending the time and working on a real energy plan, one that is important for not only my State, my colleague's State, but for the whole Nation. So we go back and forth, and it is politics as usual in this Chamber. We just heard a nice presentation by my colleague from Wyoming about how it is all the President's fault the prices are going up and all these other issues.

Let me just say this—and I know my friend from Louisiana knows this—in Alaska, there is a clear indication what we believe when it comes to energy prices. We have communities that pay $9, $10 a gallon for heating fuel. We understand when costs go up what happens to our economies in our rural communities.

We also are a producer of oil and gas, and we understand the potential and job opportunities. But this last week, when we started on this bill, I know my colleague and I were just two of four people who said, no; we are not moving on this bill because we expected exactly what is going on now. We are just doing a little show-and-tell, having a little argument back and forth, and in another 24 hours or maybe 30 hours we will be off this bill and we will not have an energy plan.

When I go back home for our break, when I am talking to Alaskans—and I know the Senator will be talking to folks in Louisiana—they will complain about gas prices and heating costs and how much it costs to fill their cars or their RVs if they are trying to go somewhere on the weekends, and we have not done anything to make a dramatic change.

Of course, this idea of eliminating these incentives for the oil and gas industry I have opposed from day one, for a variety of reasons. One, if we are going to do real tax reform, then we should do a broader sweep, and no industry should be left off the table. Everyone should be part of the equation.

I have heard this from the industry—I know my colleague has heard this from the industry—that they are willing to be part of the bigger picture, but do not single them out because poll numbers say they are a demon of some sort or people do not like them. Let's talk about real tax reform. That is one debate.

The other debate is, if we really want an energy plan, then let's really do one. Let's focus on opportunities, and let's quit putting out pieces that one side puts down because it sounds good for their brochure, and then the other side puts one down. Let's really focus on something that will make a huge difference to this economy.

As I mentioned, in Alaska fuel is expensive in our rural communities for heating, and communities in Fairbanks, which is a very urban area, can pay upwards in the winter of $1,000 or maybe more per month in heating costs, making their ability to survive very difficult.

As we work on these energy projects and what is important, let me put another thing in perspective from Alaska. People think in Alaska all we care about is oil and gas. Well, we do. It adds a lot of jobs. But we also care about renewable energy. I know I have been on the floor of the Senate talking about that. My colleague has been on the floor talking about renewable, alternative energy. It is all part of the equation, how to ensure we develop a plan. We diversify our energy resources, and then we deliver it for the betterment of this country and economically in order for us to survive.

In Alaska, for example, as we work on our oil and gas development, we are also moving forward on renewable energy. In our State, just about 25 percent of our energy production for use in the State is renewable energy, with the goal to be at 50 percent by 2025. We have a plan because we understand the value of it.

I want to show a chart I have in the Chamber, and then I know my colleague has comments, and we will probably go back and forth a little bit. But I want to show you this one chart.

When I came into office—and my colleague over here talked about ANWR. I

support ANWR. I am aggressive about it beyond belief. My colleague has been. Before I got here, she was pounding away on this issue also. It is important.

We have four regions in Alaska that are of high value. When we talk about oil and gas in Alaska, at least from our office, we talk about everything that is possible. We talk about ANWR. We talk about the National Petroleum Reserve which—let me make that point—is designed for petroleum production. We have the Chukchi Sea over here, and the Beaufort Sea over there. These four regions have huge value to the oil production of this country.

When we talk about this, where are we today? What can it do? What can it replace? It can replace countries such as Libya and Nigeria and Saudi Arabia, where we get oil from. We could actually produce it here, and the good news is we are on the path to do that.

Now, has it been long and tedious? Yes, it has. But are we moving in the right direction? Yes. We have seen for the first time in 30 years the opportunity to develop in the Arctic that we have not seen before. We are seeing for the first time—this summer, Shell is moving their ships up to the Chukchi Sea because the potential between the Chukchi Sea and the Beaufort Sea alone is 24 billion barrels of oil.

Let me repeat that. I know we deal with these numbers in our two States: billions, billions. When we look at the Chukchi Sea, 15.4 billion barrels of oil; plus a little side product, gas, and we love gas because it is clean burning, 77 trillion cubic feet; the Beaufort Sea, 8.2 billion barrels of oil—this is what we know best today in our estimates—where they are doing exploration now, so we are going to find out more opportunities—gas, 28 trillion cubic feet.

NPR-A, the National Petroleum Reserve-Alaska, 1 billion barrels of oil is what we know of, and they are in production this year.

ConocoPhillips will be developing in what they call CD5.

ANWR is still a struggle, but 10.4 billion barrels of oil. It is still an important piece, where a small, little component of this would be developed, 2,000 acres out of 19 million acres. That would be the footprint we would utilize.

But the point I am trying to make is, if we want to get on to a real energy plan, then let's do that. I know the folks on our side did their vote. It was amazing. It shocked me, actually, that they voted to move forward. They had not done that ever since I had been here on that bill. It is because they wanted to do show-and-tell for a week, get some press, and beat up the President because of Presidential politics.

I have my differences with the President. We fought him a lot on these issues. But what I am interested in, what I came here for—and I know the Senator came years ago for—is to do a real energy plan that involves our country being more self-sufficient on our own energy resources, and let's do it the right way.

Let's have the real debate that will make the difference for consumers. So when I go home, and my colleague goes home, and someone says thank you because we have set in motion a trend that will lower or stabilize gas prices for our homes, for our cars, for our businesses, for transportation in general, that is what we should be doing. But instead we are going to burn up a few days here and make a lot of speeches, and then we will move on.

Well, I will tell you, and I think my colleague will agree with me on this, that the two of us are not going to stop. We are going to talk about an energy plan because that is what we need in this country if we want to grow this economy and make ourselves more self-sufficient and more secure nationally.

What is happening in the Middle East? The price is going up. It is not anything we are doing. But we have some good news. Even though it is predominately private land that has been the growth factor of oil and gas, we are seeing more domestic production for the first time in 10 years. I do not know, but to the Senator from Louisiana, I think that is a good thing; right?

Ms. LANDRIEU. It is a good thing. The Senator from Alaska is right on as usual on this subject and in the main stream of what most Americans, I believe, are thinking about.

I wanted to ask the Senator from Alaska, following his comments—I mean, why does my colleague think our friends on the Republican side want to spend this week beating up on the President as opposed to doing something that might help energy policy advance in the country? I do not know if they do not realize that people are very frightened and anxious and upset about these prices or what does the Senator think is driving this sort of theater on the Senate floor?

Mr. BEGICH. Well, I think the Senator said it in the question in a way. It is a lot of Presidential politics. I think what I hear when I go home is—and the Senator probably hears it too—that people are frustrated with that activity.

Think about this: Just a couple of weeks ago, we passed a bipartisan transportation bill. Unbelievable. People say we cannot do things together. Seventy-four votes moved a bill, with very diverse views, as we all know. But we worked it out. We spent 5 weeks doing it after all the committees' months and months of work. And what did we end up with? A great product that went over to the House, that now sits there languishing and not having anything happen to it.

What is interesting, if we do not do a good energy plan, here is what happens: asphalt, which is a petroleum-based product which builds those roads, only goes up. When that goes up, that means now the roads we want to build become less. It is not complicated.

Why are they not doing this—I think even some of their own Members were surprised that they had to be told by their leadership to change their votes and do a certain type of vote. Now we are in this no-end product. In other words, we are not going to end up with anything. I do not get it. I know they will go home just like the Senator and I, and they will hear the same thing: jobs, gas prices, and construction and the housing market, what is happening? These are things we hear about. I am surprised.

Ms. LANDRIEU. I am surprised myself. I hope when we do go home constituents in all of our States will say: Stop the bumper sticker politics on the floor of the Senate and get down to passing an energy bill. I think we most certainly, if we stop electioneering and start legislating, could actually do that.

Now the Senator from Alaska and I—and I have been here a few years longer than the Senator, but he has been a most welcome addition to this issue because he is knowledgeable. He comes from a State that is larger than almost half of the lower 48. His State is rich in resources. I have had the great pleasure to go to Alaska. I am looking forward to traveling there again this summer and actually going to the North Slope because in Louisiana we build many of the ships that actually operate in Alaska for their exploration activities.

Mr. BEGICH. If I can make a comment that the Senator just christened one of our new ships coming up. It has Icebreaker capacity to work for Shell to do what? Go right here.

Ms. LANDRIEU. That ship was just christened this weekend in Louisiana. So the relationship between Louisiana and Alaska goes back a long way. I am very happy to have the Senator here advocating for a smart and effective energy policy.

This debate some people are having—I do not believe I am included in that because we are having our own colloquy about serious issues. But this so-called debate that everybody else is having is going to result in nothing, just a lot of sound bites. There will be no energy policy that comes out of this because the fact is—and everyone knows this that follows this—both parties are guilty for not having the right kind of energy policy, Democrats and Republicans alike.

Democrats, from my perspective, do not appreciate the way they should the need for more domestic drilling. So they resist sometimes the need for more domestic drilling. I think Senator BEGICH and I have pointed out there are some places where there are people—Governors and Senators, Democratic Senators—who are open to drilling. We could go to those places and do a better job of developing onshore and offshore.

But Republicans are not good at all when it comes to conservation. They resist helping the auto industry, for instance, to retool itself, which we know

has had an absolute direct bottom line on less petroleum products being used for gasoline.

Many of the new automobiles coming out of domestic manufacturers, because of what Democrats and President Obama, who led this effort—which he never gets enough credit for on the other side—have done to retool Detroit so that just this week in the newspaper, I believe it was the Washington Post—I wanted to ask the Senator from Alaska if he saw this article. The most amazing thing that has happened over the last 10 years is that our imports of foreign oil have decreased for 2 reasons: One, we are producing more oil and gas at home, although there have been some setbacks with this administration which we are not happy about, the two of us, but also because of the conservation we have done in this country.

Mass transit is a part of that, which many Republicans reject. Conservation initiatives are a major part of that, which Republicans reject. Helping the domestic auto industry, which they—even Mitt Romney, their leader on the Republican side, said that was a mistake to help Detroit, Ohio, et cetera, Michigan and places in Ohio.

So I am coming to the floor to say this blame game is not going to work because both parties are almost equally at fault. Senator BEGICH and I would like to believe that we represent a little bit of the Democratic side, a little bit of the Republican side, coming from States—both of us being Democrats but from States that know something about drilling.

I want to put up my map of Louisiana so people believe when I say that we know something about drilling.

This is what my State looks like. Some people might not like this picture. This is the oil and gas infrastructure in Louisiana. To someone who is a purist and does not like pipelines and does not like oil wells and does not like leases, they may recoil at this. But people in Louisiana like this because this is about money, and it is about domestic energy self-sufficiency and independence.

These are pipelines. There are 9,000 miles of pipelines under south Louisiana. We have been drilling onshore and offshore for the last 50 years. Until the Macondo Well blew up in spectacular fashion and killed 11 people, which is very unfortunate and the fault of BP and some of the contractors who were not doing their jobs correctly, it has been mostly successful. We have drilled 40,000 wells—40,000.

So when the Senator from Alaska says we know something about oil and gas drilling, trust me; it would be like asking the Senators from Michigan: Do you know something about building cars? We know about that. We have been fracking. We have been using horizontal drilling. We know there is a lot of oil and gas still to be found, and the Senator talked about some of his reserves.

I know the Senator is aware that Louisiana—just off the coast of Louisiana—produces just about as much oil as we import from Saudi Arabia every year. I do not know if the Senator knows that.

How are the reserves looking in Alaska?

Mr. BEGICH. Well, absolutely. As a matter of fact, as we know, this line—this is the pipeline that brings resources from here down to Valdez and ships it throughout the country and the world. It is about 10 percent of the oil for our country that comes from Prudhoe Bay up here.

What is amazing about this development is, as it moves forward, it will obviously provide even more. Also, as the Senator said, with the map there, it is about jobs. I mean, when we think about this development, this could be upwards of 54,000-plus jobs estimated by an independent research arm. Plus these jobs pay very well: on an average, $117,000 a year. I do not know about you; I think that is a good-paying job.

Ms. LANDRIEU. It is a very good paying job. This is a very good point because I have tried to remind everyone here that this oil and gas industry that exists in Louisiana and Alaska does not just support the people of our States. Think about it. There are only 500,000 people in Alaska. If that is going to create 50,000 jobs, that would be 1 for every 10 people. But people fly in and fly out. They will work for 2 weeks or a month and fly back. We have people working on our rigs that are from Maine or from Colorado or from New Mexico or from New York.

Most of the people who work offshore are from the Gulf Coast States, I might say. You can tell this when you drive through the parking lots and see the license plates which are easy to spot. But I can tell you there are people from all over the country who work in this industry.

If I showed you a supplier line, you would see supplies coming from all over the United States to fund the operations like, for instance, the boat that is going to be operating in Alaska was built by people from Louisiana. Some of those boats are built in Mississippi, and some of that may even come from the east coast. I do not know if the Senator is familiar with that.

Mr. BEGICH. Some of those ships will be refurbished and some of the work that is being done is out of the Port of Seattle and Tacoma and that region. It is a nationwide aspect. Think about this. In 2011, the oil and gas industry produced 9 percent of the new jobs in this country.

Let me repeat that: Nine percent of all of the new jobs in this country came from the oil and gas industry. It is the fastest growing industry at producing jobs.

Ms. LANDRIEU. It is also producing great wealth. I do not think people understand because a lot of the land in the West is public land. So we hear this debate about public land, et cetera. But most of the land in my State is private land. In fact, the Federal Government owns less than 2.5 percent.

Now, we are at polar ends of this debate. We are at opposite ends because in Alaska the Federal Government owns 90 percent of that State. It only owns 2.5 percent of my State, and the farther east you go it is less and less and less.

So when there is more drilling, like in Louisiana, it is private land owners who are getting wealthy. In many of these instances, such as in the Haynesville shale, which is up along this area in Louisiana, northwest Louisiana, farmers whose land was virtually worthless or who were growing crops but not really making it very well, now the gas has been discovered on their land, so they are getting royalty checks for $10,000 a month, $20,000 a month. That is more money that people have made or ever dreamed about making. I have heard of royalty checks of $50,000 a month that people are getting. So they take that $50,000, they are not even drilling for oil and gas; they have just leased their property. They go out and start a business in their hometown or they go out and buy two new automobiles for their family or a new pickup truck for their operations.

I know the Senator understands the indirect impact. It is not just the direct jobs for the industry, but the wealth that is created personally, and the U.S. Government collects quite a bit of taxes from this industry as well.

Mr. BEGICH. If I could add, in this Chukchi/Beaufort, for example, it is estimated that the cumulative state, local, Federal value over the next 50 years in terms of revenue stream is upwards of $100 billion. If we then talk about the payroll over the next 50 years for the same two areas, it is $150 billion.

What happens to that $150 billion that people get paid? Exactly. They buy a house. They maybe put their kids through college or they are vacationing or they are improving their lifestyle. They are moving up, and that kind of money is significant.

It has a multiplier effect that is hard to measure, but it is real. Anybody seeing somebody making $117,000, they are spending that money in the economy. That is why we see the job growth we see here. Again, to the principal debate we are having tonight—and we are the minority of the minority in a way—we need to get back to the basic issue of what do we want in this country in a diversified, well-delivered energy plan. We can get there. For example, we had a bill, and the other side threw down the same old talking points a few weeks ago—to drill everywhere one could imagine. It is about drilling but doing it responsibly, in the right areas, with the right design. They had Bristol Bay, the fish basket of the country, where 40 percent of the fish are caught. They want to drill there. I cannot vote for that. It is a balanced approach that we need.

Ms. LANDRIEU. We don't have to drill everywhere. The resources are so spectacularly promising. I have to get back to this blaming President Obama. I don't know if my friends on the other side remember who the President was when the Governor of Florida, Jeb Bush, a Republican, opposed drilling off the eastern gulf. The President at the time, his brother, George Bush, honored that no drilling pledge. I remind my friends on the other side that their party is not blameless in this debate. They could do a lot better for the country if they would stop trying to throw President Obama under the bus every minute—although I don't agree with all his energy policies; I didn't agree with the moratorium in the gulf and other things. I think they made some strong points. But this should not be about hurting anybody; it should be about helping our country. We do that by using a balanced approach, such as the Senator from Alaska said. It is how we came together on the Transportation bill. It was balanced, a compromise, and it was a little of this and a little of that. We put a jobs bill together that will help our Nation.

We could put an energy bill together if we have both parties stop beating up on people. One beats up on the companies and the other beats up on the President and the poor people are the ones who suffer.

I wish to show you something about oil and gas taxes. People say: There goes LANDRIEU again; she is defending the oil and gas industry. Frankly, some of them, and the industry itself, should be defended because it is an honorable, good industry. It has provided jobs. It provided the oil we needed to win World War II. How do you think the allied troops got across Europe? They didn't do it on a wish and a prayer. That oil came out of the Permian Basin in Texas. We have a long patriotic history in that industry. We get our dander up when people beat up on the industry.

People say the oil industry gets these subsidies. I wish to put two things into the RECORD. It says that according to the Energy Information Administration—which is our administration, not a third-party spinmeister group. It says in the study published in 2008 that oil and natural gas received only 13 percent of the subsidy but produced 60 percent of the energy needed to power our country. I will repeat that. The oil and gas industry receives only 13 percent of all the subsidies, but we produce 60 percent of the energy that keeps the lights on in this building and powers everything in the country. We spend about $16.6 billion on U.S. energy subsidies over the course of 1 year on everything, and renewables, refined coal, nuclear, and others accounted for more than 85 percent of the subsidies.

So the oil and gas industry got less than 13 percent of the subsidies, but they continue to be the bogeyman in all this. In addition to receiving only 13 percent of the subsidies—and my friend from Alaska will know this as well—look what tax rate they pay. ConocoPhillips paid 46 percent. This was the effective tax rate from 2006 to 2010. Chevron paid 43 percent. They made a lot of money. They are absolutely making a lot of money. These are public companies, and their executives are paid well. I think they are probably paid a little more than I would pay, but that is what they are paid. These are public companies, and the shareholders are making money as well. But they are paying this very high rate in taxes.

Look down here on the chart. Walmart only paid 33 percent. Philip Morris only paid 27 percent. PepsiCo—a very good company—only paid 24 percent. These are effective tax rates. My favorite—although I like them very much, but GE only paid a 9-percent effective tax rate.

When the Senator says we need tax reform, we most certainly do. If you came to me and said in a major bill we are going to have an energy bill and have some tax reforms to balance this out, I would be for that. But in good conscience, I cannot take away the subsidy from oil and gas when they only represent 13 percent of the overall subsidies but produce 60 percent of the energy. I certainly don't want to raise taxes on an industry now with prices at the pump being so high. If we do, we are just going to drive them up, which is the last thing we want to do, particularly when this is the truth about the tax rates. The Senator from Alaska is again absolutely correct. This debate we are not having but everyone else is having is not getting us very far.

Mr. BEGICH. If I can, I will add one more point before we finish. If these incentives are so bad, then why are we at a 10-year high in production? Why do we see in Alaska more independence than ever before? Probably in the Senator's State I venture to guess—I remember Anadarko, a very small company, which is now a very big one. We can look at these different companies and part of the incentives are utilized to take hard-to-get areas and make them more profitable so they can produce them. The result is that we now have more gas, for example, than we have ever had, and the price dropped so far that people are excited about it, which happens—if we talk to the petrochemical industry, they love these low prices because they are producing more opportunities in this country to produce products we used to produce overseas. So there is a ripple effect. People say these are bad incentives. Actually, we are producing more. They are paying one of the highest tax rates, as the Senator said. So we are getting money back on our investment. They are high prices because we don't have a comprehensive energy plan to have diversified energy portfolio and make sure we deliver it everywhere we can. It is not complicated.

Ms. LANDRIEU. The Senator is right. I am glad he mentioned this as well because I happen to also represent a State that has a tremendous petrochemical industry. Of course, that is because the Mississippi River is there, as well as the great finds in the 1950s and 1960s for gas. So when big companies—particularly petrochemicals but big manufacturers—look around in the world to where they go, one thing they look at is the tax rate. But that is not the most important thing. The other thing is to make sure they can find the skilled labor they need. They need cheap energy costs because they cannot produce steel competitively, for instance, if we don't have cheap energy.

So a lot of these companies came to Louisiana in the 1960s because we had cheap energy. That changed, and a lot of them left. Maybe we did other things to drive them offshore. You know what is happening today. Because of this $2 gas, they are all coming home. You should see the building we have going on. That is why the Texas unemployment rate is the lowest in the Nation. I know the Governor would like to take all the credit for this. My Governor likes to take all the credit for this too. They are two outstanding Republican Governors, and they may be pretty good, but it is the low price of energy that is driving this. That could happen in Colorado, it can happen in Illinois, if we just support the oil and gas industry in a balanced way, instead of choking it off.

Not only does that money go to them, it helps undergird this entire industry which employs millions more people, and it helps us to compete better with China, with India, and I know the Senator understands that. He doesn't have as much heavy construction or refining in Alaska because of a little bit of the isolation. But I think he can appreciate what happens in New Jersey and Louisiana and Illinois, as an example.

Mr. BEGICH. Absolutely. I will tell the Senator we have been exporting for 40 years. We have been doing that because of our ability to do so and being able to get to the Pacific Asian market. Overall, the State here—through all its natural resources, we are a net positive in our export trade. We help lower the trade deficit for a variety of reasons—our fish, minerals, gas, and natural resources. So we are a huge contributor to this economy in a lot of ways.

I have been here only 3 years, and I still wake every day being hopeful. I am hopeful that at some point we will debate and have a real energy plan discussion. When we do that, the net result is that Americans will win, consumers will win, and national security will win. Everything wins if we have a good dependable energy policy that looks not only at today but down the road.

I think my friend from Louisiana made a very good point about conservation, about those issues. Thinking about the automobile industry, we came to their rescue and we got a lot of

criticism—all of us, the President included—but what is the result? Those folks paid back their loans, and they are more innovative than ever before. But they are also producing more fuel-efficient cars, which saves fuel, and it saves on the long-term dependency on foreign products.

Some people say that is not conservation; that was a bailout. It is a combo. It is multifaceted. For whatever reason, the other side sees that as just another government thing. I cannot remember, but it was a pretty good interest rate we got on that money and they paid it back and now they are being more innovative. Most recently, our automobile industry is building more natural gas fuel vehicles. They want to move forward in that area. I don't know if that will be successful, but they are moving forward because the price is lower. We have a lot of it, and that is an industry that is stronger than ever before.

As we sit talking about the importance of energy and how we have to develop our plan and have a diversified plan of action from all sources, as the Senator went through the list of the subsidies, we do it in every arena. We are trying to create a diversified energy portfolio for economic security, and it also creates innovation. We cannot depend on one type of fuel source. It is all part of it. People who say it can just be oil and gas are in another world. We have to have a multifaceted approach and then we have to do it and deliver it for the benefit of the American people. There is a way to do that.

Again, I struggled tonight because of the vote I took yesterday—one of four—that said we are not moving forward because I saw what was going to happen. By this weekend, I will be home talking to Alaskans and sharing their concerns about high energy costs in small villages and urban areas, and they will be asking the question: What are we doing? I wish I could say here is the answer and the price will go down. For the 3 years I have been here—and the Senator from Louisiana has been here longer—we have had a debate with no real substantive beef. People have put something out on the table, and the other side votes against it, instead of having a meaningful, real comprehensive energy bill. We have tax incentives here and there but not something that says this is what are going to do, so 20 years from now, all of us, including my colleague from Louisiana and my colleague from Colorado, can look at our kids and grandkids and say we did the right thing because we are stronger because we diversified our energy resources.

That is the fundamental issue we will not get to. We are in our own debate because we are a group of four. Two of them are out tonight. The rest are in a different debate.

Ms. LANDRIEU. Yes. I wish to reemphasize too the importance of getting back to the basics on energy policy. I have been privileged to be here long enough where I have helped to pass comprehensive energy bills. I remain hopeful when I wake too. I am a person with the glass half full and not half empty, and I try to remain optimistic in the face of evidence to the contrary. I remain hopeful we can continue on the path of more energy independence for our country. That is why that article, written this week, which I will put in the RECORD, was very telling to me, because I have been saying, similar to the Senator from Alaska, are we making any progress? I believe if we cannot manage, we cannot measure. What is the measurement? One of the measurements is, are we importing more or less oil from dangerous places in the world. And when I saw that had dropped by 15 percent, I was very encouraged.

And the article pointed out two reasons, not one—not drill, baby, drill or conserve and conserve only but both, because America has been doing a better job. Despite the setback of the moratorium, despite the setback with the Deepwater Horizon, despite some of the President's slow policies on drilling, and despite the Republican resistance to conservation, we have been doing something right, because we have reduced our dependence on foreign oil, which is good.

We don't want to be dependent on Venezuela, and we don't want to be dependent on the Mideast, particularly Saudi Arabia. They have been somewhat of an ally, but they do not share all our values, let's be honest. Women just got the right to drive this year—no, actually, to vote this year. I don't think they have the right to drive yet officially. So do we share those values? No.

So why don't we kind of get back to the basics here of drilling more at home, promoting and expanding our nuclear industry safely. And I mean drilling where it is safe and not everywhere, as some Republicans suggest—let's drill everywhere. We don't have to drill everywhere; we just have to be smart and strategic about where we drill, compromise some about the places that are really opposed to it. We can drill more, have revenue sharing, which makes sense with the coastal States of Alaska, Louisiana, Virginia, Mississippi, and Alabama because that builds a strong partnership and stakeholders between the local, State, and Federal governments.

I think we could do more on building efficiency. We can do more on natural gas vehicles. Wouldn't it be wonderful to have the kinds of vehicles that run on electricity or on—and I don't know if this is possible yet, but we could experiment on electricity, on natural gas or on petroleum fuels or on diesel or bio so that if the price of natural gas was low, you would just sort of power yourself on natural gas. If your electric bill is low because you are on nuclear and the nuclear price is low and you are getting your electricity from your nuclear powerplant, you just plug in your automobile and you pay very little.

Why can't we break this dependency by producing more of everything at home and transforming our auto industry, which is the big pull on fuel. You know, our industries run on coal or natural gas or some oil, but the real pull on this oil is our automobiles.

So that is why Republicans are wrong. They do not want to fund this transformation, but we have to fund the transformation to help America move from an old-fashioned petrochemical, where we just fill up at the pump because we only have one thing to get—and that is petroleum—to where we can fill up with several other things. This isn't pie in the sky, this is happening right now. But with a little more government investment, it could happen more, and wouldn't that be a relief?

The Senator from Alaska will know this, and I don't want to misquote here because I could get in trouble, so I will be careful, but if we had a system like that and the price of gasoline was $10, no one would care. Do you know why? Because they wouldn't have to use it. Think about that. You wouldn't have to buy it. You wouldn't need it for your airplanes, you wouldn't need it for your trucks or your cars because we would have created a system of choice. And choice is power for the consumer—really good choice. They could fill up their car with natural gas or they could fill it up with another source. That is where we need to go. Then we will break it. We will break the dependency because it could be $10 or $100 a gallon and who would care, because no one would have to buy it.

So that is where we need to go. We can get there. We are sort of creeping there. That is what this article also said—inch by inch we are getting there, but we could accelerate it—no pun intended—if we get off this ridiculous ''blame the person in the White House so you can win the next election and then get back to doing nothing.''

So I will turn the conclusion over to the Senator from Alaska by saying that the debate with sound bites for elections coming up and bumper stickers to put on cars will not help, but I am ready for a real debate.

We have introduced several pieces of legislation. I have been a cosponsor of every piece of legislation since I have been here on any kind of major Energy bill, but it has to have a conservation component, it has to have an environmental safety component, it has to have more drilling, revenue sharing, and then I think an expansion of nuclear power would be very important and the right subsidy mix for the kinds of energy we would like to produce in this Nation. That would make our Nation much stronger when it comes to energy, but it would make us so economically powerful and it would make us militarily more powerful because we would negotiate treaties differently if we didn't have to get on our hands and knees and ask countries that don't even share our values to pump a little

more gas for us when we could pump it ourselves.

I yield to the Senator from Alaska.

Mr. BEGICH. I thank my friend from Louisiana, and I will conclude by saying again that her point about being smart and strategic is what we are saying. No one is saying either/or, that it has to be this or that. It is a combination of things. Some will be more expensive today but maybe less later.

Think about the technology around the cell phone the first time it came out, which used to be a box about this big, and you plugged it in your car and the big receiver would be in your trunk. It cost several thousand dollars to buy that technology, if you remember, and people were saying: No one is ever going to do that. Now you can go to the 7-Eleven—or in my State it would be the Holiday store—and buy throwaway phones. It is amazing what can happen when you allow some expansion of this knowledge and technology.

Oil and gas bring new technology. The Senator mentioned directional drilling, for example, which is new technology being developed in our State and her State to bring opportunities that Shell gas is now doing—all kinds of opportunities.

When you think of the security level, I know the Senator from Colorado, our Presiding Officer here, has been in the Armed Services Committee, where we talk about this all the time. How do we get the biggest consumer—the military—to find new alternatives? And they are experimenting.

But what is amazing—and we heard it last week and the week before—is that our friends on the other side are wondering why the military is looking at alternative fuels. They actually asked, what gives you the authority to do that? Well, actually, when it costs you almost $400 a gallon for diesel fuel on the front lines of Afghanistan, I think that is a good reason. They should be looking at what kinds of alternatives they can use.

I have seen what they are doing. They are doing some amazing things with solar panels and small devices. And what is important about that for the military is they can move more rapidly through areas so they won't have to worry about where is the diesel truck for energy. But for rural Alaska, it is important in our rural villages where it is $10 or $11 a gallon for heating fuel, and now there is technology that, instead of taking up a whole room, is portable, and they can move it, they can use it, and it saves consumers.

So there are all kinds of things we should be doing.

I know the other side will say: Those things cost too much; these things cost too much. When you are at the R&D stage, things always cost too much because you have to move slowly to develop and create the markets. But the military is a huge driver of a market, so I am excited that they are in these areas. And I oppose the idea of some Republican Senators and House Members who are saying they shouldn't be doing anything experimental. Absolutely, they should. They are a consumer of the product. Let's have them give us some innovation.

People may forget that the same people who were doing the energy development in the early 1960s are the ones who started the Internet, from which we all now benefit. Imagine in the 1960s if we had said to the military: Oh, we don't want you testing whatever they were calling that Internet system. That is bad. You get out of that business. Where would we be today? Now, as the parent of a 9-year-old, I might have a different view on this. I may not want my son on the Internet. But it made a difference in our economy and everything else that is going on.

To conclude, I would say we have a chance to develop, to diversify, and to deliver a real energy plan if we focus on it. That is what we should be doing. So I thank my colleague from Louisiana, and I thank the Senator from Colorado, who is our Presiding Officer tonight, for allowing us to have a little rant time here in our own world. But I think the world we talk about is the same world almost everyone in America is living in, with high gas prices and wanting real solutions.

Anyone who says there is a magic bullet and the price will go down—that isn't happening. I support the Keystone Pipeline, and I know my colleague from Louisiana supports that, but that won't lower prices tomorrow. I support, for a variety of reasons, a long-term plan—jobs and other things—but it won't lower prices tomorrow. Drilling in Chukchi and Beaufort is important to me. I think in the long term it will create jobs and it will lower gas prices but not tomorrow. But these are the kinds of things we should be doing.

Will our investing in conservation to ensure that our commercial buildings and houses are more efficient turn a dollar right away? A little bit. But over the long haul—I am doing an energy retrofit to my house in Anchorage. I am going to save some money. It will go in and go out because I have to put some money aside for my son's education. But I will have more money. So it pays over time. Nothing happens overnight. It drives me crazy when I hear the other side say that this is like magic and tomorrow things will change. I wish that were the case. We all do. But we have to have a plan to get there.

I thank the Senator from Louisiana for joining me tonight. I thank her for standing tall when we took our vote yesterday. I think we made our point, and now we need to move forward, and hopefully we can get other people to follow our lead and do a comprehensive plan.

Ms. LANDRIEU. I thank the Senator.

SURFACE TRANSPORTATION ACT

Ms. LANDRIEU. Mr. President, while I am on the floor, I would like to speak for a few more minutes, if I might, on another subject but one that is equally important. The Senator from Alaska and I just spent some time talking about a balanced approach to energy production and the fact that if we could get there, we could create jobs. The Senator was saying that no matter what we do, it won't create jobs overnight, and he is right again. It will take a long time, it won't lower the price overnight, and it will create jobs.

But there is a bill that actually will create millions of jobs overnight that is pending, hanging around this Capitol, that if we could get passed would mean a great deal immediately—tomorrow, literally the day after the bill is signed by the President—and that, Mr. President, is the Federal highway transportation bill which last week was passed and compromised by one of the most liberal and progressive Members of this body and one of the most conservative Members of this body, Senator BOXER of California and Senator INHOFE of Oklahoma, who worked for over a year and a half to put a transportation bill together, a 2-year transportation bill. Many of us would have liked it to be 5 years or 6 years, but 2 years is what they could negotiate. And you know what, it is a lot better than the short-term 3-month, 6-month, 2-month, or 3-month temporary measures we have been under for the last several years. That gives no consistency—none—for our States and our counties and our cities.

If you talk about uncertainty, the business community, real estate developers, planners, community planners, transit planners—these entities do not know what it is going to look like 6 months from now or even next year. This bill would give at least 2 years of certainty, and then we could come back, hopefully, and pass a long-term extension of 5 years or 6 years. But 2 years is much better than 30 days or 60 days or 90 days, which is what the House is contemplating.

I am proud the Democrats and some Republicans are standing up in the House and saying no short-term extension. We have a bill. We have the Senate bill that got over 74 votes of Republicans and Democrats, compromised again between a more progressive and a more conservative Member for the benefit of our country.

There are 1.9 million jobs at stake. For the gulf coast Senators, there is an extra bonus. Besides funding our rail, our highways, and our transit, the gulf coast Senators and House Members from the States of Texas, Louisiana, Mississippi, Alabama, and Florida got a very significant amendment to fund coastal restoration and flood control protection and economic development in the gulf coast, directing the fine money that is going to be levied against BP sometime in the next few weeks or months. Instead of that

money coming to the Federal Treasury to be spent on a variety of different things, it will stay where the injury occurred, along the gulf coast, and 80 percent of that money will stay in those coastal areas and those coastal States, helping our economies to revive ourselves and to save our coastlines.

So gulf coast House Members, I am speaking and hoping some of them will hear this message. Gulf coast House Members of either party, Democrats or Republicans, should stand tall and say: Yes, let's pass the Senate Transportation bill for the benefits that will come to our State and our Nation, creating or securing literally almost overnight 1.9 million jobs for the country, helping our recovery. But tucked into the Transportation bill is a bill that could bring billions of dollars to the gulf coast to help with coastal restoration and beach erosion.

I have seen the clips every day since we passed RESTORE, from Tampa, FL, to Mobile, AL, to Jackson, MS, to Gulfport, MS, to the Times Picayune in New Orleans, to the Houston Chronicle, and as faraway newspapers as the New York Times which have editorialized on: Pass the RESTORE Act now; bring jobs and economic relief to the gulf coast, an area and environment that has been hard hit by the 5 million barrels of oil that were spilled in the gulf. Next month, it will be the 2-year anniversary.

I don't know what the House of Representatives is thinking. They have a real jobs bill over there right now, voted on by Republicans and Democrats here, not just a few Republicans. I think more than half the Republicans in the Senate joined with us to pass this bill. In addition, it has the RESTORE Act in it. As the Presiding Officer knows, he had a great hand in supporting the part of that effort to fund the Land and Water Conservation Fund which will provide money to all the States for park restoration and maintenance and for land purchase with willing sellers.

So I am on the floor to support BARBARA BOXER, to support JIM INHOFE, to say to the House: Take the Senate Transportation bill. Take it now. It is good for all your States and for the gulf coast House Members particularly. The RESTORE Act is very bipartisan and bicameral. Theirs is a RESTORE Act very similar to ours. Please, let's join together, stop procrastinating, and pass this bill.

We have had many supporters of this bill. The chamber of commerce has put out messages to everyone today:

> The Chamber strongly supports this important legislation . . . Passing surface transportation reauthorization legislation is a specific action Congress and the Administration can take right now to support job growth and economic productivity without adding to the deficit.

I wish to say one word about this extension. Extensions are not benign. As Senator BOXER told us today, extensions in some States aren't worth the paper this extension will be written on because we know that most of these projects are funded by approximately 75 percent Federal money, 25 percent local. In the old days when States were flush with cash and people were running surpluses, when we messed up in Congress as we are messing up now and not giving them the Transportation bill on time, some of our States could just dip into their local money, keep their projects going, waiting for us to do our job.

Those days are over. Do you know any State in the Union running a massive surplus right now? Do you know any State anywhere? I don't. Because States have drawn down their reserves. They are running on very tight budgets because they are all coming out of this recession. Even our State that has a very low unemployment rate relative to everybody else, that never experienced the recession as everyone else did, is still running pretty sizeable deficits at the State level. I can tell you, my State doesn't have any extra cash to front the Federal Government.

When these projects run out and don't get reauthorized, a lot of these transportation projects will come to a halt. States will stop buying right-of-way. They will cancel or put on hold what is under contract until the money comes forward. So I am going to be in touch specifically with the State of Louisiana on how this is going to work in our State, but we were told today that there are a handful of States that have already started to put out notices to their contractors: There will be no more paychecks associated with this road project or this bridge project or this mass transit project.

Let me show everyone what I do know about our State. These are the grades we get from the Civil Engineering Association. I am not proud of these grades. But the reason I am not too embarrassed is because just about every State has these same grades because, overall, America's infrastructure generally is graded at a D. We are the most advanced country in the world but get a D rating when it comes to our infrastructure, surface transportation, water infrastructure, dams, levees, et cetera.

Our airports in Louisiana are C. Our levees, despite the huge investment the Federal Government has made recently, but because of the longstanding overall long-term disinvestment or lower investment over time, we still have a C. We have more bridge surface than almost any State in America—I think we are third—and we have a D-minus. We have more ports; in fact, Mississippi's southern port from Plaquemine to Baton Rouge is one of the largest in the world, definitely the largest in the country, a C-minus, and our roads are D.

Senator BOXER has been on the floor now all week, and I am joining her and helping her tell the House of Representatives they are playing with fire. They are playing with dynamite. We have to get this Transportation bill out. I am sure other States can benefit from this bill. If we don't, this will be the ninth short-term extension since 2009.

People at home must think we have lost our minds. The clearest thing to people at home—they may not understand, and sometimes it is hard for us to understand, all the intricacies of every issue. But everyone in America, even our children understand that to build roads we need a road crew, to build bridges we need a bridge crew, to build mass transit we have to have people actually constructing. We need jobs in America right now, yesterday, today, immediately.

Why is the House of Representatives sitting on a bill that is paid for—contrary to some comments from House Members, paid for—that will go for 2 years? It is as long as I would like. It is not 4 years, it is not 5 years, but it is 2 years. It is longer than the 60-day, 90-day extensions we have been living under since 2009. It is 2012. Let's get a transportation bill.

My final point: For the gulf coast this is critical. We have a major piece of legislation tucked inside this bill. With the Transportation bill that the Senate passes, the RESTORE Act passes with it. We create an oceans trust fund, land and water conservation with willing seller provisions, and we invest billions of dollars in the gulf coast. It is a real jobs bill, not a pretend jobs bill. It is a real jobs bill. It means everything to our States. Whether one has a Republican or a Democratic Governor, they are waiting on us to pass this bill so they can get their people to work. I know mayors I have spoken to, police in our State, county commissioners are waiting for this money as well so they can get plans and put people to work.

So I most certainly hope that in the next 24 hours, before we leave on Friday, the House of Representatives will pass the Senate Transportation bill, send it over to us, and let's put our people to work. It is only going to last 2 years. We can argue about the differences, about how the money should go directly to the States. We could argue about mass transit. We can debate that for the next 2 years. Let's pass the bill. Let's get it done.

I yield the floor.

TRIBUTE TO SENATOR BARBARA MIKULSKI

Mr. NELSON of Florida. Mr. President, with all of the very well deserved statements that have been made about our colleague Senator BARBARA MIKULSKI, I wanted to raise my voice in support of the milestone she recently achieved as the longest-serving woman in congressional history.

A personal word I want to add about Senator MIKULSKI is that she has been so supportive and such a leader of our Nation's space program. As the Chairman of the Senate Appropriations Subcommittee on Commerce, Justice, and

Science, she has to be intimately familiar with the details and the appropriate way to allocate funds that are vital for our civilian program to go forward in the visionary and frontier breaking manner that it always has and I am grateful for her leadership. I wanted to add this to the accolades that she so well deserves and has already heard from so many of our colleagues.

Senator MIKULSKI began her tenure in Congress in 1977 as a member of the House of Representatives. She represented Maryland's Third District for ten years before moving to the Senate in 1986.

During her time in the Senate, Senator MIKULSKI has been a champion for many of the issues that are particularly important to my fellow Floridians and me. She is a strong supporter of veterans' and seniors' issues.

Senator MIKULSKI has also worked to protect our oceans by supporting the National Oceanic and Atmospheric Administration, especially during one of the worst environmental disasters we've seen. In 2010 she conducted a subcommittee hearing to explore the use of dispersants in response to the Deepwater Horizon spill in the Gulf, helping us to better understand the long-term consequences of that environmental tragedy.

Senator MIKULSKI also serves as Chairman for the Health, Education, Labor, and Pensions Subcommittee on Children and Families. In December, she chaired a hearing on child abuse, casting light on this issue and urging her colleagues to take greater steps to combat it.

I am honored to have served with Senator MIKULSKI for the past decade, and I look forward to continuing to work with her on matters of great importance to Maryland, Florida, and the rest of the country.

Ms. STABENOW. Mr. President, I join my colleagues in honoring the service of the Senator from Maryland, BARBARA MIKULSKI, on becoming the longest-serving woman in the history of Congress. She is an inspiration, a mentor, and a friend, and I congratulate her on achieving this historic milestone.

The story of BARBARA MIKULSKI is the story of the American Dream. The daughter of a grocer in Baltimore, she learned what it meant to do a hard day's work. She got good grades, went to college, and eventually got her Master's Degree in Social Work.

When she was in her 20's, she got involved in a fight to stop a highway proposal that would have cut through a working-class neighborhood. She stopped that highway and saved the homes of the families who lived there.

Those families saw something that day that all of us would recognize today: a woman of passion, hard work, and determination.

Throughout her years of service, she has reflected these values day in and day out as she has fought for America's working families. She understands that our country needs to make things and grow things if we are going to have a middle class and an American Dream. She understands the dignity of work, and how important that is to families who want to create a better future for their children, just as BARBARA's family did for her.

And in her many years of leadership and service, she has been fighting every day to create a better future for every little girl and boy in Maryland. She did not come here for the power; she came here to serve. And I think that is why the people of Maryland have chosen her, time and time again, to be their champion in the U.S. Senate.

In the whole history of the United States, 1,931 people have served in the U.S. Senate. Of those, 39 were women. And of those, 17 are serving right now. And of those, only one—Senator BARBARA MIKULSKI—is our Dean and our mentor.

I want to thank my friend, Senator MIKULSKI, for all she has done for me and for all the women who will follow in her footsteps in the years to come.

Mr. WEBB. Mr. President, the Senate is in the midst of recognizing a very important milestone in our history. I would like to join my Senate colleagues in congratulating Senator BARBARA MIKULSKI as the longest serving female Member of Congress.

As we all know, Senator MIKULSKI has dedicated her life to public service. Before running for public office, Senator MIKULSKI worked as a social worker helping at-risk children and educating seniors on Medicare. In 1971, she successfully ran for her first public office and was elected to serve in the Baltimore City Council, where she served for 5 years.

Senator MIKULSKI first ran for Congress in 1976, seeking to represent Maryland's Third District. She won that race and went on to hold the seat for a decade. In 1986 she decided to run for the U.S. Senate, and she has been serving here ever since. The Senate was a very different place when she first arrived as one of two women Senators. She not only had to learn how the Senate functioned but had a quick lesson in bipartisanship—as the other woman, Nancy Kassebaum-Baker, was a Republican from Kansas. Today, we have 17 women in the Senate and 76 women serving in the House of Representatives.

Senator MIKULSKI has been an outspoken advocate for working people everywhere. Due in large part to her leadership and strong advocacy on behalf of women, our daughters and granddaughters will have opportunities that were not available to many women in the past. She is a wonderful role model through her dedication to public service, as she fights passionately every day for the people of Maryland that she is here to represent.

And so I want to add my voice to those praising Senator MIKULSKI as she reaches this important milestone. She is a true pioneer, a strong example of a smart legislator, and an outspoken voice for working people. I have great respect for the journey she has taken, and I am proud to serve alongside her.

JOBS ACT

Mrs. HUTCHISON. Mr. President, I rise today to speak on H.R. 3606, the JOBS Act, which we passed in the Senate last Thursday, March 22, 2012 by a vote of 73–26. I am very pleased that this legislation passed with such strong bipartisan support, particularly because it includes a measure which I authored to update the shareholder threshold before which banks must register their securities with the Securities and Exchange Commission.

Title VI of the JOBS Act is based off of S. 1941, which I introduced on December 5, 2011 with Senator MARK PRYOR. Section 601 of this title increases the registration threshold for banks and bank holding companies to 2,000 persons and the deregistration threshold to 1,200 person.

As the author of Title VI of the JOBS Act, I welcome today's consideration of H.R. 3606 in the House of Representatives and the endorsement that President Obama has given this job-creating legislation in a Statement of Administration Policy. The new thresholds for registration and deregistration are effective upon the President's signature since no rulemaking is necessary. It is the intent of Congress that this new law should apply immediately to banks and bank holding companies so that they can raise additional capital to increase lending in their communities.

WOMEN'S HISTORY MONTH

Mrs. MURRAY. Mr. President, I would like to take a moment today to recognize the dedication of women service members and women veterans in celebration of Women's History Month.

Women have played an important role in our Nation's military from the time of our Founding Fathers. Today, women make up 15 percent of the Active-Duty military and 18 percent of Guard and Reserve forces. Our women soldiers, sailors, airmen, marines, and coastguardsmen have served courageously in Iraq and Afghanistan. They have played a variety of roles ranging from convoy leaders to fighter pilots to field medics. I am inspired by their bravery and their dedication to our country.

Already women make up nearly 10 percent of the veteran population, a proportion that Department of Veterans Affairs, VA, expects to grow over the next decade. VA has already come a long way in addressing the unique health needs and challenges that women face. A generation ago, VA would have been the last place that we would associate with women's health, but just this past January, VA marked an important milestone in caring for

women veterans. In Salt Lake City, UT, a woman veteran not only received all of her prenatal care from VA but also delivered a beautiful baby girl under the care of her VA obstetrician. Yet, for all of its recent progress, VA still must do more to ensure that women veterans are receiving the care that they need and deserve. As they return from the battlefield, the VA system must be equipped to help women veterans step back into their lives as mothers, wives, and citizens.

I am incredibly proud of the women who have served or are serving our Nation in uniform, and I strongly believe we must do all we can to honor them. That is why I led the effort to pass into law the Women Veterans Health Care Improvement Act. This bill, which was included as part of the Caregivers and Veterans Omnibus Health Services Act of 2010, helped to transform the way that VA addresses the needs of women veterans. This act authorized the VA to provide neonatal care, train mental health professionals to provide mental health services for sexual trauma, develop a childcare pilot program, and staff each VA medical center with a full-time women veterans program manager. VA has an obligation to provide women veterans with quality care, and we have an obligation to make sure VA does so.

Our commitment to women veterans does not end with passing legislation like the Women Veterans Health Care Improvement Act. We must actively monitor the implementation and effect of these bills to make sure that no woman falls through the cracks. In December of 2010, a VA Office of Inspector General report found that the Veterans Benefit Association had not fully assessed available military sexual trauma-related claims data and had no clear understanding of how consistently these claims were being adjudicated. While both men and women service members carry the devastating wounds of military sexual trauma, the GAO found in 2002 that 22 percent of screened women service members reported military sexual trauma compared to 1 percent of screened men. With this shocking statistic in mind, Senator TESTER and I pressed VBA to improve the accuracy and consistency of their military sexual trauma-related disability claims process. I am happy to say that VA agreed with our assessment and has since worked to overhaul the way it processes military sexual trauma disability claims.

Mr. President, the committee's experience with military sexual trauma disability claims is symbolic of the kind of work that remains to be done for women veterans. I recognize the challenges that women veterans face over the coming years and remain determined to work on their behalf. The promise that we make to our veterans is sacred and knows no gender. To honor our veterans, we must honor this promise for each and every one of them.

EYE DONOR AWARENESS MONTH

Mr. BROWN of Ohio. Mr. President, March 2012 marks the 29th annual National Eye Donor Month—a month devoted to honoring eye donors and corneal recipients, and increasing awareness of the need for eye donations.

Since President Ronald Reagan declared the first National Eye Donor Month in 1983, the Eye Bank Association of America, EBAA, and its 97-member eyebanks have used National Eye Donor Month to educate the general public about the donors and their families who provide life-changing corneal transplants for over 50,000 people annually.

Of the EBAA's 97-member eyebanks, four are located in Ohio, and they possess a deep-rooted commitment to restoring sight by providing corneas for sight-saving transplant procedures. In 2010, charitable eye donations made by Ohio residents allowed our State eyebanks to provide more than 1,000 corneas to help their friends and neighbors regain sight, and an additional 1,000 eyes and corneas for additional surgical procedures, as well as for research and educational purposes.

These selfless efforts have not gone unnoticed, changing the lives of thousands of Ohioans through the selfless gifts of donors and their families.

The Central Ohio Lions Eye Bank in Columbus, serving 45 counties, has made possible over 12,000 corneal transplants since 1973.

In the past 10 years, the Cincinnati Eye Bank for Sight Restoration, located in the southern part of our State, gave the gift of sight to nearly 6,300 individuals through transplantation.

In northern Ohio, the Cleveland Eye Bank has provided corneas for over 20,000 cornea transplants since its founding in 1958.

Lions Eye Bank of West Central Ohio, LEBWCO, in Dayton has provided high-quality ocular tissue to surgeons and patients since 1982 and serves more than 1 million people in nine counties. LEBWCO is dedicated to making the gift of sight a reality for the Dayton community and all Ohioans.

Since the EBAA's inception in 1961, corneal transplants have changed the lives of over 1,000,000 people. However, much remains to be done to offer more people the opportunity to receive life-changing corneal transplants.

I encourage all Americans to register to become eye donors. Inform your family of your wishes; designate yourself as a donor on your driver's license; and register as an eye donor through your State donor registry.

I urge my colleagues to work with their local eyebanks and the EBAA to promote the importance of eye donation and its life-enhancing effects on corneal recipients.

During March 2012, let us commemorate the lives of the donors who make corneal transplants possible, celebrate the sight restored by these transplants, and work to widen the path for additional advancements in corneal transplantation.

TRIBUTE TO RAYMOND J. PRICE III

Mr. BROWN of Ohio. Mr. President. I rise today to honor Raymond J. Price III upon his retirement from the International Union of Painters and Allied Trades, IUPAT. For more than 30 years, Ray Price has represented his fellow workers in Ohio and across the country with distinction and dignity.

In September 1978, he started as an apprentice painter at IUPAT Painters Local 867 in Cleveland. He honed his craft to become a journey worker just 3 years later. As he rose through the ranks he earned the trust and admiration of his fellow brothers and sisters progressing as a business representative, business manager, and, by 1995, as manager and secretary-treasurer of IUPAT District Council 6, which covers all of Ohio and central Kentucky.

He would become heavily involved with the Cleveland Building Trades Council and served as vice president of the Cleveland AFL–CIO Federation of Labor. What IUPAT members in Ohio understood about his loyalty and toughness, soon members from across the country would also recognize. In 1999 he joined the International Union staff as a representative of the general president and, later, as general vice-president at large. With each new challenge and responsibility, Ray showed how a progressive labor movement is critical to our country and to our middle class.

Thank you, Ray, for your counsel and friendship. As you spend time at your cottage on the Sandusky River, I wish you a happy retirement with your wife Mary Ann, your children, and extended family by your side. You have left a legacy that shows how one can make a career fighting for working men and women—and making a community and country more just and fairer for all.

TRIBUTE TO MIKE DAVIES

Mr. BLUMENTHAL. Mr. President, today I honor New Haven open chief executive officer Mike Davies, who was named a 2012 inductee of the International Tennis Hall of Fame and Museum, a nonprofit organization founded in 1954. The official induction ceremony will take place this summer, and so, very appropriately, the outdoor tennis season provides an opportunity to honor a man who has significantly influenced the game of tennis. He is truly an athlete and sportsman for all seasons.

Other 2012 inductees include U.S. Gold medalist Jennifer Capriati, Brazilian top athlete Gustavo Kuerten, Russian star Yevgeny Kafelnikov, and three-time Paralympic medalist Thomas ''Randy'' Snow, all recognized in the Recent Player Category. Snow, who passed away in 2009, was a tireless leader for the disabled, inspiring many as a champion of wheelchair tennis. Spanish superstar Manuel Orantes and Australian champion Thelma Coyne-Long

will be inducted in the Master Player Category. Nick Bollettieri, legendary coach and entrepreneur, and Eiichi Kawatei, a strong promoter of tennis in Asia, will join Mr. Davies in the Contributor Category.

I was not surprised when I read that Mr. Davies taught himself how to play tennis and has used the same self-invented grip to swing his racket for the past 65 years. This anecdote is a perfect metaphor for how he, as an innovator, has transformed a game that so many Americans cherish.

Although we remember him as a great player battling to the top as No. 1 in Britain today, I recognize his perhaps lesser known contributions to tennis. He dedicated many years to leading our world's major tennis organizations, including the World Championship Tennis, WCT, serving as its executive director for 13 years, the Association of Tennis Professionals, and the International Tennis Federation, where he made the Davis Cup a tournament worth watching. In these capacities, he changed parts of the game that we take for granted and made playing and watching tennis more enjoyable, competitive, and exciting. Mr. Davies developed and implemented tiebreakers, allowed players to wear color, changed the ball from green to yellow for the benefit of television viewers, added time between points and games, and suggested the use of chairs during breaks in play.

Remarkably, Mr. Davies is responsible for the first public broadcasting of a tennis match, facilitating the airing of the 1972 WCT final match between Rod Laver and Ken Rosewall on NBC. In addition, while at WCT, Mr. Davies implemented the first, multimillion world tour. These two big ideas made the sport more accessible to all Americans. As showcased by these accomplishments and many others, Mr. Davies has been a tireless advocate for diversifying tennis and supporting all players, regardless of class or race, who had the potential to rise through the ranks.

Most recently, Mr. Davies has dedicated his talents to the incredibly successful New Haven Open tournament at Yale University. He has brought big-time tournament tennis competition to the city of New Haven and helped to create an arena where athletes of all ages can be inspired to be strong, fight hard, and work to their full potential. In their own backyards, they can experience the incredible energy of skilled players who are only a few games away from the U.S. Open.

I congratulate Mr. Davies for this remarkable honor and would like to recognize the International Tennis Hall of Fame and Museum for its outstanding work in preserving the legacies of these cultural icons and motivating new generations of young athletes and entrepreneurs to strive for greatness every day.

RECOGNIZING THE NEW HAVEN LIONS CLUB

Mr. BLUMENTHAL. Mr. President, today I wish to recognize the New Haven Lions Club as they celebrate their 90th anniversary and nearly a century of community service, civic involvement, and charitable contributions to the city of New Haven, the State of Connecticut, and the increasingly interconnected international community.

Lions Club members are connected to the heart and soul of their local cities and towns, following the proactive philosophy: ''community is what we make it.'' Through their extraordinary service and generosity including weekly meetings, annual volunteer events, and fundraising the 46,000 Lions Clubs and their 1.35 million members change the world around them. Following their historic practice of activism and participation, they touch countless lives.

Founded in 1922, the New Haven Lions Club is the second oldest Lions Club in Connecticut. The members—or Lions, as they aptly call themselves—come together four times a month at the New Haven Long Wharf to plan the community outings that have become well known and anticipated events. Their impact is felt when they hand out free hot cider at the New Haven tree lighting or deliver food donations to the Connecticut Food Bank. Since its start, the club has raised more than $717,000 in charitable contributions.

Responding to a call to action by Helen Keller in 1925, one of the hallmark services offered by Lions Clubs around the world is assisting the often-marginalized blind and visually impaired communities. In 1975, the One to One Program was created in New Haven, where partnerships are formed between a blind and a seeing person. Together, these pairs attend events together throughout the year. In addition, free eye screenings have been offered on the New Haven Green since 1998, serving as a practical resource as well as symbolic gesture that the Lions Club of New Haven is dedicated to inspiring the vision of New Haven residents, helping them to see better lives for themselves.

The Lions of New Haven also offer valuable opportunities for children and young adults in New Haven, understanding their specific needs and then aiming to fill the void, whether providing recreational fun, mentorship, or the teaching of life skills. They have partnered with local schools in New Haven throughout the years, most recently with Nathan Hale School, to sponsor Leo Clubs, which lead students to spend time volunteering and giving back to their communities. Last July, the Lions Club of New Haven offered $2,500 in scholarship funds for graduating Leos.

The New Haven Lions Club is also known for Camp Cedarcrest, 42 acres of grounds in Orange, CT, enjoyed each summer by thousands of Connecticut residents. Together, the New Haven Lions, along with four other service organizations and the New Haven Department of Parks, Recreation and Trees, provide this spot for the community to enjoy.

Even though the New Haven Lions Club has held and participated in many newsworthy events such as hosting a Benny Goodman concert in 1958 and volunteering over 150 hours during the 1995 Special Olympics World Games held in New Haven—what makes this service club special is its members' dedication to each other, their community, and their legacy. Since its birth, then only the second of its kind in New England, the Lions Club of New Haven has evolved and adapted while always keeping the tradition of service, companionship, and civic duty as the foundation of every step together.

I wish the Lions of New Haven all the best as they continue to listen to the pulse of the city of New Haven and represent Connecticut in the many Lions Club happenings around the world. I have the greatest confidence that steadfast progress, tender human connections, and far-reaching impact will be made by this invaluable organization over the next 90 years and more.

AMERICAN STUDIO GLASS MOVEMENT

Mr. PORTMAN. Mr. President, today I wish to recognize the American Studio Glass Movement. The movement is celebrating its 50th anniversary this year. The American Studio Glass Movement began in Toledo, OH, as a small group of passionate artists and has grown into an international movement of artists creating one-of-a-kind art glass. I would like to congratulate the American Studio Glass Movement on 50 years of encouraging and supporting sculpture glass.

In 1962, the American Studio Glass Movement began with two glass-blowing workshops at the Toledo Art Museum. These workshops were highlighted by the inaugural implementation of the personal glass furnace. This invention made it possible for individual artists in personal studios to engage in creative glass design.

The American Studio Glass Movement has introduced the beauty and creativity of studio glass to millions of people. From June 13–16, the Glass Art Society will hold its annual conference in Toledo, OH, allowing artists, collectors, and enthusiasts from across the world to gather at the birthplace of glass art to celebrate 50 years of studio glass. Further, over 160 art museums, including nine Ohio art museums will hold exhibitions honoring the 50th anniversary of the American Studio Glass Movement.

I would like to join with the movement's thousands of supporters and associated museums in congratulating the American Studio Glass Movement on 50 years of success.

ADDITIONAL STATEMENTS

BEALE AIR FORCE BASE CHILD DEVELOPMENT CENTER

• Mrs. BOXER. Mr. President, I ask my colleagues to join me in celebrating the April 2, 2012, opening of the new Child Development Center, CDC, at Beale Air Force Base in Yuba County, CA.

I am so pleased that this facility has at long last become a reality for the families stationed at Beale, and I was proud to have fought to secure the funding required to build it.

When I visited Beale in 2004, I saw firsthand the critical need for a new CDC on base. The old CDC built in 1967 was in dire need of replacement. The aging facility was too small to accommodate eligible children and was found to contain safety hazards including asbestos and lead. The men and women serving our Nation at Beale deserve to know that their children are being cared for in a safe and nurturing environment. The new CDC will provide this peace of mind.

The Silver-LEED-Certified 37,566-square-foot facility will increase the number of children served from 175 to 280, relieving the burden on many military families who currently rely on childcare located 20 miles off base. It will have a total of 21 classrooms for children ranging from infants to preschool age and employ 70 staff members. The new CDC is also centrally located and easily accessible from anywhere on the installation. This new CDC will go a long way to ensure we are meeting the needs of the families stationed at Beale.

As cochair of the Senate Military Family Caucus, I know that when a servicemember wears a uniform, the entire family serves. That is why we must do everything we can to lessen their burden and provide for their needs. The new CDC at Beale symbolizes America's commitment to our incredible military families and is one more way we can show our gratitude for their service.•

TRIBUTE TO LEE ANDERSON

• Mr. CORKER. Mr. President, today I wish to honor an exceptional Tennessean and fellow Chattanoogan for his outstanding career as a newsman and his many contributions to our city and country.

Lee Stratton Anderson was born in Trenton, KY in 1925 to Mr. and Mrs. Herbert L. Anderson. At the age of 5, he moved to Chattanooga, TN, where he still resides today. In 1942, as a high school junior, Lee was hired as a reporter at the Chattanooga News-Free Press, and on April 18th of this year, he will retire from that same newspaper 70 years to the day his storied career began.

It was clear from an early age that Lee Anderson was an exceptional person dedicated to serving others and his country. In addition to becoming a journalist at 16 years old, Lee earned the distinction of Eagle Scout and was the winner of two Sons of the American Revolution Good Citizenship Awards. After high school, he enrolled in the University of Chattanooga and volunteered for the Air Force aviation cadet program, serving 21 months on Active Duty in World War II before returning to school and to the paper. He maintained a busy schedule as a college student, arriving at 6:00 a.m. to the paper each day before heading to class until 9:30 p.m. Remarkably, he graduated in 3 years while still finding time to be a leader on campus. He was president of Sigma Chi fraternity, the Blue Key Honor Society, and the Interfraternity Council, and chairman of the Honor Council Indoctrination Committee, all while holding a full-time job.

At the Chattanooga News-Free Press, Lee covered politics and the State legislature before being named associate editor in 1948 and then editor in 1958. It was as an associate editor that Lee began to write the editorials that would become his signature. Over 40 years later, when Walter Hussman bought and merged the News-Free Press with then-rival the Chattanooga Times, Lee was named associate publisher and editor of the combined paper. The Chattanooga Times Free Press remains the only U.S. newspaper to offer two editorial perspectives, and, at age 87, Lee continues to plan three or four editorials for the Free Press section of the editorial page each day. His editorials have been reprinted in publications throughout the country, garnering him numerous awards, including the Freedoms Foundation's national award for editorials in 1979.

In addition to his 70-year career in the newsroom, Lee Anderson's contributions to his community, State and country have been just as impressive and valuable. He is a retired major in the U.S. Army Reserve and has served on a number of committees focused on educating the public about the Civil War. In 1957, he cofounded Confederama, now known as the Battles for Chattanooga Museum, an educational tourist attraction re-creating local battles and highlighting Chattanooga's role during the Civil War. He has delivered more than 2,000 speeches on a variety of topics, including religion, history, and politics, and authored two books: ''Valley of the Shadow: the Battles of Chickamauga and Chattanooga, 1863'' and ''Israel: I looked over Jordan.''

Lee has held leadership positions in numerous civic causes and organizations, including the Chattanooga Downtown Rotary, the Chattanooga Convention and Visitors Bureau, and the local chapter of the American Red Cross, to name a few. This past year, Lee was named the public face of United Way's annual campaign after almost 80 years of continuous participation with the charity, making his first contribution as a first grader. He also served Tennesseans for 4 years under my good friend, then-Governor LAMAR ALEXANDER, on the Tennessee Industrial and Agricultural Development Commission.

Lee Anderson's many achievements in life are too numerous to list here, but if you were to ask him, he would tell you after his wife, Betsy, of 62 years, two children and two grandchildren, one of his greatest accomplishments has been teaching Sunday school for over 40 years at First Presbyterian Church in Chattanooga.

Mr. President, I have known Lee Anderson for my entire adult life and have seen firsthand his love for our community and witnessed his contributions to making it a great place for our citizens to live and do business. Over his long career, Lee's views have always reflected his strongly held beliefs and deep devotion to the city and country he loves. It is an honor and a privilege to serve in the Senate on behalf of Tennesseans like Lee Anderson. I congratulate him for his remarkable dedication to the newspapers of record in Chattanooga and join with so many others in thanking him for the lasting impact he has made, which will extend for many years to come.•

FROZEN FOOD MONTH

• Mrs. MURRAY. Mr. President, today I wish to acknowledge Frozen Food Month and to recognize the frozen food industry's significant efforts to ensure that families and schoolchildren across the United States have access to healthy, affordable foods such as fruits and vegetables.

In our all too often hectic lives, frozen foods give Americans the flexibility to quickly prepare meals that are both nourishing and affordable.

School lunch planners also rely on frozen foods as they seek to serve healthy, child-friendly meals while stretching limited budgets. For instance, frozen fruits and vegetables are readily available and offer outstanding nutritional value to schoolchildren year-round.

Even during these tough economic times, the frozen food industry continues to provide much needed American jobs, with almost 100,000 employees working in nearly 700 facilities nationwide.

I would like to take this opportunity to honor one of my home State's own frozen food companies, National Frozen Food Corporation. Headquartered in Seattle, WA, National is currently celebrating its 100th year as a leader in the frozen foods industry.

National began its impressive history when a man named William McCaffray, Sr., started selling frozen strawberries in 1912. With a $5,000 loan from a friend, Mr. McCaffray built his small business from the ground up, and in the 1930s expanded to selling frozen vegetables as well as fruit. From Mr. McCaffray's humble beginnings, National has grown

to be one of our country's premiere private-label frozen vegetable producers and employs 670 people throughout the year. Today, National Frozen Foods is committed to continued improvement through innovation within its own walls and at the industry level.

I am proud to acknowledge the part that National Frozen Foods Corporation has played in our economy in Washington State, as well as the positive impact that the frozen foods industry as a whole continues to have on the United States. In celebration of Frozen Foods Month, I applaud the employees and management of National Frozen Foods Corporation, and of the entire frozen food industry, for their hard work and contributions to our country.●

TRIBUTE TO DR. ANN COYNE

● Mr. NELSON of Nebraska. Mr. President, today I wish to honor Dr. Ann Coyne of Lincoln, NE, who has recently been awarded the National Association of Social Workers' Lifetime Achievement Award.

Dr. Coyne's accomplishments are many, and she is most deserving of this prestigious award. First and foremost, she is a loving wife and mother. Dr. Coyne was married to her husband, Dermot, for nearly 45 years before his death in 2002; and they were blessed with six children: P.J., Brian, Tom, James, Cathy and Gerry. She has been a ''mom'' to many more by providing a safe and loving home to many Nebraska foster children and by assisting many special needs children with international adoptions.

In addition to being a mother, Dr. Coyne has maintained a strong commitment to children throughout her professional career. She is a consultant for the Nebraska Foster Care Review Board and was a board member for Adoption Links Worldwide. She developed the dual degree between social work and public administration at the University of Nebraska-Omaha, UNO; was instrumental in renaming UNO's School of Social work in honor of another prestigious social worker from Nebraska, Grace Abbott; and continues to teach both undergraduate and graduate coursework to countless students in our State.

Perhaps the greatest of Dr. Coyne's achievements is her work in Nicaragua. She fosters an ongoing relationship between UNO's Grace Abbott School of Social Work and the University of Nicaragua at Leon, UNAN, which has assisted 75 Nicaraguans in earning degrees in social work. She worked with the Omaha Suburban Rotary Club to found Las Chavalitos Maternal and Child Health Clinic in Managua. Additionally, Dr. Coyne partnered with a former student to develop the Association de Maestras y Padres de Niños Sordos, which now operates La Escuela de Niños Sordos, a primary day school for deaf children.

I, and all Nebraskans, have benefitted from Dr. Ann Coyne's accomplishments as a teacher, educator, and advocate for children. We are proud that the National Association of Social Workers has bestowed upon her its Lifetime Achievement Award. And we are also proud that the enormous impacts of Dr. Coyne's life and work have benefitted, and are continuing to benefit, the children of Nebraska, the United States of America, and the world.●

TRIBUTE TO CÉSAR ESTRADA CHÁVEZ

● Mr. UDALL of Colorado. Mr. President, today I wish to recognize César Estrada Chávez, a man whose leadership and nonviolent crusade for justice changed millions of lives throughout America. César Chávez helped give all of us a chance at a better future.

On March 31, 2012, we will celebrate César Chávez Day to commemorate his life and his legacy. We will also pause to remember that the actions of one person can empower an entire community to fight for equal treatment and civil rights.

César Estrada Chávez was born on March 31, 1927, near Yuma, AZ, to a family of farm workers. When his father was unable to work, Chávez joined the millions of people who worked in the fields to provide for their families and was inspired to do something to help his community. Daily, he saw and felt the farm workers' suffering. Working conditions on the farms were extremely dangerous and compensation was poor. Chávez taught migrant farm workers across the West that the life they deserved was very different from the one they had been living. He knew the farm workers' struggles intimately and used that knowledge as motivation to help the entire community find the tools it needed to overcome those struggles. Change initially took root in California, swiftly spreading to the rest of the Western United States. Colorado's heritage is richer because of his influence and his legacy.

Chávez's message reached Colorado's Hispanic community during the days of the civil rights movement. Chávez led advocacy efforts to empower people across Colorado, bringing about improved living and working conditions for Colorado's farm workers. Additionally, his teachings inspired many Coloradans to join him in teaching farm workers, students, and veterans the importance of equality, justice, and empowerment. A Coloradan who became one of these leaders was Rodolfo ''Corky'' Gonzales, who would become a voice for the voiceless and a masterful poet and teacher in Colorado's Hispanic community.

César Chávez's and Rodolfo Gonzalez's selflessness, patience, and commitment mobilized Latinos and non-Latinos in Colorado and across America to fight for equality, justice, and civil rights. Chávez is especially remarkable because he truly embodied his own teachings. Throughout his life, he turned down many prestigious job offers and opportunities, choosing to work long hours in the fields side by side with migrant workers. Chávez gave a human face to agriculture. He taught many across the country that the grapes, onions, tomatoes, or other foods they purchased at the grocery store were part of a much larger story. Moreover, he believed that the world's real wealth lies in the act of helping others. It is this belief that sustained him in the face of long odds.

In a speech inspired by the nonviolent messages of Dr. Martin Luther King, Jr., and Mahatma Gandhi, César Chávez said, ''You cannot uneducate the person who has learned to read. You cannot humiliate the person who feels pride. And you cannot oppress the people who are not afraid anymore.'' Chávez's life and legacy has taught millions of people far more than just pride and bravery. He inspires all of us to fight for a better future for the world, for ourselves and for our neighbors. César Chávez is a role model for Coloradans and for all Americans.

On March 31, Coloradans across the State will come together to give back to their communities. I am proud to speak on behalf of them and on behalf of all Americans fighting to give their children and the people in their communities a better life, regardless of their background or color of skin. Together, we honor those who are continuing César Chávez's fight for justice and celebrate the remarkable influence of his vision.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Pate, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 12:14 p.m., a message from the House, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 2682. An act to provide end user exemptions from certain provisions of the Commodity Exchange Act and the Securities Exchange Act of 1934, and for other purposes.

H.R. 2779. An act to exempt inter-affiliate swaps from certain regulatory requirements put in place by the Dodd-Frank Wall Street Reform and Consumer Protection Act.

H.R. 4014. An act to amend the Federal Deposit Insurance Act with respect to information provided to the Bureau of Consumer Financial Protection.

ENROLLED BILL SIGNED

At 2:18 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:

S. 2038. An act to prohibit Members of Congress and employees of Congress from using nonpublic information derived from their official positions for personal benefits, and for other purposes.

The enrolled bill was subsequently signed by the President pro tempore (Mr. INOUYE).

At 3:53 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House agrees to the amendment of the Senate to 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 message also announced that the Clerk be directed to request the Senate to return to the House of Representatives the bill (H.R. 5) to improve patient access to health care services and provide improved medical care by reducing the excessive burden the liability system places on the health care delivery system.

ENROLLED BILL SIGNED

At 5:25 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. 3606. An act to increase American job creation and economic growth by improving access to the public capital markets for emerging growth companies.

The enrolled bill was subsequently signed by the President pro tempore (Mr. INOUYE).

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

S. 2237. A bill to provide a temporary income tax credit for increased payroll and extend bonus depreciation for an additional year, and for other purposes.

MEASURES READ THE FIRST TIME

The following bills were read the first time:

H.R. 2682. An act to provide end user exemptions from certain provisions of the Commodity Exchange Act and the Securities Exchange Act of 1934, and for other purposes.

H.R. 2779. An act to exempt inter-affiliate swaps from certain regulatory requirements put in place by the Dodd-Frank Wall Street Reform and Consumer Protection Act.

H.R. 4014. An act to amend the Federal Deposit Insurance Act with respect to information provided to the Bureau of Consumer Financial Protection.

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–5475. A communication from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting, pursuant to law, a report relative to the Administration's 2012 compensation program adjustments; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5476. A communication from the Chief Information Officer, Agricultural Research Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Modifications of Interlibrary Loan Fee Schedule'' (RIN0518–AA04) received in the Office of the President of the Senate on March 20, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5477. A communication from the Director of the Regulatory Review Group, Farm Service Agency, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Conservation Loan Program'' (RIN0560–AI04) received in the Office of the President of the Senate on March 21, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5478. A communication from the Acting Under Secretary of Defense (Personnel and Readiness), transmitting a report on the approved retirement of Lieutenant General John C. Koziol, United States Air Force, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC–5479. A communication from the Acting Under Secretary of Defense (Personnel and Readiness), transmitting a report on the approved retirement of Lieutenant General Frank G. Helmick, United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC–5480. A communication from the Acting Assistant Secretary of Defense (Reserve Affairs), transmitting, pursuant to law, a report relative to a proposed change by the Air Force Reserve to the Fiscal Year 2010 National Guard and Reserve Equipment Appropriation (NGREA) procurement; to the Committee on Armed Services.

EC–5481. A communication from the Public Information Manager, Office of Privacy, Records, and Disclosure, Special Inspector General for Afghanistan Reconstruction, transmitting, pursuant to law, the report of a rule entitled ''Freedom of Information Act and Privacy Act Procedures'' (RIN3460–AA00) received during adjournment of the Senate in the Office of the President of the Senate on March 16, 2012; to the Committee on Armed Services.

EC–5482. A communication from the Public Information Manager, Office of Privacy, Records, and Disclosure, Special Inspector General for Afghanistan Reconstruction, transmitting, pursuant to law, the report of a rule entitled ''Requests for Testimony or the Production of Records in a Court or Other Proceedings in Which the United States is not a Party'' (RIN3460–AA00) received during adjournment of the Senate in the Office of the President of the Senate on March 16, 2012; to the Committee on Armed Services.

EC–5483. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; California Air Resources Board—In-Use Heavy-Duty Diesel-Fueled Truck and Bus Regulation, and Drayage Truck Regulation'' (FRL No. 9633–3) received in the Office of the President of the Senate on March 22, 2012; to the Committee on Environment and Public Works.

EC–5484. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans and Operating Permits Program; Commonwealth of Puerto Rico; Administrative Changes'' (FRL No. 9645–8) received in the Office of the President of the Senate on March 22, 2012; to the Committee on Environment and Public Works.

EC–5485. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Illinois; Volatile Organic Compound Emission Control Measures for Chicago and Metro-East St. Louis Ozone Nonattainment Areas'' (FRL No. 9633–4) received in the Office of the President of the Senate on March 22, 2012; to the Committee on Environment and Public Works.

EC–5486. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; State of Nevada; Regional Haze State Implementation Plan'' (FRL No. 9612–7) received in the Office of the President of the Senate on March 22, 2012; to the Committee on Environment and Public Works.

EC–5487. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; West Virginia; Regional Haze State Implementation Plan'' (FRL No. 9651–7) received in the Office of the President of the Senate on March 22, 2012; to the Committee on Environment and Public Works.

EC–5488. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Delaware, Maryland, New Jersey, and Pennsylvania; Determinations of Attainment of the 1997 8-Hour Ozone Standard for the Philadelphia-Wilmington-Atlantic City Moderate Nonattainment Area'' (FRL No. 9652–6) received in the Office of the President of the Senate on March 22, 2012; to the Committee on Environment and Public Works.

EC–5489. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Emergency Planning and Notification; Emergency Planning and List of Extremely Hazardous Substances and Threshold Planning Quantities'' (FRL No. 9651–1) received in the Office of the President of the Senate on March 22, 2012; to the Committee on Environment and Public Works.

EC–5490. A communication from the Correspondence and Regulations Assistant, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medicaid Program; Eligibility Changes under the Affordable Care Act of 2010'' (RIN0938–AQ62) received in the Office of the President of the Senate on March 20, 2012; to the Committee on Finance.

EC–5491. A communication from the Correspondence and Regulations Assistant, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Student Health Insurance Coverage'' (RIN0938–AQ95) received in the Office of the President of the Senate on March 20, 2012; to the Committee on Finance.

EC–5492. 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 ''Applicable Federal Rates—Correction to Rev. Rul. 2012–9'' (Rev. Rul. 2012–12) received in the Office of the President of the Senate on March 21, 2012; to the Committee on Finance.

EC–5493. 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 ''Applicable Federal Rates—April 2012'' (Rev. Rul. 2012–11) received in the Office of the President of the Senate on March 20, 2012; to the Committee on Finance.

EC–5494. A communication from the Chairman, Medicare Payment Advisory Commission, transmitting, pursuant to law, a report entitled ''Report to the Congress: Medicare Payment Policy''; to the Committee on Finance.

EC–5495. 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 2012–0028—2012–0034); to the Committee on Foreign Relations.

EC–5496. A communication from the Correspondence and Regulations Assistant, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Patient Protection and Affordable Care Act; Standards Related to Reinsurance, Risk Corridors and Risk Adjustment'' (RIN0938–AR07) received in the Office of the President of the Senate on March 20, 2012; to the Committee on Health, Education, Labor, and Pensions.

EC–5497. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled, ''District of Columbia Agencies' Compliance with Small Business Enterprise Expenditure Goals for the 1st, 2nd, and 3rd Quarters of Fiscal Year 2011''; to the Committee on Homeland Security and Governmental Affairs.

EC–5498. A communication from the Acting Staff Director, United States Commission on Civil Rights, transmitting, pursuant to law, the report of the appointment of members to the District of Columbia Advisory Committee; to the Committee on the Judiciary.

EC–5499. A communication from the Acting Staff Director, United States Commission on Civil Rights, transmitting, pursuant to law, the report of the appointment of members to the Nevada Advisory Committee; to the Committee on the Judiciary.

EC–5500. A communication from the Director, Administrative Office of the United States Courts, transmitting, pursuant to law, a report entitled ''Report of the Proceedings of the Judicial Conference of the United States'' for the September 2011 session; to the Committee on the Judiciary.

EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of nominations were submitted:

By Mr. KERRY for the Committee on Foreign Relations.

*Gina K. Abercrombie-Winstanley, of Ohio, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Malta.

Nominee: Gina Abercrombie-Winstanley.

Post: Malta.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Self: $0.
2. Spouse: Gerard Winstanley, $200, 2008, Obama Presidential campaign.
3. Daughter: Kara Winstanley, none.
4. Son: Adam Winstanley, none.
5. Parents: both deceased.
6. Grandparents: both deceased.
7. Brother: Craig Stevens, None.
8. Brother: John Brent, None.
9. Sister: Lynne Hicks, none.
10. Brother in law: Larry Hicks, None.

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*Julissa Reynoso, of New York, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Oriental Republic of Uruguay.

Nominee: Julissa Reynoso.

Post: Montevideo, Uruguay.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Julissa Reynoso: $500, 12/5/2008, PODER Political Action Committee; $300, 9/26/2008, Perriello for Congress; $2,300, 8/28/2008, Friends of Hillary; $1,000, 8/25/2008, Obama Victory Fund; $1,000 8/31/2008, Obama for America.; (via Obama Victory Fund); $250, 8/22/2008, Friends of Tracy Brooks; $250, 8/22/2008, Act Blue; $400, 6/30/2007, Hillary for President (general); $2,300, 1/26/2007, Hillary Clinton for President (primary); $1,900, 1/26/2007, Hillary Clinton for President (general).
2. Spouse: n/a.
3. Children and Spouses: n/a.
4. Parents: Rosario Pantaleon: none; Julio Reynoso: none.
5. Grandparents: Juan Pantaleon: none; Bienvenida Pantaleon: deceased; Nay Reynoso: deceased; Maricusa Vargas: none.
6. Brothers and Spouses: Julio Cesar Reynoso: (single), none.
7. Sisters and Spouses: Jessica Adelina Reynoso: (single) none; Osmaris Valerio: (single) none.

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*William E. Todd, of Virginia, a Career Member of the Senior Executive Service, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kingdom of Cambodia.

Nominee: William E. Todd.

Post: Cambodia.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Self: William Todd, none.
2. Spouse: Patricia Buckingham, none.
3. Children and Spouses: William Todd II, none; Christopher Todd, none; John Todd, none; Caitlyn Todd, none.
4. Parents: John and Marie Todd, none.
5. Grandparents: Deceased.
6. Brothers and Spouses: John Todd, $1000, 2004, Republican Party; $2000, 2000, George Allen; Doug Todd, none.
7. Sisters and Spouses: Jean Todd, none.

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*Jacob Walles, of Delaware, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Tunisian Republic.

Nominee: Jacob Walles.

Post: Tunis.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Self: $1750, 2008, Obama.
2. Spouse: N/A.
3. Children and Spouses: N/A.
4. Parents: N/A.
5. Grandparents: N/A.
6. Brothers and Spouses: N/A.
7. Sisters and Spouses: None.

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*Pamela A. White, of Maine, a Career Member of the Senior Foreign Service, Class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Haiti.

Nominee: Pamela A. White.

Post: Haiti.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Self: $150.00, Oct. 2011, Obama; $200.00, May 2010, Obama; $400.00, Jan & Jun 2008, Obama.
2. Spouse: Steve Cowper, None.
3. Children and Spouses: Kristopher White, None; Patrick White, None.
4. Parents: Muriel and Richard Murphy, None.
5. Grandparents: Deceased
6. Brothers and Spouses:
7. Sisters and Spouses: Sandra Nadeau, None.

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*John Christopher Stevens, of California, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Libya.

Nominee: John C. Stevens.

Post: Tripoli.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Self: None.
2. Spouse: N/A.
3. Children and Spouses: N/A.
4. Parents: Jan Stevens, $150, 2008, Obama Cmpgn. Carole Cory Stevens, None; Mary Commanday, None; Robert Commanday, None.
5. Grandparents: N/A.
6. Brothers and Spouses: Thomas Stevens, None; Dana Lung, None.
7. Sisters and Spouses: Anne Stevens, $800, 2008, Emily's List. Peter Sullivan, None; Hilary Stevens, None.

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*Tracey Ann Jacobson, of the District of Columbia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Kosovo.

Nominee: Tracey Ann Jacobson.

Post: Republic of Kosovo.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:
1. Self: None.
2. Spouse: N/A.
3. Children and Spouses: N/A.
4. Parents: None.
5. Grandparents: None.
6. Brothers and Spouses: None.
7. Sisters and Spouses: None.

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*Kenneth Merten, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Croatia.

Nominee: Kenneth H. Merteno.

Post: Croatia.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:
1. Self: None.
2. Spouse: None.
3. Children and Spouses: Caryl Merten & Elisabeth Merten: None.
4. Parents: Edryne Merten: None.
5. Grandparents: N/A: None.
6. Brothers and Spouses: N/A: None.
7. Sisters and Spouses: N/A: None.

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*Mark A. Pekala, of Maryland, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Latvia.

Nominee: Mark A. Pekala.

Post: U.S. Ambassador to Latvia.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:
1. Self: None.
2. Spouse: Maria R. Pekala: None.
3. Children and Spouses: Julia C. Pekala: None; Nora M. Pekala: None.
4. Parents: Anne J. Pekala—deceased, Henry S. Pekala—deceased.
5. Grandparents: John (Jan) Pekala—deceased; Mary (Maria) Pekala—deceased; Michael Virbicki—deceased; Aleksandra Virbicki—deceased.
6. Brothers and Spouses: Michael A. Pekala: None; Lori Pekala (spouse): None.
7. Sisters and Spouses: Karen Pekala: $500.00, 9/18/2008, Barack Obama via ''Obama for America''; Judeth Hawkins: None; David Hawkins (spouse): None; Lisbeth O'Malley: None.

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*Richard B. Norland, of Iowa, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Georgia.

Nominee: Richard B. Norland.

Post: Ambassador to Georgia.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:
1. Self: None.
2. Spouse: Mary E. Hartnett, $250, 9/9/2008, Obama for America; $500, 10/28/2008, Obama for America.
3. Children and Spouses: Daniel Norland (son) and Jennifer Barkley (spouse): $200, 2008, Obama for America; Kathleen Norland (daughter): None.
4. Parents: Donald R. Norland—deceased; Patricia B. Norland: None.
5. Grandparents: E. Norman Norland—deceased; Aletta Norland—deceased; August Bamman—deceased; Emily Bamman—deceased.
6. Brothers and Spouses: David Norland (brother): $1,000, 04/01/11, Pawlenty for President Exploratory Committee; $500, 10/29/10, Republican National Committee; $250, 01/13/10, Scott Brown for U.S. Senate; $250, 10/13/09, McDonnell for Govenor; $2,300, 09/09/08, McCain Victory 2008, $1,300, 01/07/08, Romney for President, Inc.; $1,000, 06/14/07, Romney for President, Inc; Susan Norland (spouse): None.
7. Sisters and Spouses: Patricia D. Norland: None.

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*Jeffrey D. Levine, of California, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Estonia.

Nominee: Jeffrey D. Levine.

Post: Ambassador.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, donee:
1. Self: $200, 2008, Obama for President Campaign.
2. Spouse: Janie L. Keeler (joint contribution with myself as listed above*).
3. Children and Spouses: Nikolai David Levine (minor child—None).
4. Parents: Evelyn Bender: None.
5. Grandparents: deceased.
6. Brothers and Spouses: Glenn Levine, None.
7. Sisters and Spouses: None.

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*Sara Margalit Aviel, of California, to be United States Alternate Executive Director of the International Bank for Reconstruction and Development for a term of two years.

*Frederick D. Barton, of Maine, to be an Assistant Secretary of State (Conflict and Stabilization Operations).

*Frederick D. Barton, of Maine, to be Coordinator for Reconstruction and Stabilization.

*Linda Thomas-Greenfield, of Louisiana, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Director General of the Foreign Service.

*Carlos Pascual, of the District of Columbia, to be an Assistant Secretary of State (Energy Resources).

Mr. KERRY. Mr. President, for the Committee on Foreign Relations I report favorably the following nomination lists which were printed in the RECORDS on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

Foreign Service nominations beginning with Olga Ford and ending with Margaret Shu Teasdale, which nominations were received by the Senate and appeared in the Congressional Record on February 2, 2012.

Foreign Service nominations beginning with Terry L. Murphree and ending with Andrew J. Wylie, which nominations were received by the Senate and appeared in the Congressional Record on February 2, 2012.

Foreign Service nominations beginning with Morgan D. Haas and ending with Stephen L. Wixom, which nominations were received by the Senate and appeared in the Congressional Record on February 29, 2012.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

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. PRYOR:

S. 2238. A bill to amend the Commodity Exchange Act to require a regulation to limit the aggregate positions of nontraditional bona fide hedgers in petroleum and related products; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. NELSON of Florida (for himself, Ms. SNOWE, Mr. BLUMENTHAL, and Ms. KLOBUCHAR):

S. 2239. A bill to direct the head of each agency to treat relevant military training as sufficient to satisfy training or certification requirements for Federal licenses; to the Committee on Homeland Security and Governmental Affairs.

By Ms. STABENOW (for herself, Mr. BLUNT, Mr. BROWN of Ohio, and Mr. ROBERTS):

S. 2240. A bill to amend the Internal Revenue Code of 1986 to extend the allowance for bonus depreciation for certain business assets; to the Committee on Finance.

By Mrs. MURRAY (for herself, Mr. AKAKA, Mr. BEGICH, Mr. BROWN of Ohio, Mr. ROCKEFELLER, Mr. COONS, Mr. HARKIN, Mr. INOUYE, Mr. LEAHY, and Mr. WHITEHOUSE):

S. 2241. A bill to ensure that veterans have the information and protections they require to make informed decisions regarding use of Post-9/11 Educational Assistance, and for other purposes; to the Committee on Veterans' Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Ms. STABENOW (for herself and Mr. ROBERTS):

S. Res. 407. A resolution expressing the sense of the Senate that executives of the bankrupt firm MF Global should not be rewarded with bonuses while customer money is still missing; considered and agreed to.

ADDITIONAL COSPONSORS

S. 339

At the request of Mr. BAUCUS, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of S. 339, a bill to amend the Internal Revenue Code of 1986 to make permanent the special rule for contributions of qualified conservation contributions.

S. 418

At the request of Mr. HARKIN, the names of the Senator from Missouri

(Mrs. MCCASKILL) and the Senator from Vermont (Mr. LEAHY) were added as cosponsors of S. 418, a bill to award a Congressional Gold Medal to the World War II members of the Civil Air Patrol.

S. 798

At the request of Mr. TESTER, the name of the Senator from Ohio (Mr. PORTMAN) was added as a cosponsor of S. 798, a bill to provide an amnesty period during which veterans and their family members can register certain firearms in the National Firearms Registration and Transfer Record, and for other purposes.

S. 1299

At the request of Mr. MORAN, the name of the Senator from Nevada (Mr. HELLER) was added as a cosponsor of S. 1299, a bill to require the Secretary of the Treasury to mint coins in commemoration of the centennial of the establishment of Lions Clubs International.

S. 1301

At the request of Mr. LEAHY, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor 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. 1316

At the request of Mr. ENZI, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 1316, a bill to prevent a fiscal crisis by enacting legislation to balance the Federal budget through reductions of discretionary and mandatory spending.

S. 1421

At the request of Mr. PORTMAN, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 1421, a bill to authorize the Peace Corps Commemorative Foundation to establish a commemorative work in the District of Columbia and its environs, and for other purposes.

S. 1591

At the request of Mrs. GILLIBRAND, the name of the Senator from New Jersey (Mr. MENENDEZ) 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. 1629

At the request of Mrs. GILLIBRAND, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 1629, a bill to amend title 38, United States Code, to clarify presumptions relating to the exposure of certain veterans who served in the vicinity of the Republic of Vietnam, and for other purposes.

S. 1696

At the request of Mr. LEAHY, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 1696, a bill to improve the Public Safety Officers' Benefits Program.

S. 1755

At the request of Mr. TESTER, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 1755, a bill to amend title 38, United States Code, to provide for coverage under the beneficiary travel program of the Department of Veterans Affairs of certain disabled veterans for travel for certain special disabilities rehabilitation, and for other purposes.

S. 1774

At the request of Mr. BAUCUS, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 1774, a bill 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, and for other purposes.

S. 1945

At the request of Mr. DURBIN, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 1945, a bill to permit the televising of Supreme Court proceedings.

S. 2051

At the request of Mr. REED, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 2051, a bill to amend the Higher Education Act of 1965 to extend the reduced interest rate for Federal Direct Stafford Loans.

S. 2112

At the request of Mr. BEGICH, the name of the Senator from Vermont (Mr. SANDERS) 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. 2113

At the request of Mrs. HAGAN, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 2113, a bill to empower the Food and Drug Administration to ensure a clear and effective pathway that will encourage innovative products to benefit patients and improve public health.

S. 2120

At the request of Ms. MURKOWSKI, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 2120, a bill to require the lender or servicer of a home mortgage upon a request by the homeowner for a short sale, to make a prompt decision whether to allow the sale.

S. 2134

At the request of Mr. BLUMENTHAL, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 2134, a bill to amend title 10, United States Code, to provide for certain requirements relating to the retirement, adoption, care, and recognition of military working dogs, and for other purposes.

S. 2139

At the request of Mrs. MCCASKILL, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 2139, a bill to enhance security, increase accountability, and improve the contracting of the Federal Government for overseas contingency operations, and for other purposes.

S. 2140

At the request of Mr. BROWN of Ohio, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 2140, a bill to amend the Public Works and Economic Development Act of 1965 to modify the period used to calculate certain unemployment rates, to encourage the development of business incubators, and for other purposes.

S. 2148

At the request of Mr. INHOFE, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 2148, a bill to amend the Toxic Substance Control Act relating to lead-based paint renovation and remodeling activities.

S. 2159

At the request of Mr. LEAHY, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 2159, a bill to extend the authorization of the Drug-Free Communities Support Program through fiscal year 2017.

S. 2165

At the request of Mrs. BOXER, the name of the Senator from Florida (Mr. RUBIO) was added as a cosponsor of S. 2165, a bill to enhance strategic cooperation between the United States and Israel, and for other purposes.

S. 2204

At the request of Mr. MENENDEZ, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 2204, a bill to eliminate unnecessary tax subsidies and promote renewable energy and energy conservation.

S. 2205

At the request of Mr. MORAN, the name of the Senator from Arkansas (Mr. BOOZMAN) was added as a cosponsor of S. 2205, a bill to prohibit funding to negotiate a United Nations Arms Trade Treaty that restricts the Second Amendment rights of United States citizens.

S. 2213

At the request of Mr. THUNE, the name of the Senator from North Dakota (Mr. HOEVEN) was added as a cosponsor of S. 2213, a bill to allow reciprocity for the carrying of certain concealed firearms.

S. 2221

At the request of Mr. THUNE, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 2221, 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.

S. 2222

At the request of Mr. SANDERS, the names of the Senator from Montana (Mr. TESTER), the Senator from Pennsylvania (Mr. CASEY), the Senator from Alaska (Mr. BEGICH) and the Senator from Michigan (Mr. LEVIN) were added as cosponsors of S. 2222, a bill to require the Commodity Futures Trading Commission to take certain actions to reduce excessive speculation in energy markets.

S. 2226

At the request of Mr. PAUL, the name of the Senator from Utah (Mr. LEE) was added as a cosponsor of S. 2226, a bill to prohibit the Administrator of the Environmental Protection Agency from awarding any grant, contract, cooperative agreement, or other financial assistance under section 103 of the Clean Air Act for any program, project, or activity carried out outside the United States, including the territories and possessions of the United States.

S. 2232

At the request of Mr. BROWN of Massachusetts, the name of the Senator from Ohio (Mr. PORTMAN) was added as a cosponsor of S. 2232, a bill to decrease the deficit by realigning, consolidating, disposing, and improving the efficiency of Federal buildings and other civilian real property, and for other purposes.

S. 2233

At the request of Mr. SCHUMER, the names of the Senator from Connecticut (Mr. BLUMENTHAL) and the Senator from Wisconsin (Mr. KOHL) were added as cosponsors of S. 2233, a bill to amend the Immigration and Nationality Act to stimulate international tourism to the United States.

S.J. RES. 38

At the request of Mr. GRAHAM, the name of the Senator from Oklahoma (Mr. COBURN) was added as a cosponsor of S.J. Res. 38, a joint resolution disapproving a rule submitted by the Department of Labor relating to the certification of nonimmigrant workers in temporary or seasonal nonagricultural employment.

S. RES. 344

At the request of Mr. RUBIO, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of S. Res. 344, a resolution supporting the democratic aspirations of the Nicaraguan people and calling attention to the deterioration of constitutional order in Nicaragua.

S. RES. 356

At the request of Mrs. FEINSTEIN, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. Res. 356, a resolution expressing support for the people of Tibet.

S. RES. 395

At the request of Mr. DURBIN, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. Res. 395, a resolution expressing the sense of the Senate in support of the North Atlantic Treaty Organization and the NATO summit to be held in Chicago, Illinois from May 20 through 21, 2012.

S. RES. 397

At the request of Mr. COONS, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. Res. 397, a resolution promoting peace and stability in Sudan, and for other purposes.

S. RES. 402

At the request of Mr. COONS, the names of the Senator from South Dakota (Mr. JOHNSON), the Senator from Nevada (Mr. HELLER) and the Senator from New Hampshire (Ms. AYOTTE) were added as cosponsors of S. Res. 402, a resolution condemning Joseph Kony and the Lord's Resistance Army for committing crimes against humanity and mass atrocities, and supporting ongoing efforts by the United States Government and governments in central Africa to remove Joseph Kony and Lord's Resistance Army commanders from the battlefield.

AMENDMENT NO. 1952

At the request of Mr. SANDERS, the names of the Senator from Pennsylvania (Mr. CASEY) and the Senator from Alaska (Mr. BEGICH) were added as cosponsors of amendment No. 1952 intended to be proposed to S. 2204, a bill to eliminate unnecessary tax subsidies and promote renewable energy and energy conservation.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. MURRAY (for herself, Mr. AKAKA, Mr. BEGICH, Mr. BROWN of Ohio, Mr. ROCKEFELLER, Mr. COONS, Mr. HARKIN, Mr. INOUYE, Mr. LEAHY, and Mr. WHITEHOUSE):

S. 2241. A bill to ensure that veterans have the information and protections they require to make informed decisions regarding use of Post-9/11 Educational Assistance, and for other purposes; to the Committee on Veterans' Affairs.

Mrs. MURRAY. Mr. President, today, as Chairman of the Senate Committee on Veterans' Affairs, I am proud to introduce the GI Bill Consumer Awareness Act of 2012.

My colleagues, including my fellow Veterans' Affairs Committee Members Senators AKAKA, BEGICH, BROWN of Ohio and ROCKEFELLER, and my Senate colleagues Senators COONS, HARKIN, INOUYE, LEAHY, and WHITEHOUSE, join me in introducing this important legislation. I appreciate their continued support of our Nation's veterans.

With the end of the war in Iraq and the drawdown in Afghanistan, more servicemembers are separating from the military to start their civilian careers. When my father came home from war, the GI Bill helped him go to college. He used that education to get a job, one that gave him pride. That's the opportunity we must provide those returning from today's wars.

America's investment in its newest generation of veterans is tremendous.

In 2012, over 590,000 servicemembers, veterans, and other beneficiaries are expected to enroll in educational institutions using the Post-9/11 GI Bill. VA is expected to spend over $9 billion dollars in 2012 on Post-9/11 GI Bill payments and over $2 billion for the nearly 400,000 beneficiaries of the VA's other education programs. Despite this level of support, those returning from today's wars are unable to use VA educational benefits to their full potential. Today, that ends.

At its heart, the GI Bill Consumer Awareness Act would take significant steps to make certain that GI Bill beneficiaries have access to information to help them make informed decisions about the educational institutions they attend, so they get the most out of this tremendous benefit. This bill would also require VA and DoD to develop a joint policy to curb aggressive recruiting and misleading marketing aimed at servicemembers and veterans so they can make a decision on a school without bad actors exerting unfair influence on them.

Many servicemembers and veterans attend educational institutions that do not suit their intended goals. This shouldn't be the case. Servicemembers and veterans should enroll in educational institutions which put them on the path to a successful career, or allow them to access more post-secondary education opportunities. For many years we have provided VA educational beneficiaries with billions of dollars in educational assistance, but have given them little to no assistance in deciding where to use these benefits. This bill would put an end to that.

The GI Bill Consumer Awareness Act calls for disclosure of, among other data, statistics related to student loan debt, transferability of credits earned, veteran enrollment, program preparation for licensing and certification, and job placement rates. heard from many veterans that this type of information would be very useful to them as they make decisions about where to enroll.

My bill would also require VA to provide educational beneficiaries with easy-to-understand information about schools that are approved for GI Bill benefit use. Collecting data for data's sake is not the goal here. I want VA to use this information to develop a report card of sorts that allows veterans to see how one school compares against another to help them decide which school is right for them.

We must acknowledge the differences between student veterans and their civilian classmates. Unlike their classmates, servicemembers and veterans need to know what services institutions provide to ease their difficult transition to civilian life. Some educational institutions provide more support than others.

The University of Washington, one of the oldest public universities in my

home state, serves as an example of what all universities should be doing. Through its Veterans Center, the University of Washington offers its student veterans a place to connect with other veterans, access university resources, and receive referrals to campus and community resources that help to balance academic and personal demands. The University of Washington is helping to ease the transition from the battlefield to the classroom, and these types of services should be replicated across the country.

Despite this bright spot, I have heard from servicemembers and veterans who don't think their schools are in touch with the assistance that VA and other Agencies can provide to them. The GI Bill Consumer Awareness Act would require educational institutions to have at least one employee who is knowledgeable about benefits available to servicemembers and veterans.

My bill would further require that academic advising, tutoring, career and placement counseling services, and referrals to Vet Centers are available and that faculty members are trained on matters that are relevant to servicemembers and veterans. I want to make sure that each educational institution that is approved for GI Bill education benefits has the support services that student veterans need in order to make the most of their educational experience. No veteran should step on a college campus in this country and feel unsupported.

I am concerned about what I am seeing and hearing about groups who mislead our servicemembers and veterans—just to boost enrollment of students with a very lucrative benefit. The GI Bill Consumer Awareness Act would require VA and DoD to develop a joint policy on aggressive recruiting and misleading marketing aimed at servicemembers, veterans, and other beneficiaries.

When servicemembers and veterans make a decision about a school—it should be done with their own best interests at heart, and in consultation with their families and those Agencies with a mandate to help them. The GI Bill Consumer Awareness Act would make educational counseling available to more beneficiaries. As long as a beneficiary has educational entitlement—counseling from VA would be available. I really want VA to be proactive in its efforts to get these servicemembers and veterans in for counseling. This is an important step in choosing a school and career path and one that I hope that more student veterans take advantage of.

This is not a full summary of all the provisions within this legislation. However, I hope that I have provided an appropriate overview of the major benefits this legislation would provide for America's servicemembers after they leave military service. I also ask our colleagues for their continued support for the Nation's veterans.

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. 2241

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 ''GI Bill Consumer Awareness Act of 2012''.

SEC. 2. PUBLICATION BY SECRETARY OF VETERANS AFFAIRS AND SECRETARY OF DEFENSE OF INFORMATION ABOUT EDUCATIONAL INSTITUTIONS.

(a) PUBLICATION BY SECRETARY OF VETERANS AFFAIRS.—

(1) IN GENERAL.—Subchapter II of chapter 36 of title 38, United States Code, is amended by adding at the end the following new section:

''§ 3697B. Publication of information about educational institutions

''(a) PUBLICATION OF INFORMATION.—The Secretary shall, on an ongoing basis, make available to veterans, members of the Armed Forces, and other individuals eligible to receive or receiving assistance under this chapter or any of chapters 30 through 35 of this title or chapters 106A or 1606 of title 10 the information described in subsection (d) in language that can be easily understood by such veterans, members, and other individuals.

''(b) COLLECTION OF INFORMATION.—(1) In order to make the information described in subsection (d) available as required by subsection (a), the Secretary shall take such actions as may be necessary to obtain such information.

''(2) If the Secretary requires, for purposes of this section, information that has been reported by an educational institution to the Secretary of Education, the Secretary of Defense, the Secretary of Labor, or the heads of other Federal agencies under a provision of law other than under this section or section 3679A of this title, the Secretary shall obtain such information from such Secretary or head rather than the educational institution.

''(3) Making information available under subsection (a) shall not be required in a case in which the number of students in a category is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual student.

''(c) PARTNERSHIP WITH SECRETARY OF EDUCATION AND SECRETARY OF DEFENSE.—(1) The Secretary shall carry out subsections (a) and (b) in consultation and cooperation with the Secretary of Education and the Secretary of Defense.

''(2) If the Secretary of Education or the Secretary of Defense incur any costs in consulting or cooperating with the Secretary of Veterans Affairs under paragraph (1), the Secretary of Veterans Affairs shall reimburse the Secretary concerned, from amounts appropriated to the Secretary of Veterans Affairs, for such costs.

''(d) INFORMATION.—The information described in this subsection is as follows:

''(1) An explanation of the different types of accreditation available to educational institutions and programs of education.

''(2) A general overview of Federal student aid programs, the implications of incurring student loan debt, and discussion of how receipt of educational assistance under this chapter or any of chapters 30 through 35 of this title may enable students to complete programs of education without incurring significant educational debt.

''(3) For each educational institution at which an individual is enrolled in a program of education for which the individual receives assistance under this chapter or any of chapters 30 through 35 of this title or chapter 106A or 1606 of title 10 and for the most recent academic year for which information is available, the following:

''(A) The percentage of students who enroll in the first term of a program of education of the educational institution who on the date that is 1 year after the date of enrolling are not enrolled in any program of education at the educational institution.

''(B) The percentage of students enrolled in a program of education offered by the educational institution who complete the program of education within the normal time for completion of such program and the percentage of students enrolled in a program of education offered by the educational institution who complete the program of education within 150 percent of such period, disaggregated by students who receive and don't receive assistance for pursuit of the program of education under this chapter or any of chapters 30 through 35 of this title or chapter 106A or 1606 of title 10.

''(C) The number of degrees and certificates awarded by the educational institution and the number of students enrolled in programs of education at the educational institution that lead to a degree or a certificate.

''(D) The number of students enrolled in a program of education of the educational institution.

''(E) The rates of job placement of students who complete a program of education offered by the educational institution that prepares students for gainful employment in a recognized occupation and for other programs if such rates are available for such other programs.

''(F) The mean of the wages the students described in subparagraph (E) receive from their first positions of employment obtained after completing a program of education offered by the educational institution.

''(G) A description of the accreditation of the educational institution, if any, and the names of any national or regional accrediting agencies that have accredited the educational institution.

''(H) For each program of education offered by the educational institution, the following:

''(i) The percentage of students who enroll in the first term of the program of education who on the date that is 1 year after the date of enrolling are not enrolled in any program of education at the educational institution.

''(ii) The percentage of students enrolled in the program of education who complete the program of education within the normal time for completion of such program and the percentage of students enrolled in the program of education who complete the program of education within 150 percent of such period, disaggregated by students who receive and don't receive assistance for pursuit of the program of education under this chapter or any of chapters 30 through 35 of this title or chapter 106A or 1606 of title 10.

''(iii) The number of degrees or certificates awarded by the educational institution to individuals who enrolled in the program of education.

''(iv) The number of students enrolled in the program of education.

''(v) If the program of education is designed to prepare a student for a particular occupation, whether such occupation generally requires licensing or certification in the State in which the educational institution is located and if so, whether successfully completing such program of education generally qualifies an individual—

''(I) to obtain such licensing or certification;

''(II) to take an examination that is generally required to obtain such licensing or certification; or

''(III) to meet such other preconditions as may be necessary for employment in such occupation in such State.

''(vi) If the program of education is designed to prepare a student for a particular occupation that generally requires licensing or certification in the State in which the educational institution is located, the percentage of students who completed such program of education who obtained such licensing or certification.

''(vii) The rates of job placement of students who complete the program of education for programs of education that prepare students for gainful employment in a recognized occupation and for other programs if such rates are available for such other programs.

''(viii) The mean of the wages the students described in clause (vii) receive from their first positions of employment obtained after completing the program of education.

''(ix) A description of the accreditation of the program of education, if any, and the names of any national or regional accrediting agencies that have accredited the program of education.

''(I) An explanation of the following:

''(i) Whether academic credits awarded by the educational institution are transferable to public educational institutions in the State in which the educational institution is located.

''(ii) Any articulation agreements the educational institution may have with any other educational institutions.

''(iii) How the educational institution may or may not accept academic credit awarded by another educational institution, including whether the educational institution accepts the transfer of academic credits from the following:

''(I) The Army/American Council on Education Registry Transcript System.

''(II) The Sailor-Marine American Council on Education Registry Transcript.

''(III) The Community College of the Air Force.

''(IV) The United States Coast Guard Institute.

''(J) The average tuition and fees for all programs of education at the educational institution leading to a baccalaureate degree or lesser degree, license, or certificate and the average tuition and fees charged by public educational institutions for similar programs of education, disaggregated by State.

''(K) The median amount of debt from Federal student loans under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.), and to the degree practicable, private student loans, held upon completion of a program of education by an individual who received assistance under chapter 30, 32, 33, or 34 of this title for pursuit of such program of education at the educational institution.

''(L) The cohort default rate, as defined in section 435(m) of the Higher Education Act of 1965 (20 U.S.C. 1085(m)), of the educational institution.

''(M) With respect to the information reported under subparagraphs (K) and (L), indicators of how the educational institution compares with all public educational institutions offering comparable programs of education.

''(N) Whether the educational institution is a public, private nonprofit, or private for-profit institution.

''(O) The number of veterans enrolled in programs of education at the educational institution who are receiving assistance under this chapter and chapters 30 through 35 of this title and chapters 106A and 1606 of title 10 for pursuit of such programs of education.

''(P) A description of the benefits and assistance veterans described in subparagraph (K) may be entitled to under the laws of the State or States in which the veterans receive instruction from the educational institution.

''(Q) A description of the educational institution's participation, if any, in the Yellow Ribbon G.I. Education Enhancement Program established under section 3317(a) of this title.

''(R) If the educational institution charges a lower rate of tuition for students who reside in the same State as the educational institution—

''(i) identification of the requirements for students to obtain in-State status for such lower rate of tuition; and

''(ii) a list of educational institutions located or incorporated in the same State as the educational institution that waive such requirements for veterans.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 36 of such title is amended by inserting after the item relating to section 3697A the following new item:

''3697B. Publication of information about educational institutions.''.

(3) EFFECTIVE DATE.—Section 3697B of title 38, United States Code, as added by paragraph (1), shall take effect on the date that is 180 days after the date of the enactment of this Act and not later than such date, the Secretary of Veterans Affairs shall begin making information available as described in subsection (a) of such section.

(b) TRAINING FOR EMPLOYEES OF DEPARTMENT OF VETERANS AFFAIRS EDUCATION CALL CENTERS.—Not later than one year after the date of the enactment of this Act, the Secretary of Veterans Affairs shall ensure that appropriate employees of each of the education call centers of the Department of Veterans Affairs receive appropriate training regarding the information made available under section 3697B of title 38, United States Code, as added by subsection (a)(1).

(c) PUBLICATION BY SECRETARY OF DEFENSE.—

(1) IN GENERAL.—The Secretary of Defense shall, on an ongoing basis, make available to individuals eligible to receive or receiving assistance under the Military Spouse Career Advancement Account (MyCAA) program of the Department of Defense the information described in paragraph (4) in language that can be easily understood by such individuals.

(2) COLLECTION OF INFORMATION.—

(A) IN GENERAL.—In order to make the information described in paragraph (4) available as required by paragraph (1), the Secretary shall take such actions as may be necessary to obtain such information, including by requiring educational institutions to provide, as a condition of participating in such program, such information as the Secretary considers necessary to carry out this subsection.

(B) COLLECTION FROM OTHER FEDERAL AGENCIES.—If the Secretary of Defense requires, for purposes of this section, information that has been reported by an educational institution to the Secretary of Education, the Secretary of Veterans Affairs, the Secretary of Labor, or the heads of other Federal agencies under a provision of law other than under this subsection, the Secretary of Defense shall obtain such information from such Secretary or head rather than the educational institution.

(C) PRIVACY.—Making information available under paragraph (1) shall not be required in a case in which the number of students in a category is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual student.

(3) PARTNERSHIP WITH SECRETARY OF EDUCATION.—The Secretary of Defense shall carry out paragraphs (1) and (2) in consultation and cooperation with the Secretary of Education.

(4) INFORMATION.—The information described in this paragraph is as follows:

(A) An explanation of the different types of accreditation available to educational institutions and programs of education.

(B) A general overview of Federal student aid programs and the implications of incurring student loan debt.

(C) For each educational institution at which an individual is enrolled in a program of education and receives assistance under the Military Spouse Career Advancement Account (MyCAA) program of the Department of Defense for pursuit of such program of education, the following:

(i) The percentage of students who enroll in the first term of a program of education of the educational institution who on the date that is 1 year after the date of enrolling are not enrolled in any program of education at the educational institution.

(ii) The percentage of students who transfer from one program of education offered by the educational institution to another program of education offered by the educational institution.

(iii) The rates of job placement of students who complete a program of education offered by the educational institution that prepares students for gainful employment in a recognized occupation and for other programs if such rates are available for such other programs.

(iv) The mean of the wages the students described in clause (iii) receive from their first positions of employment obtained after completing a program of education offered by the educational institution.

(v) A description of the accreditation of the educational institution, if any, and the names of any national or regional accrediting agencies that have accredited the educational institution.

(vi) For each program of education offered by the educational institution, the following:

(I) If the program of education is designed to prepare a student for a particular occupation, whether such occupation generally requires licensing or certification in the State in which the educational institution is located and if so, whether successfully completing such program of education generally qualifies an individual—

(aa) to obtain such licensing or certification;

(bb) to take an examination that is generally required to obtain such licensing or certification; or

(cc) to meet such other preconditions as may be necessary for employment in such occupation in such State.

(II) If the program of education is designed to prepare a student for a particular occupation that generally requires licensing or certification in the State in which the educational institution is located, the percentage of students who completed such program of education who obtained such licensing or certification.

(III) The rates of job placement of students who complete the program of education for programs of education that prepares students for gainful employment in a recognized occupation and for other programs if such rates are available for such other programs.

(IV) The mean of the wages the students described in subclause (III) receive from their first positions of employment obtained after completing the program of education.

(vii) An explanation of the following:

(I) Whether academic credits awarded by the educational institution are transferable to public educational institutions in the

State in which the educational institution is located.

(II) Any articulation agreements the educational institution may have with any other educational institutions.

(III) How the educational institution may or may not accept academic credit awarded by another educational institution

(viii) Whether the educational institution is a public, private nonprofit, or private for-profit institution.

(ix) If the educational institution is accredited, whether the educational institution has received disciplinary complaints from the accrediting agency that awarded such accreditation and the adjudication status of such complaints.

SEC. 3. ADDITIONAL REQUIREMENTS OF EDUCATIONAL INSTITUTIONS FOR SUPPORT OF VETERANS AND MEMBERS OF THE ARMED FORCES.

(a) ADDITIONAL REQUIREMENTS UNDER TITLE 38.—

(1) IN GENERAL.—Subchapter I of chapter 36 of title 38, United States Code, is amended by adding at the end the following new section:

"§ 3679A. Additional requirements

''(a) AFFIRMATIVE REQUIREMENTS.—A course of education of an educational institution may not be approved under this chapter unless the educational institution carries out the following:

''(1) Compiling and disclosing to the Secretary such information as the Secretary may require to carry out section 3697B of this title to the extent that such information is available to the educational institution.

''(2) If more than 10 veterans or members of the Armed Forces are enrolled in a course of education at the educational institution, ensuring that at least one full-time equivalent employee of the educational institution is knowledgeable about benefits and assistance available to veterans and members of the Armed Forces under laws administered by the Secretary of Veterans Affairs and the Secretary of Defense.

''(3) Ensuring that appropriate employees of the educational institution are trained and qualified to handle assistance provided under this chapter, chapters 30 through 35 of this title, and chapters 106A and 1606 of title 10.

''(4) If more than 10 veterans or members of the Armed Forces are enrolled in a course of education at the educational institution, providing academic advising and support services to veterans, including remediation, tutoring, career and placement counseling services, and referrals to centers for readjustment counseling and related mental health services for veterans under section 1712A of this title (known as 'vet centers').

''(5) Offering training for members of the faculty of the educational institution on matters that are relevant to veterans and members of the Armed Forces who are enrolled in courses of education at the educational institution.

''(6) Agreeing to abide by the policies developed under section 3696(b) of this title.

''(7) Establishing a point of contact for veterans enrolled in courses of education at the educational institution who can—

''(A) assist such veterans in adjusting to student life at the educational institution; or

''(B) provide referrals to groups or organizations that provide such assistance.

''(b) PROHIBITIONS.—A course of education of an educational institution may not be approved under this chapter if the educational institution—

''(1) requires a student enrolled in the course of education to waive the student's right to legal recourse under any otherwise applicable provision of Federal or State law; or

''(2) requires a student enrolled in the course of education to submit to arbitration or imposes onerous legal notice provisions in the case of a dispute with the educational institution.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 36 of such title is amended by inserting after the item relating to section 3679 the following new item:

''3679A. Additional requirements.''.

(3) CONFORMING AMENDMENT.—Section 3672(b)(2)(A) of such title is amended by striking ''and 3696'' and inserting ''3696, and 3697B''.

(4) EFFECTIVE DATE.—Section 3679A of such title, as added by paragraph (1), shall take effect on the date that is 180 days after the date of the enactment of this Act.

(b) MEMORANDUMS OF UNDERSTANDING BETWEEN DEPARTMENT OF DEFENSE AND EDUCATIONAL INSTITUTIONS.—

(1) IN GENERAL.—Chapter 106A of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2149A. Memorandums of understanding with educational institutions

''(a) IN GENERAL.—The Secretary shall seek to enter into a memorandum of understanding, not later than one year after the date of the enactment of the GI Bill Consumer Awareness Act of 2012, with each educational institution at which an individual is enrolled in a program of education for which the individual receives assistance under this chapter.

''(b) ELEMENTS.—Each memorandum of understanding entered into under subsection (a) shall require the educational institution with which the Secretary enters into the understanding to carry out paragraphs (2) through (7) of section 3679A(a) of title 38.

''(c) BAN ON RECRUITING ON MILITARY INSTALLATIONS.—No individual who represents an educational institution described in subsection (a) may enter a military facility of the United States for purposes of recruiting students for the educational institution if the educational institution has not entered into a memorandum of understanding with the Secretary under such subsection.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 106A of such title is amended by adding at the end the following new item:

''22149A. Memorandums of understanding with educational institutions.''.

SEC. 4. PROTECTIONS FOR VETERANS AND MEMBERS OF THE ARMED FORCES ATTENDING EDUCATIONAL INSTITUTIONS.

(a) POLICIES TO CURB AGGRESSIVE RECRUITING.—Section 3696 of title 38, United States Code, is amended—

(1) in subsection (a)—

(A) by inserting '', including utilizing third-party lead generators that gather names of prospective students through the use deceptive or misleading acts or practices'' before the period at the end; and

(B) by inserting ''(1)'' before ''The Secretary'';

(2) by redesignating subsections (b) and (c) as paragraphs (2) and (3), respectively;

(3) in paragraph (3), as redesignated by paragraph (2), by striking ''under subsection (a)'' each place it appears and inserting ''under paragraph (1)'';

(4) by striking ''this section'' each place it appears and inserting ''this subsection''; and

(5) by adding at the end the following new subsection (b):

''(b) Not later than 90 days after the date of the enactment of the GI Bill Consumer Awareness Act of 2012, the Secretary of Veterans Affairs and the Secretary of Defense shall jointly develop policies to curb aggressive recruiting of veterans and members of the Armed Forces by educational institutions.''.

(b) PROHIBITION ON INDUCEMENTS.—Such section is further amended by adding at the end the following new subsection:

''(c) The Secretary shall not approve a course offered by an educational institution if the educational institution uses inducements or provides any gratuity, favor, discount, entertainment, hospitality loan, transportation, lodging, meals, or other item having a monetary value of more than a de minimis amount to any individual or entity (other than salaries paid to employees or fees paid to contractors in conformity with all applicable provisions of law) for the purpose of securing enrollments.''.

(c) WORKING GROUP.—

(1) IN GENERAL.—Chapter 36 of such title is amended by inserting after section 3692 the following new section:

"§ 3692A. Working group

''(a) ESTABLISHMENT.—Not later than 60 days after the date of the enactment of the GI Bill Consumer Awareness Act of 2012, the Secretary of Veterans Affairs and the Secretary of Defense shall jointly, in consultation with the Secretary of Education, establish a working group—

''(1) to coordinate consumer protection efforts of the Department of Veterans Affairs and the Department of Defense with respect to educational assistance provided under this chapter, chapters 30 through 35 of this title, and chapters 106A and 1606 of title 10; and

''(2) to develop policies related to postsecondary education marketing and recruitment of veterans and members of the Armed Forces.

''(b) DUTIES.—In coordinating efforts and developing policies under subsection (a), the working group shall—

''(1) survey veterans and members of the Armed Forces who have received educational assistance described in subsection (a)(1) to obtain feedback on the educational assistance received and on the program of education for which such assistance was received;

''(2) review marketing and recruitment practices carried out by educational institutions to determine whether the advertising practices of such institutions might be detrimental to veterans and members of the Armed Forces, including a review of Internet websites used for marketing and advertising campaigns targeted towards veterans and members of the Armed Forces; and

''(3) monitor the overall postsecondary education market for developments that affect veterans and members of the Armed Forces.

''(c) CONSULTATION.—In carrying out its duties under this section, the working group shall consult with appropriate Federal agencies (including the Department of Education and the Consumer Federal Protection Bureau), consumer protection groups, veterans service organizations, military service organizations, representatives of educational institutions, and representatives of such other groups or organizations as the Secretaries consider appropriate.

''(d) EXEMPTION FROM FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the working group established under subsection (a).

''(e) VETERANS SERVICE ORGANIZATION DEFINED.—In this section, the term 'veterans service organization' means any organization recognized by the Secretary for the representation of veterans under section 5902 of this title.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 36 of

such title is amended by inserting after the item relating to section 3692 the following new item:

''3692A. Working group.''.

(3) REPORT.—Not later than 180 days after the date of the enactment of this Act, the working group established under section 3692A of such title, as added by paragraph (1), shall submit to Congress a report on the activities of the working group under such section, including the following:

(A) The findings of the working group.

(B) The actions taken by the working group.

(C) The policies developed by the working group.

(D) Recommendations for such legislative and regulatory action as may be necessary to coordinate as described in paragraph (1) of section 3692A(a) of such title and develop policies as described in paragraph (2) of such section.

(d) POLICIES ON CONFLICTS OF INTEREST BETWEEN EMPLOYEES OF DEPARTMENT OF VETERANS AFFAIRS, DEPARTMENT OF DEFENSE, AND EDUCATIONAL INSTITUTIONS.—Section 3683 of such title is amended by adding at the end the following new subsection:

''(e) The Secretary of Veterans Affairs and the Secretary of Defense shall develop policies for employees of the Department of Veterans Affairs and the Department of Defense, respectively, regarding conflicts of interest between employees of such departments and educational institutions.''.

SEC. 5. ASSESSMENT OF QUALITY AND DELIVERY OF CAREER INFORMATION AND COUNSELING TO MEMBERS OF ARMED FORCES AND VETERANS.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense and the Secretary of Veterans Affairs shall, in collaboration with the Secretary of Labor and the Secretary of Education, assess the quality and delivery of career information and counseling provided to members of the Armed Forces and veterans enrolled in (or planning to enroll in) programs of education with assistance under chapter 106A or 1606 of title 10, United States Code, or any of chapters 30 through 36 of title 38, United States Code. Such assessment shall address, at minimum, the following:

(1) Whether such information and counseling is relevant to the labor-markets in which such members or veterans plan to relocate, if applicable.

(2) Whether such information and counseling identifies careers that are available in in-demand occupations and industries in such labor-markets.

(3) Whether such information and counseling identifies the education and credentials required for such careers.

(4) Whether assessments provided to such members and veterans as part of such counseling of the skills and credentials of such members and veterans match such skills and credentials with the skills and credentials required for jobs in the civilian workforce.

(5) Whether the assessments described in paragraph (4) identify the additional skills or credentials members and veterans described in such paragraph may need for employment in jobs in the civilian workforce.

(6) Whether such information identifies the education and training programs that provide the skills necessary for such careers in such labor-markets.

(7) Whether such information is provided in a timely manner.

(b) COLLABORATION WITH THE ONE-STOP DELIVERY SYSTEM AND TRANSITION ASSISTANCE PROGRAMS.—In carrying out subsection (a), the Secretary of Defense and the Secretary of Veteran Affairs shall, in collaboration with the Secretary of Labor, determine how programs that provide education and career counseling services to members of the Armed Forces and veterans under laws administered by the Secretary of Defense and the Secretary of Veterans Affairs should—

(1) collaborate and improve information sharing with one-stop delivery systems established under section 134(c) of the Workforce Investment Act of 1998 (29 U.S.C. 2864(c)), including collaboration through electronic means, to provide the information described in subsection (a) to the members of the Armed Forces before such members transition from service in the Armed Forces to civilian life; and

(2) coordinate with—

(A) each other;

(B) the Transition Assistance Program (TAP) of the Department of Defense;

(C) the services provided under sections 1142, 1143, and 1144 of title 10, United States Code;

(D) the programs established under section 235(b) of the VOW to Hire Heroes Act of 2011(Public Law 112–56; 38 U.S.C. 4214 note); and

(E) the demonstration project established under section 4114 of title 38, United States Code.

(c) REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense and the Secretary of Veterans Affairs shall submit to the appropriate committees of Congress a report on the assessment completed under subsection (a), including recommendations for such legislative, regulatory, and administrative action as the Secretaries consider necessary to improve the provision of career information relevant to programs of education pursued by members of the Armed Forces and veterans to such members and veterans.

(2) APPROPRIATE COMMITTEES OF CONGRESS.—In this subsection, the term ''appropriate committees of Congress'' means—

(A) the Committee on Armed Services, the Committee on Veterans' Affairs, and the Committee on Health, Education, Labor, and Pensions of the Senate; and

(B) the Committee on Armed Services, the Committee on Veterans' Affairs, and the Committee on Education and the Workforce of the House of Representatives.

SEC. 6. EXPANSION OF ELIGIBILITY FOR EDUCATIONAL AND VOCATIONAL COUNSELING.

Section 3697A(b) of title 38, United States Code, is amended—

(1) by striking paragraphs (2) and (3);

(2) in paragraph (1), by adding ''or'' at the end; and

(3) by adding at the end the following new paragraph (2):

''(2) is serving on active duty in any State with the Armed Forces and has served in the Armed Forces on active duty for not fewer than 180 days.''.

SEC. 7. SUBMITTAL OF COMPLAINTS REGARDING PROGRAMS OF EDUCATION AND EDUCATIONAL ASSISTANCE.

(a) IN GENERAL.—Chapter 36 of title 38, United States Code, is amended by inserting after section 3693 the following new section:

''§ 3693A. Complaint process

''(a) SUBMITTAL OF COMPLAINTS.—The Secretary shall establish procedures for submittal to the Secretary of complaints by a students who are pursuing programs of education with assistance under this chapter, any of chapters 30 through 35 of this title, or chapters 106A or 1606 of title 10 regarding such programs of education or such assistance.

''(b) DATABASE.—The Secretary shall establish a database to store complaints submitted under subsection (a) to enable the Secretary—

''(1) to improve the provision of assistance under this chapter and chapters 30 through 35 of this title;

''(2) to improve the provision of educational and vocational counseling under section 3697A of this title; and

''(3) to identify problems with the programs of education or assistance described in subsection (a) that warrant further investigation by the Secretary.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 36 of such title is amended by inserting after the item relating to section 3693 the following new item:

''3693A. Complaint process.''.

SEC. 8. COLLECTION AND DISSEMINATION OF BEST PRACTICES FOR PROVISION BY EDUCATIONAL INSTITUTIONS OF ASSISTANCE TO STUDENTS WHO ARE VETERANS OR MEMBERS OF THE ARMED FORCES.

(a) IN GENERAL.—Not later than one year after the date of the enactment of this Act and two and four years thereafter, the Secretary of Veterans Affairs shall, in collaboration with the Secretary of Education and the Secretary of Defense, collect and disseminate information about best practices for the provision by educational institutions of assistance to students who are veterans and students who are members of the Armed Forces to help them successfully enter, persist in, and complete programs of education.

(b) CONSULTATION WITH VETERANS SERVICE ORGANIZATIONS.—In carrying out subsection (a), the Secretary of Veterans Affairs shall consult with veterans service organizations and educational institutions.

SEC. 9. REPEAL OF LIMITATION ON PAYMENTS FOR CONTRACT EDUCATIONAL AND VOCATIONAL COUNSELING.

Section 3697 of title 38, United States Code, is amended—

(1) by striking subsection (b); and

(2) in subsection (a), by striking ''(a) Subject to subsection (b) of this section, educational'' and inserting ''Educational''.

SEC. 10. DEDICATED POINTS OF CONTACT FOR SCHOOL CERTIFYING OFFICIALS.

Section 3684 of title 38, United States Code, is amended by adding at the end the following new subsection:

''(d) Not later than 90 days after the date of the enactment of the GI Bill Consumer Awareness Act of 2012, the Secretary shall ensure that the Department employs personnel dedicated to assisting personnel of educational institutions who are charged with submitting reports or certifications to the Secretary under this section.''.

SEC. 11. REPORT ON NUMBER OF RECIPIENTS OF EDUCATIONAL ASSISTANCE UNDER LAWS ADMINISTERED BY SECRETARY OF VETERANS AFFAIRS.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on the receipt of educational assistance under laws administered by the Secretary of Veterans Affairs during the last academic year ending before the submittal of the report.

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

(1) A list of all educational institutions at which an individual is enrolled in a program of education for which the individual receives assistance under a law administered by the Secretary of Veterans Affairs.

(2) For each educational institution listed under paragraph (1), the number of individuals who receive assistance under a law administered by the Secretary to pursue a program of education at the educational institution.

(3) For each educational institution listed under paragraph (1), the total amount of assistance paid under laws administered by the Secretary to individuals enrolled in programs of education at the educational institution for pursuit of such programs and paid to the educational institution for the education of individuals.

SEC. 12. PERFORMANCE METRICS FOR DEPARTMENT OF DEFENSE EDUCATION AND WORKFORCE TRAINING PROGRAMS.

(a) ESTABLISHMENT OF METRICS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall, in consultation with the Secretary of Education and the Secretary of Labor, establish metrics for tracking the successful completion of education and workforce training programs carried out under laws administered by the Secretary of Defense.

(b) REPORT ON METRICS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the appropriate committees of Congress a report on the metrics establish under subsection (a), including a description of each such metric.

(c) ANNUAL ASSESSMENT.—Not later than one year after the date of the enactment of this Act and not less frequently than once each year thereafter, the Secretary of Defense shall submit to the appropriate committees of Congress an assessment of the education and workforce training programs described in subsection (a) using the metrics established under such subsection.

(d) APPROPRIATE COMMITTEES OF CONGRESS.—In this section, the term ''appropriate committees of Congress'' means—

(1) the Committee on Armed Services and the Committee on Appropriations of the Senate; and

(2) the Committee on Armed Services and the Committee on Appropriations of the House of representatives.

SEC. 13. PRIVACY.

Nothing in this title or any of the amendments made by this title shall be construed to authorize the Secretary of Veterans Affairs, the Secretary of Defense, the Secretary of Education, or the Secretary of Labor to release to the public information about an individual that is otherwise prohibited by a provision of law.

SEC. 14. DEFINITIONS.

In this Act:

(1) EDUCATIONAL INSTITUTION AND PROGRAM OF EDUCATION.—The terms ''educational institution'' and ''program of education'' have the meanings given such terms in section 3501 of title 38, United States Code.

(2) VETERANS SERVICE ORGANIZATION.—The term ''veterans service organization'' means any organization recognized by the Secretary of Veterans Affairs for the representation of veterans under section 5902 of such title.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 407—EXPRESSING THE SENSE OF THE SENATE THAT EXECUTIVES OF THE BANKRUPT FIRM MF GLOBAL SHOULD NOT BE REWARDED WITH BONUSES WHILE CUSTOMER MONEY IS STILL MISSING

Ms. STABENOW (for herself and Mr. ROBERTS) submitted the following resolution; which was considered and agreed to:

S. RES. 407

Whereas on October 31, 2011, MF Global Holdings, Ltd., filed for Chapter 11 bankruptcy protection in the United States Bankruptcy Court for the Southern District of New York after reporting that as much as $900,000,000 in customer money had gone missing;

Whereas MF Global Holdings, Ltd. is the parent company of MF Global, Inc., formerly a futures commission merchant and broker-dealer for thousands of commodities and securities customers;

Whereas following the bankruptcy filing, Judge Louis Freeh, the court-appointed trustee for the liquidation of MF Global Holdings, retained certain employees of the MF Global entities at the time of the bankruptcy, including the chief operating officer, the chief financial officer, the general counsel, and other individuals, in order to assist the liquidation process;

Whereas on March 8, 2012, the Wall Street Journal reported that Mr. Freeh may ask the bankruptcy court judge to approve performance-related bonuses for the chief operating officer, chief financial officer, the general counsel, and the other employees;

Whereas according to the court-appointed trustee for the liquidation of MF Global, Inc. under the Securities Investor Protection Act of 1970 (15 U.S.C. 78aaa et seq.), Mr. James Giddens, the total amount of customer funds still missing could be as much as $1,600,000,000;

Whereas on March 15, 2012, all of the members of the Committee on Agriculture, Nutrition, and Forestry of the Senate sent a letter to Mr. Freeh urging him not to reward senior executives of the bankrupt MF Global entities with performance-related bonuses while customer money is still missing;

Whereas on March 16, 2012, Mr. Freeh responded to the members of the Committee on Agriculture, Nutrition, and Forestry of the Senate, stating that he has not made any decisions regarding the payment of bonuses to former senior executives of the firm;

Whereas the Commodity Futures Trading Commission, the court-appointed trustee for the liquidation of MF Global, Inc. under the Securities Investor Protection Act of 1970 (15 U.S.C. 78aaa et seq.), and other Federal authorities are investigating the events leading up to the bankruptcy in an effort to return customer money and prosecute any wrongdoing; and

Whereas as of the date of agreement to this resolution, none of the investigators have stated public conclusions regarding the exact location of the missing money or whether criminal wrongdoing was involved: Now, therefore, be it

Resolved, That it is the sense of the Senate that bonuses should not be paid to the executives and employees who were responsible for the day-to-day management and operations of MF Global until its customers' segregated account funds are repaid in full and investigations by Federal authorities have revealed both the cause of, and parties responsible for, the loss of millions of dollars of customer money.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1953. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill S. 2204, to eliminate unnecessary tax subsidies and promote renewable energy and energy conservation; which was ordered to lie on the table.

SA 1954. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill S. 2204, supra; which was ordered to lie on the table.

SA 1955. Mr. KOHL (for himself, Mr. LEAHY, Mr. GRASSLEY, Mr. CASEY, Mr. BROWN of Ohio, Mr. BLUMENTHAL, Mr. MANCHIN, and Mr. SCHUMER) submitted an amendment intended to be proposed by him to the bill S. 2204, supra; which was ordered to lie on the table.

SA 1956. Mr. BARRASSO submitted an amendment intended to be proposed by him to the bill S. 2204, supra; which was ordered to lie on the table.

SA 1957. Mr. BARRASSO submitted an amendment intended to be proposed by him to the bill S. 2204, supra; which was ordered to lie on the table.

SA 1958. Mr. HELLER submitted an amendment intended to be proposed by him to the bill S. 2204, supra; which was ordered to lie on the table.

SA 1959. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 2204, supra; which was ordered to lie on the table.

SA 1960. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 2204, supra; which was ordered to lie on the table.

SA 1961. Mr. PRYOR submitted an amendment intended to be proposed by him to the bill S. 2204, supra; which was ordered to lie on the table.

SA 1962. Mr. PRYOR submitted an amendment intended to be proposed by him to the bill S. 2204, supra; which was ordered to lie on the table.

SA 1963. Mr. INHOFE (for himself and Mr. BARRASSO) submitted an amendment intended to be proposed by him to the bill S. 2204, supra; which was ordered to lie on the table.

SA 1964. Mr. BROWN, of Massachusetts submitted an amendment intended to be proposed by him to the bill S. 2204, supra; which was ordered to lie on the table.

SA 1965. Mr. VITTER (for himself and Mr. SESSIONS) submitted an amendment intended to be proposed by him to the bill S. 2204, supra; which was ordered to lie on the table.

SA 1966. Mr. WICKER submitted an amendment intended to be proposed by him to the bill S. 2204, supra; which was ordered to lie on the table.

SA 1967. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 2204, supra; which was ordered to lie on the table.

SA 1968. Mr. REID proposed an amendment to the bill S. 2204, supra.

SA 1969. Mr. REID proposed an amendment to amendment SA 1968 proposed by Mr. REID to the bill S. 2204, supra.

SA 1970. Mr. REID proposed an amendment to the bill S. 2204, supra.

SA 1971. Mr. REID proposed an amendment to amendment SA 1970 proposed by Mr. REID to the bill S. 2204, supra.

SA 1972. Mr. REID proposed an amendment to amendment SA 1971 proposed by Mr. REID to the amendment SA 1970 proposed by Mr. REID to the bill S. 2204, supra.

SA 1973. Mr. TESTER submitted an amendment intended to be proposed by him to the bill S. 2204, supra; which was ordered to lie on the table.

SA 1974. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 2204, supra; which was ordered to lie on the table.

SA 1975. Mr. MERKLEY (for himself, Mr. LEE, Mr. TESTER, Mr. BAUCUS, and Mr. WYDEN) submitted an amendment intended to be proposed by him to the bill S. 1789, to improve, sustain, and transform the United States Postal Service; which was ordered to lie on the table.

SA 1976. Ms. MURKOWSKI (for herself, Mr. VITTER, Mr. BEGICH, and Mr. BARRASSO) submitted an amendment intended to be proposed by her to the bill S. 2204, to eliminate unnecessary tax subsidies and promote renewable energy and energy conservation; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 1953. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill S. 2204, to eliminate unnecessary tax subsidies and promote renewable energy and energy conservation; which was ordered to lie on the table; as follows:

On page 22, between lines 3 and 4, insert the following:

TITLE III—MISCELLANEOUS

SEC. 301. BAN ON EXPORTING CRUDE OIL PRODUCED ON FEDERAL LAND.

(a) DEFINITIONS.—In this section:

(1) PETROLEUM PRODUCT.—The term ''petroleum product'' means any of the following:

(A) Finished reformulated or conventional motor gasoline.

(B) Finished aviation gasoline.

(C) Kerosene-type jet fuel.

(D) Kerosene.

(E) Distillate fuel oil.

(F) Residual fuel oil.

(G) Lubricants.

(H) Waxes.

(I) Petroleum coke.

(J) Asphalt and road oil.

(2) PUBLIC LAND.—The term ''public land'' means any land and interest in land owned by the United States within the several States and administered by the Secretary concerned, without regard to how the United States acquired ownership.

(3) SECRETARY CONCERNED.—The term ''Secretary concerned'' means—

(A) the Secretary of Agriculture (acting through the Chief of the Forest Service), with respect to National Forest System land; and

(B) the Secretary of the Interior, with respect to land managed by the Bureau of Land Management (including land held for the benefit of an Indian tribe).

(b) BAN.—Notwithstanding any other provision of law, petroleum extracted from public land in the United States (including land located on the outer Continental Shelf), or a petroleum product produced from the petroleum, may not be exported from the United States.

SA 1954. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill S. 2204, to eliminate unnecessary tax subsidies and promote renewable energy and energy conservation; which was ordered to lie on the table; as follows:

On page 22, between lines 3 and 4, insert the following:

TITLE III—DILIGENT DEVELOPMENT OF FEDERAL OIL AND GAS LEASES

SEC. 301. SHORT TITLE.

This title may be cited as the ''Use It or Lose It Act of 2012''.

SEC. 302. DILIGENT DEVELOPMENT OF FEDERAL OIL AND GAS LEASES.

(a) CLARIFICATION OF EXISTING LAW.—Each lease that authorizes the exploration for or production of oil or natural gas under a provision of law described in subsection (b) shall be diligently developed by the person holding the lease in order to ensure timely production from the lease.

(b) COVERED PROVISIONS.—Subsection (a) shall apply to—

(1) section 17 of the Mineral Leasing Act (30 U.S.C. 226); and

(2) the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.).

SEC. 303. NONPRODUCING LEASE FEE.

(a) ONSHORE OIL AND GAS LEASES.—Section 17 of the Mineral Leasing Act (30 U.S.C. 226) is amended by adding at the end the following:

''(q) NONPRODUCING LEASE FEE.—In the case of any lease for oil or gas issued on or after the date of enactment of this subsection, as a condition of the lease, the Secretary shall require the lessee to pay an annual fee of $4 per acre on the acres covered by the lease if production is not occurring.''.

(b) OUTER CONTINENTAL SHELF OIL AND GAS LEASES.—Section 8 of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(d)) is amended—

(1) by striking ''(d) No bid'' and inserting the following:

''(d) DUE DILIGENCE.—

''(1) IN GENERAL.—No bid''; and

(2) by adding at the end the following:

''(2) NONPRODUCING LEASE FEE.—In the case of any lease for oil or gas issued on or after the date of enactment of this paragraph, as a condition of the lease, the Secretary shall require the lessee to pay an annual fee of $4 per acre on the acres covered by the lease if production is not occurring.''.

SEC. 304. REGULATIONS.

In the case of leases covered by this title and the amendments made by this title, not later than 180 days after the date of enactment of this Act, the Secretary of the Interior shall issue regulations that—

(1) set forth requirements and benchmarks for oil and gas development that will ensure that leaseholders—

(A) diligently develop each lease; and

(B) to the maximum extent practicable, produce oil and gas from each lease during the primary term of the lease;

(2) require each leaseholder to submit to the Secretary a diligent development plan describing how the lessee will meet the benchmarks;

(3) in establishing requirements under paragraphs (1) and (2), take into account the differences in development conditions and circumstances in the areas to be developed; and

(4) implement the fee requirements established by the amendments made by section 303.

SA 1955. Mr. KOHL (for himself, Mr. LEAHY, Mr. GRASSLEY, Mr. CASEY, Mr. BROWN of Ohio, Mr. BLUMENTHAL, Mr. MANCHIN, and Mr. SCHUMER) submitted an amendment intended to be proposed by him to the bill S. 2204, to eliminate unnecessary tax subsidies and promote renewable energy and energy conservation; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. NO OIL PRODUCING AND EXPORTING CARTELS ACT OF 2012.

(a) SHORT TITLE.—This section may be cited as the ''No Oil Producing and Exporting Cartels Act of 2012'' or ''NOPEC''.

(b) SHERMAN ACT.—The Sherman Act (15 U.S.C. 1 et seq.) is amended by adding after section 7 the following:

''SEC. 7A. OIL PRODUCING CARTELS.

''(a) IN GENERAL.—It shall be illegal and a violation of this Act for any foreign state, or any instrumentality or agent of any foreign state, to act collectively or in combination with any other foreign state, any instrumentality or agent of any other foreign state, or any other person, whether by cartel or any other association or form of cooperation or joint action—

''(1) to limit the production or distribution of oil, natural gas, or any other petroleum product;

''(2) to set or maintain the price of oil, natural gas, or any petroleum product; or

''(3) to otherwise take any action in restraint of trade for oil, natural gas, or any petroleum product;

when such action, combination, or collective action has a direct, substantial, and reasonably foreseeable effect on the market, supply, price, or distribution of oil, natural gas, or other petroleum product in the United States.

''(b) SOVEREIGN IMMUNITY.—A foreign state engaged in conduct in violation of subsection (a) shall not be immune under the doctrine of sovereign immunity from the jurisdiction or judgments of the courts of the United States in any action brought to enforce this section.

''(c) INAPPLICABILITY OF ACT OF STATE DOCTRINE.—No court of the United States shall decline, based on the act of state doctrine, to make a determination on the merits in an action brought under this section.

''(d) ENFORCEMENT.—

''(1) IN GENERAL.—The Attorney General of the United States may bring an action to enforce this section in any district court of the United States as provided under the antitrust laws.

''(2) NO PRIVATE RIGHT OF ACTION.—No private right of action is authorized under this section.''.

(c) SOVEREIGN IMMUNITY.—Section 1605(a) of title 28, United States Code, is amended—

(1) in paragraph (6), by striking ''or'' after the semicolon;

(2) in paragraph (7), by striking the period and inserting ''; or''; and

(3) by adding at the end the following:

''(8) in which the action is brought under section 7A of the Sherman Act.''.

SA 1956. Mr. BARRASSO submitted an amendment intended to be proposed by him to the bill S. 2204, to eliminate unnecessary tax subsidies and promote renewable energy and energy conservation; which was ordered to lie on the table; as follows:

At the end of the bill, add the following:

TITLE IV—WESTERN ENERGY DEVELOPMENT

SEC. 401. SHORT TITLE.

This title may be cited as the ''American Energy and Western Jobs Act''.

SEC. 402. RESCISSION OF CERTAIN INSTRUCTION MEMORANDA.

The following are rescinded and shall have no force or effect:

(1) The Bureau of Land Management Instruction Memorandum entitled ''Oil and Gas Leasing Reform—Land Use Planning and Lease Parcel Reviews'', numbered 2010–117, and dated May 17, 2010.

(2) The Bureau of Land Management Instruction Memorandum entitled ''Energy Policy Act Section 390 Categorical Exclusion Policy Revision'', numbered 2010–118, and dated May 17, 2010.

(3) Secretarial Order No. 3310 issued by the Secretary of the Interior on December 22, 2010.

SEC. 403. AMENDMENTS TO THE MINERAL LEASING ACT.

(a) ONSHORE OIL AND GAS LEASE ISSUANCE IMPROVEMENT.—Section 17(b)(1)(A) of the Mineral Leasing Act (30 U.S.C. 226(b)(1)(A)) is amended in the seventh sentence, by striking ''Leases shall be issued within 60 days following payment by the successful bidder of the remainder of the bonus bid, if any, and the annual rental for the first lease year'' and inserting ''The Secretary of the Interior shall automatically issue a lease 60 days after the date of the payment by the successful bidder of the remainder of the bonus bid, if any, and the annual rental for the first lease year, unless the Secretary of the Interior is able to issue the lease before that date. The filing of any protest to the sale or issuance of a lease shall not extend the date by which the lease is to be issued''.

(b) JUDICIAL REVIEW.—Section 17 of the Mineral Leasing Act (30 U.S.C. 226) is amended by adding at the end the following:

''(q) JUDICIAL REVIEW.—Any action seeking judicial review of the adequacy of any program or site-specific environmental impact statement under section 102 of the National Environmental Policy Act of 1969 (42 U.S.C. 4332) concerning oil and gas leasing for onshore Federal land shall be barred unless the action is brought in the appropriate district court of the United States by the date that is 60 days after the date on which there is published in the Federal Register the notice of the availability of the environmental impact statement.''.

(c) DETERMINATION OF IMPACT OF PROPOSED POLICY MODIFICATIONS.—The Mineral Leasing Act is amended by inserting after section 37 (30 U.S.C. 193) the following:

''SEC. 38. DETERMINATION OF IMPACT OF PROPOSED POLICY MODIFICATIONS.

''(a) DEFINITIONS.—In this section:

''(1) DEPARTMENT.—The term 'Department' means the Department of the Interior.

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

''(b) DUTY OF SECRETARY.—

''(1) IN GENERAL.—Before the modification and implementation of any onshore oil or natural gas preleasing or leasing and development policy (as in effect as of January 1, 2010) or a policy relating to protecting the wilderness characteristics of public land, the Secretary shall—

''(A) complete an economic impact assessment in accordance with paragraph (2); and

''(B) issue a determination that the proposed policy modification would have the effects described in paragraph (2)(A).

''(2) REQUIREMENTS.—In carrying out an assessment to determine the impact of a proposed policy modification described in paragraph (1), the Secretary shall—

''(A) in consultation with the appropriate officials of each State (including political subdivisions of the State) in which 1 or more parcels of land subject to oil and natural gas leasing are located and any other appropriate individuals or entities, as determined by the Secretary—

''(i)(I) carry out an economic analysis of the impact of the policy modification on oil- and natural gas-related employment opportunities and domestic reliance on foreign imports of petroleum resources; and

''(II) certify that the policy modification would not result in a detrimental impact on employment opportunities relating to oil- and natural gas-related development or contribute to an increase in the domestic use of imported petroleum resources; and

''(ii) carry out a policy assessment to determine the manner by which the policy modification would impact—

''(I) revenues from oil and natural gas receipts to the general fund of the Treasury, including a certification that the modification would, for the 10-year period beginning on the date of implementation of the modification, not contribute to an aggregate loss of oil and natural gas receipts; and

''(II) revenues to the treasury of each affected State that shares oil and natural gas receipts with the Federal Government, including a certification that the modification would, for the 10-year period beginning on the date of implementation of the modification, not contribute to an aggregate loss of oil and natural gas receipts; and

''(B) provide notice to the public of, and an opportunity to comment on, the policy modification in a manner consistent with subchapter II of chapter 5 and chapter 7 of title 5, United States Code (commonly known as the 'Administrative Procedure Act').''.

SEC. 404. ANNUAL REPORT ON REVENUES GENERATED FROM MULTIPLE USE OF PUBLIC LAND.

(a) ANNUAL REPORT.—As part of the annual agency budget, the Secretary of the Interior (acting through the Director of the Bureau of Land Management) and the Secretary of Agriculture (acting through the Chief of the Forest Service) shall submit an annual report detailing, for each field office, the revenues generated by each use of public land.

(b) INCLUSIONS.—The report shall include—

(1) a line item for each use of public land, including use for—

(A) grazing;

(B) recreation;

(C) timber;

(D) leasable minerals, including a distinct accounting for each of oil, natural gas, coal, and geothermal development;

(E) locatable minerals;

(F) renewable energy sources, including a distinct accounting for each of wind and solar energy;

(G) the sale of land; and

(H) transmission; and

(2) identification of the total acres designated as wilderness, wilderness study areas, and wild lands.

(c) AVAILABILITY.—The Secretary of the Interior and the Secretary of Agriculture shall make the report prepared under this section publicly available on the applicable agency website.

SEC. 405. FEDERAL ONSHORE OIL AND NATURAL GAS PRODUCTION GOAL.

(a) IN GENERAL.—The Secretary of the Interior shall establish a domestic strategic production goal for the development of oil and natural gas managed by the Federal Government.

(b) REQUIREMENTS.—In establishing the goal under subsection (a), the Secretary shall—

(1) ensure that the United States maintains or increases production of Federal onshore oil and natural gas;

(2) ensure that the 10-year production outlook for Federal onshore oil and natural gas be provided annually;

(3) examine steps to streamline the permitting process to meet the goal;

(4) include the goal in each resource management plan; and

(5) analyze each proposed policy of the Department of the Interior for the potential impact of the policy on achieving the goal before implementation of the policy.

SEC. 406. OIL SHALE.

(a) ADDITIONAL RESEARCH AND DEVELOPMENT LEASE SALES.—Not later than 180 days after the date of enactment of this Act, the Secretary of the Interior shall hold a lease sale in which the Secretary of the Interior shall offer an additional 10 parcels for lease for research, development, and demonstration of oil shale resources in accordance with the terms offered in the solicitation of bids for the leases described in the notice entitled ''Potential for Oil Shale Development; Call for Nominations—Oil Shale Research, Development, and Demonstration (R, D, and D) Program'' (74 Fed. Reg. 2611).

(b) APPLICATION OF REGULATIONS.—The final rule entitled ''Oil Shale Management—General'' (73 Fed. Reg. 69414), shall apply to all commercial leasing for the management of federally owned oil shale and any associated minerals located on Federal land.

SA 1957. Mr. BARRASSO submitted an amendment intended to be proposed by him to the bill S. 2204, to eliminate unnecessary tax subsidies and promote renewable energy and energy conservation; which was ordered to lie on the table; as follows:

On page 22, strike lines 4 and 5 and insert the following:

TITLE III—MISCELLANEOUS

SEC. 301. ADOPTION OF EXISTING ENVIRONMENTAL DOCUMENTS.

(a) DEFINITIONS.—In this section:

(1) AGENCY.—The term ''agency'' has the meaning given the term in section 551 of title 5, United States Code.

(2) CIRCULATE.—The term ''circulate'' means to distribute an environmental impact statement to another agency for the consideration of that agency.

(3) COOPERATING AGENCY.—The term ''cooperating agency'' means any agency, other than a lead agency, that has jurisdiction by law or special expertise with respect to any environmental impact involved in a proposal (or a reasonable alternative) for legislation or other major Federal action significantly affecting the quality of the human environment.

(4) ENVIRONMENTAL ASSESSMENT.—The term ''environmental assessment'' has the meaning given the term in section 1508.9 of title 40, Code of Federal Regulations (or a successor regulation).

(5) ENVIRONMENTAL DOCUMENT.—The term ''environmental document'' means an environmental impact statement or an environmental assessment.

(6) ENVIRONMENTAL IMPACT STATEMENT.—The term ''environmental impact statement'' has the meaning given the term in section 1508.11 of title 40, Code of Federal Regulations (or a successor regulation).

(7) FINDING OF NO SIGNIFICANT IMPACT.—The term ''finding of no significant impact'' has the meaning given the term in section 1508.13 of title 40, Code of Federal Regulations (or a successor regulation).

(8) HUMAN ENVIRONMENT.—The term ''human environment'' has the meaning given the term in section 1508.14 of title 40, Code of Federal Regulations (or a successor regulation).

(9) LEAD AGENCY.—The term ''lead agency'' has the meaning given the term in section 1508.16 of title 40, Code of Federal Regulations (or a successor regulation).

(10) MAJOR FEDERAL ACTION.—The term ''major Federal action'' has the meaning given the term in section 1508.18 of title 40, Code of Federal Regulations (or a successor regulation).

(11) NOTICE OF INTENT.—The term ''notice of intent'' has the meaning given the term in section 1508.22 of title 40, Code of Federal Regulations (or a successor regulation).

(b) ADOPTION OF EXISTING ENVIRONMENTAL ASSESSMENTS.—If an agency determines that an environmental assessment should be prepared for a proposed action relating to oil and gas development on Federal public land or water, the agency shall adopt, in whole or in part, an existing Federal draft or final environmental assessment if—

(1) the existing assessment meets the standards for an adequate assessment under the regulations promulgated by the agency and the Council on Environmental Quality;

(2) the action covered by the existing assessment and the proposed action are substantially the same; and

(3) there are no significant new circumstances or information relating to the quality of the human environment affected by the proposed action.

(c) PUBLICATION OF FINDINGS OF NO SIGNIFICANT IMPACT AND NOTICES OF INTENT.—

(1) FINDING OF NO SIGNIFICANT IMPACT.—If a proposed action is determined not to be a major Federal action that significantly affects the quality of the human environment under the National Environmental Policy Act (42 U.S.C. 4321 et seq.), an agency adopting an existing environmental assessment under subsection (b) shall publish for public review a finding of no significant impact in

accordance with the regulations of the agency.

(2) NOTICE OF INTENT.—If a proposed action is determined to be a major Federal action that significantly affects the quality of the human environment under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), an agency adopting an existing environmental assessment under subsection (b) shall publish for public review a notice of intent in accordance with the regulations of the agency.

(d) ADOPTION OF EXISTING ENVIRONMENTAL IMPACT STATEMENTS.—If a proposed action of an agency relating to oil and gas development on Federal public land or water is determined to be a major Federal action that significantly affects the quality of the human environment under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), the agency shall adopt, in whole or in part, an existing Federal draft or final environmental impact statement if—

(1) the existing statement meets the standards for an adequate statement under the regulations promulgated by the Council on Environmental Quality;

(2) the action covered by the existing statement and the proposed action are substantially the same; and

(3) there are no significant new circumstances or information relating to the quality of the human environment affected by the proposed action.

(e) RECIRCULATION OF ENVIRONMENTAL IMPACT STATEMENTS.—

(1) DRAFT STATEMENT.—Subject to paragraphs (2) and (3), an agency adopting an environmental impact statement of another agency shall recirculate the statement as a draft statement.

(2) FINAL STATEMENT.—An agency adopting as final the environmental impact statement of another agency may recirculate the statement as a final statement.

(3) COOPERATING AGENCY.—A cooperating agency adopting the environmental impact statement of a lead agency shall not recirculate the statement if the cooperating agency determines, after an independent review of the statement, that the comments and suggestions of the cooperating agency have been satisfied.

(f) FINALITY OF ADOPTED DOCUMENT.—An agency may not adopt as final an environmental document prepared by another agency if, at the time of the proposed adoption—

(1) the existing document was not final within the agency that prepared the environmental document;

(2) the adequacy of the existing document is the subject of a pending judicial action; or

(3) in the case of an environmental impact statement, the action the existing statement assesses is the subject of a referral under part 1504 of title 40, Code of Federal Regulations (commonly known as ''Predecision referrals to the Council of proposed Federal actions determined to be environmentally unsatisfactory'') (or a successor regulation).

(g) JUDICIAL REVIEW.—The decision of an agency to adopt, in whole or in part, an existing environmental assessment or environmental impact statement shall not be subject to judicial review.

(h) REGULATIONS.—Notwithstanding any other provision of this section, an agency shall not adopt, in whole or in part, an existing environmental impact statement when issuing a proposed or final rule.

TITLE IV—BUDGETARY EFFECTS

SEC. 401. DEFICIT REDUCTION.

SA 1958. Mr. HELLER submitted an amendment intended to be proposed by him to the bill S. 2204, to eliminate unnecessary tax subsidies and promote renewable energy and energy conservation; which was ordered to lie on the table; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Gas Price Relief Act of 2012''.

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

Sec. 1. Short title; table of contents.

TITLE I—CONSUMER GAS PRICE RELIEF

Sec. 101. Reduction of fuel taxes on highway motor fuels.

TITLE II—INCREASING DOMESTIC TRANSPORTATION FUEL PRODUCTION

Subtitle A—Outer Continental Shelf Leasing

Sec. 201. Leasing program considered approved.
Sec. 202. Lease sales.
Sec. 203. Coastal Impact assistance program amendments.
Sec. 204. Seaward boundaries of States.

Subtitle B—Leasing Program for Land Within Coastal Plain

Sec. 211. Definitions.
Sec. 212. Leasing program for land within the Coastal Plain.
Sec. 213. Lease sales.
Sec. 214. Grant of leases by the Secretary.
Sec. 215. Lease terms and conditions.
Sec. 216. Coastal plain environmental protection.
Sec. 217. Expedited judicial review.
Sec. 218. Federal and State distribution of revenues.
Sec. 219. Rights-of-way across the Coastal plain.
Sec. 220. Conveyance.
Sec. 221. Local government impact aid and community service assistance.

Subtitle C—Approval of Keystone XL Pipeline Project

Sec. 231. Approval of Keystone XL pipeline project.

TITLE III—CLOSING LOOPHOLES TO FUND CONSUMER RELIEF AT THE PUMP

Sec. 301. Modifications of foreign tax credit rules applicable to major integrated oil companies which are dual capacity taxpayers.
Sec. 302. Limitation on section 199 deduction attributable to oil, natural gas, or primary products thereof.
Sec. 303. Limitation on deduction for intangible drilling and development costs.
Sec. 304. Transfer of revenues to Highway Trust Fund.

TITLE I—CONSUMER GAS PRICE RELIEF

SEC. 101. REDUCTION OF FUEL TAXES ON HIGHWAY MOTOR FUELS.

(a) TAXABLE FUELS.—

(1) IN GENERAL.—Subparagraph (A) of section 4081(a)(2) of the Internal Revenue Code of 1986 is amended—

(A) by striking ''18.3 cents'' in clause (i) and inserting ''17.3 cents'',

(B) by striking ''and'' at the end of clause (ii), and

(C) by striking clause (iii) and inserting the following new clauses:

''(iii) in the case of aviation-grade kerosene, 24.3 cents per gallon, and

''(iv) in the case of diesel fuel or kerosene not described in clause (iii), 23.3 cents per gallon''.

(2) CONFORMING AMENDMENT.—Subparagraph (D) of section 4081(a)(2) of such Code is amended by striking ''subparagraph (A)(iii) shall be applied by substituting '19.7 cents' for '24.3 cents' '' and inserting ''subparagraph (A)(iv) shall be applied by substituting '17.7 cents' for '23.3 cents' ''.

(3) FLOOR STOCK REFUNDS.—

(A) IN GENERAL.—If—

(i) before the tax reduction date, tax has been imposed under section 4081 of the Internal Revenue Code of 1986 on any highway motor fuel, and

(ii) on such date such fuel is held by a dealer and has not been used and is intended for sale,

there shall be credited or refunded (without interest) to the person who paid such tax (hereafter in this subsection referred to as the ''taxpayer'') an amount equal to the excess of the tax paid by the taxpayer over the tax which would be imposed on such fuel had the taxable event occurred on such date.

(B) TIME FOR FILING CLAIMS.—No credit or refund shall be allowed or made under this subsection unless—

(i) claim therefor is filed with the Secretary of the Treasury before the date which is 6 months after the tax reduction date based on a request submitted to the taxpayer before the date which is 3 months after the tax date by the dealer who held the highway motor fuel on such date, and

(ii) the taxpayer has repaid or agreed to repay the amount so claimed to such dealer or has obtained the written consent of such dealer to the allowance of the credit or the making of the refund.

(C) EXCEPTION FOR FUEL HELD IN RETAIL STOCKS.—No credit or refund shall be allowed under this subsection with respect to any highway motor fuel in retail stocks held at the place where intended to be sold at retail.

(D) DEFINITIONS.—For purposes of this subsection—

(i) TAX REDUCTION DATE.—The term ''tax reduction date'' means the date of enactment of this Act.

(ii) OTHER TERMS.—The terms ''dealer'' and ''held by a dealer'' have the respective meanings given to such terms by section 6412 of such Code.

(E) CERTAIN RULES TO APPLY.—Rules similar to the rules of subsections (b) and (c) of section 6412 of such Code shall apply for purposes of this subsection.

(b) RETAIL TAX ON SPECIAL FUELS.—

(1) SCHOOL BUSES.—Subclause (I) of section 4041(a)(1)(C)(iii) of the Internal Revenue Code of 1986 is amended by striking ''7.3 cents'' and inserting ''6.3 cents''.

(2) CERTAIN ALTERNATIVE FUELS.—Clause (ii) of section 4041(a)(2)(B) of such Code is amended by striking ''24.3 cents'' and inserting ''23.3 cents''.

(3) COMPRESSED NATURAL GAS.—Subparagraph (A) of section 4041(a)(3) of such Code is amended by striking ''18.3 cents'' and inserting ''17.3 cents''.

(4) CERTAIN ALCOHOL FUELS.—Subparagraph (A) of section 4041(m) of such Code is amended—

(A) by striking ''9.15 cents'' in clause (i) and inserting ''8.15 cents'', and

(B) by striking ''11.3 cents'' in clause (ii) and inserting ''10.3 cents''.

(c) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date of the enactment of this Act.

(d) SENSE OF THE SENATE REGARDING CONSUMER RELIEF.—It is the sense of the Senate that the reduction in tax rates under the amendments made by this section is for the purpose of lowering consumer gas prices.

TITLE II—INCREASING DOMESTIC TRANSPORTATION FUEL PRODUCTION

Subtitle A—Outer Continental Shelf Leasing

SEC. 201. LEASING PROGRAM CONSIDERED APPROVED.

(a) IN GENERAL.—The Draft Proposed Outer Continental Shelf Oil and Gas Leasing Program 2010–2015 issued by the Secretary of the Interior (referred to in this section as the ''Secretary'') under section 18 of the Outer Continental Shelf Lands Act (43 U.S.C. 1344)

is considered to have been approved by the Secretary as a final oil and gas leasing program under that section.

(b) FINAL ENVIRONMENTAL IMPACT STATEMENT.—The Secretary is considered to have issued a final environmental impact statement for the program described in subsection (a) in accordance with all requirements under section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)).

(c) EXCEPTIONS.—Notwithstanding subsections (a) and (b), lease sales 214, 232, and 239 shall not be included in the final leasing program for 2013-2018.

SEC. 202. LEASE SALES.

(a) OUTER CONTINENTAL SHELF.—

(1) IN GENERAL.—Except as provided in paragraph (2), not later than 30 days after the date of enactment of this Act and every 270 days thereafter, the Secretary of the Interior (referred to in this section as the ''Secretary'') shall conduct a lease sale in each outer Continental Shelf planning area for which the Secretary determines that there is a commercial interest in purchasing Federal oil and gas leases for production on the outer Continental Shelf.

(2) SUBSEQUENT DETERMINATIONS AND SALES.—If the Secretary determines that there is not a commercial interest in purchasing Federal oil and gas leases for production on the outer Continental Shelf in a planning area under this subsection, not later than 2 years after the date of enactment of the determination and every 2 years thereafter, the Secretary shall—

(A) determine whether there is a commercial interest in purchasing Federal oil and gas leases for production on the outer Continental Shelf in the planning area; and

(B) if the Secretary determines that there is a commercial interest described in subparagraph (A), conduct a lease sale in the planning area.

(b) RENEWABLE ENERGY AND MARICULTURE.—The Secretary may conduct commercial lease sales of resources owned by United States—

(1) to produce renewable energy (as defined in section 203(b) of the Energy Policy Act of 2005 (42 U.S.C. 15852(b))); or

(2) to cultivate marine organisms in the natural habitat of the organisms.

SEC. 203. COASTAL IMPACT ASSISTANCE PROGRAM AMENDMENTS.

Section 31 of the Outer Continental Shelf Lands Act (43 U.S.C. 1356a) is amended—

(1) in subsection (c), by adding at the end the following:

''(5) APPLICATION REQUIREMENTS; AVAILABILITY OF FUNDING.—On approval of a plan by the Secretary under this section, the producing State shall—

''(A) not be subject to any additional application or other requirements (other than notifying the Secretary of which projects are being carried out under the plan) to receive the payments; and

''(B) be immediately eligible to receive payments under this section.''; and

(2) by adding at the end the following:

''(e) FUNDING.—

''(1) STREAMLINING.—

''(A) REPORT.—Not later than 180 days after the date of enactment of this subsection, the Secretary of the Interior (acting through the Director of the Minerals Management Service) (referred to in this subsection as the 'Secretary') shall develop a plan that addresses streamlining the process by which payments are made under this section, including recommendations for—

''(i) decreasing the time required to approve plans submitted under subsection (c)(1);

''(ii) ensuring that allocations to producing States under subsection (b) are adequately funded; and

''(iii) any modifications to the authorized uses for payments under subsection (d).

''(B) CLEAN WATER.—Not later than 180 days after the date of enactment of this subsection, the Secretary and the Administrator of the Environmental Protection Agency shall jointly develop procedures for streamlining the permit process required under the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) and State laws for restoration projects that are included in an approved plan under subsection (c).

''(C) ENVIRONMENTAL REQUIREMENTS.—A project funded under this section that does not involve wetlands shall not be subject to environmental review requirements under Federal law.

''(2) COST-SHARING REQUIREMENTS.—Any amounts made available to producing States under this section may be used to meet the cost-sharing requirements of other Federal grant programs, including grant programs that support coastal wetland protection and restoration.

''(3) EXPEDITED FUNDING.—Not later than 180 days after the date of enactment of this subsection, the Secretary shall develop a procedure to provide expedited funding to projects under this section based on estimated revenues to ensure that the projects may—

''(A) secure additional funds from other sources; and

''(B) use the amounts made available under this section on receipt.''.

SEC. 204. SEAWARD BOUNDARIES OF STATES.

(a) SEAWARD BOUNDARIES.—Section 4 of the Submerged Lands Act (43 U.S.C. 1312) is amended by striking ''three geographical miles'' each place it appears and inserting ''12 nautical miles''.

(b) CONFORMING AMENDMENTS.—Section 2 of the Submerged Lands Act (43 U.S.C. 1301) is amended—

(1) in subsection (a)(2), by striking ''three geographical miles'' and inserting ''12 nautical miles''; and

(2) in subsection (b)—

(A) by striking ''three geographical miles'' and inserting ''12 nautical miles''; and

(B) by striking ''three marine leagues'' and inserting ''12 nautical miles''.

(c) EFFECT OF AMENDMENTS.—

(1) IN GENERAL.—Subject to paragraphs (2) through (4), the amendments made by this section shall not effect Federal oil and gas mineral rights.

(2) SUBMERGED LAND.—Submerged land within the seaward boundaries of States shall be—

(A) subject to Federal oil and gas mineral rights to the extent provided by law;

(B) considered to be part of the Federal outer Continental Shelf for purposes of the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.); and

(C) subject to leasing under the authority of that Act and to laws applicable to the leasing of the oil and gas resources of the Federal outer Continental Shelf.

(3) EXISTING LEASES.—The amendments made by this section shall not affect any Federal oil and gas lease in effect on the date of enactment of this Act.

(4) TAXATION.—

(A) IN GENERAL.—Subject to subparagraph (B), a State may exercise all of the sovereign powers of taxation of the State within the entire extent of the seaward boundaries of the State (as extended by the amendments made by this section).

(B) LIMITATION.—Nothing in this paragraph affects the authority of a State to tax any Federal oil and gas lease in effect on the date of enactment of this Act.

Subtitle B—Leasing Program for Land Within Coastal Plain

SEC. 211. DEFINITIONS.

In this subtitle:

(1) COASTAL PLAIN.—The term ''Coastal Plain'' means that area identified as the ''1002 Coastal Plain Area'' on the map.

(2) FEDERAL AGREEMENT.—The term ''Federal Agreement'' means the Federal Agreement and Grant Right-of-Way for the Trans-Alaska Pipeline issued on January 23, 1974, in accordance with section 28 of the Mineral Leasing Act (30 U.S.C. 185) and the Trans-Alaska Pipeline Authorization Act (43 U.S.C. 1651 et seq.).

(3) FINAL STATEMENT.—The term ''Final Statement'' means the final legislative environmental impact statement on the Coastal Plain, dated April 1987, and prepared pursuant to section 1002 of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3142) and section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)).

(4) MAP.—The term ''map'' means the map entitled ''Arctic National Wildlife Refuge'', dated September 2005, and prepared by the United States Geological Survey.

(5) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior (or the designee of the Secretary), acting through the Director of the Bureau of Land Management, in consultation with the Director of the United States Fish and Wildlife Service.

SEC. 212. LEASING PROGRAM FOR LAND WITHIN THE COASTAL PLAIN.

(a) IN GENERAL.—The Secretary shall take such actions as are necessary—

(1) to establish and implement, in accordance with this subtitle, a competitive oil and gas leasing program that will result in an environmentally sound program for the exploration, development, and production of the oil and gas resources of the Coastal Plain; and

(2) to administer this subtitle through regulations, lease terms, conditions, restrictions, prohibitions, stipulations, and other provisions that—

(A) ensure the oil and gas exploration, development, and production activities on the Coastal Plain will result in no significant adverse effect on fish and wildlife, their habitat, subsistence resources, and the environment; and

(B) require the application of the best commercially available technology for oil and gas exploration, development, and production to all exploration, development, and production operations under this subtitle in a manner that ensures the receipt of fair market value by the public for the mineral resources to be leased.

(b) REPEAL.—

(1) REPEAL.—Section 1003 of the Alaska National Interest Lands Conservation Act of 1980 (16 U.S.C. 3143) is repealed.

(2) CONFORMING AMENDMENT.—The table of contents contained in section 1 of that Act (16 U.S.C. 3101 note) is amended by striking the item relating to section 1003.

(3) COMPLIANCE WITH NEPA FOR OTHER ACTIONS.—

(A) IN GENERAL.—Before conducting the first lease sale under this subtitle, the Secretary shall prepare an environmental impact statement in accordance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) with respect to the actions authorized by this subtitle that are not referred to in paragraph (2).

(B) IDENTIFICATION AND ANALYSIS.—Notwithstanding any other provision of law, in carrying out this paragraph, the Secretary shall not be required—

(i) to identify nonleasing alternative courses of action; or

(ii) to analyze the environmental effects of those courses of action.

(C) IDENTIFICATION OF PREFERRED ACTION.—Not later than 18 months after the date of enactment of this Act, the Secretary shall—

(i) identify only a preferred action and a single leasing alternative for the first lease sale authorized under this subtitle; and

(ii) analyze the environmental effects and potential mitigation measures for those 2 alternatives.

(D) PUBLIC COMMENTS.—In carrying out this paragraph, the Secretary shall consider only public comments that are filed not later than 20 days after the date of publication of a draft environmental impact statement.

(E) EFFECT OF COMPLIANCE.—Notwithstanding any other provision of law, compliance with this paragraph shall be considered to satisfy all requirements for the analysis and consideration of the environmental effects of proposed leasing under this subtitle.

(c) RELATIONSHIP TO STATE AND LOCAL AUTHORITY.—Nothing in this subtitle expands or limits any State or local regulatory authority.

(d) SPECIAL AREAS.—

(1) DESIGNATION.—

(A) IN GENERAL.—The Secretary, after consultation with the State of Alaska, the North Slope Borough, Alaska, and the City of Kaktovik, Alaska, may designate not more than 45,000 acres of the Coastal Plain as a special area if the Secretary determines that the special area would be of such unique character and interest as to require special management and regulatory protection.

(B) SADLEROCHIT SPRING AREA.—The Secretary shall designate as a special area in accordance with subparagraph (A) the Sadlerochit Spring area, comprising approximately 4,000 acres as depicted on the map.

(2) MANAGEMENT.—The Secretary shall manage each special area designated under this subsection in a manner that preserves the unique and diverse character of the area, including fish, wildlife, subsistence resources, and cultural values of the area.

(3) EXCLUSION FROM LEASING OR SURFACE OCCUPANCY.—

(A) IN GENERAL.—The Secretary may exclude any special area designated under this subsection from leasing.

(B) NO SURFACE OCCUPANCY.—If the Secretary leases all or a portion of a special area for the purposes of oil and gas exploration, development, production, and related activities, there shall be no surface occupancy of the land comprising the special area.

(4) DIRECTIONAL DRILLING.—Notwithstanding any other provision of this subsection, the Secretary may lease all or a portion of a special area under terms that permit the use of horizontal drilling technology from sites on leases located outside the special area.

(e) LIMITATION ON CLOSED AREAS.—The Secretary may not close land within the Coastal Plain to oil and gas leasing or to exploration, development, or production except in accordance with this subtitle.

(f) REGULATIONS.—

(1) IN GENERAL.—Not later than 15 months after the date of enactment of this Act, the Secretary shall promulgate such regulations as are necessary to carry out this subtitle, including rules and regulations relating to protection of the fish and wildlife, fish and wildlife habitat, subsistence resources, and environment of the Coastal Plain.

(2) REVISION OF REGULATIONS.—The Secretary shall periodically review and, as appropriate, revise the rules and regulations issued under paragraph (1) to reflect any significant biological, environmental, scientific or engineering data that come to the attention of the Secretary.

SEC. 213. LEASE SALES.

(a) IN GENERAL.—Land may be leased pursuant to this subtitle to any person qualified to obtain a lease for deposits of oil and gas under the Mineral Leasing Act (30 U.S.C. 181 et seq.).

(b) PROCEDURES.—The Secretary shall, by regulation, establish procedures for—

(1) receipt and consideration of sealed nominations for any area in the Coastal Plain for inclusion in, or exclusion (as provided in subsection (c)) from, a lease sale;

(2) the holding of lease sales after that nomination process; and

(3) public notice of and comment on designation of areas to be included in, or excluded from, a lease sale.

(c) LEASE SALE BIDS.—Bidding for leases under this subtitle shall be by sealed competitive cash bonus bids.

(d) ACREAGE MINIMUM IN FIRST SALE.—For the first lease sale under this subtitle, the Secretary shall offer for lease those tracts the Secretary considers to have the greatest potential for the discovery of hydrocarbons, taking into consideration nominations received pursuant to subsection (b)(1), but in no case less than 200,000 acres.

(e) TIMING OF LEASE SALES.—The Secretary shall—

(1) not later than 22 months after the date of enactment of this Act, conduct the first lease sale under this subtitle;

(2) not later than 90 days after the date of the completion of the sale, evaluate the bids in the sale and issue leases resulting from the sale; and

(3) conduct additional sales at appropriate intervals if sufficient interest in exploration or development exists to warrant the conduct of the additional sales.

SEC. 214. GRANT OF LEASES BY THE SECRETARY.

(a) IN GENERAL.—On payment by a lessee of such bonus as may be accepted by the Secretary, the Secretary may grant to the highest responsible qualified bidder in a lease sale conducted pursuant to section 213 a lease for any land on the Coastal Plain.

(b) SUBSEQUENT TRANSFERS.—

(1) IN GENERAL.—No lease issued under this subtitle may be sold, exchanged, assigned, sublet, or otherwise transferred except with the approval of the Secretary.

(2) CONDITION FOR APPROVAL.—Before granting any approval described in paragraph (1), the Secretary shall consult with and give due consideration to the opinion of the Attorney General.

SEC. 215. LEASE TERMS AND CONDITIONS.

An oil or gas lease issued pursuant to this subtitle shall—

(1) provide for the payment of a royalty of not less than 12½ percent of the amount or value of the production removed or sold from the lease, as determined by the Secretary in accordance with regulations applicable to other Federal oil and gas leases;

(2) provide that the Secretary may close, on a seasonal basis, such portions of the Coastal Plain to exploratory drilling activities as are necessary to protect caribou calving areas and other species of fish and wildlife;

(3) require that each lessee of land within the Coastal Plain shall be fully responsible and liable for the reclamation of land within the Coastal Plain and any other Federal land that is adversely affected in connection with exploration, development, production, or transportation activities within the Coastal Plain conducted by the lessee or by any of the subcontractors or agents of the lessee;

(4) provide that the lessee may not delegate or convey, by contract or otherwise, that reclamation responsibility and liability to another person without the express written approval of the Secretary;

(5) provide that the standard of reclamation for land required to be reclaimed under this subtitle shall be, to the maximum extent practicable—

(A) a condition capable of supporting the uses that the land was capable of supporting prior to any exploration, development, or production activities; or

(B) on application by the lessee, to a higher or better standard, as approved by the Secretary;

(6) contain terms and conditions relating to protection of fish and wildlife, fish and wildlife habitat, subsistence resources, and the environment as required under section 212(a)(2);

(7) provide that each lessee, and each agent and contractor of a lessee, use their best efforts to provide a fair share of employment and contracting for Alaska Natives and Alaska Native Corporations from throughout the State of Alaska, as determined by the level of obligation previously agreed to in the Federal Agreement; and

(8) contain such other provisions as the Secretary determines to be necessary to ensure compliance with this subtitle and the regulations promulgated under this subtitle.

SEC. 216. COASTAL PLAIN ENVIRONMENTAL PROTECTION.

(a) NO SIGNIFICANT ADVERSE EFFECT STANDARD TO GOVERN AUTHORIZED COASTAL PLAIN ACTIVITIES.—In accordance with section 212, the Secretary shall administer this subtitle through regulations, lease terms, conditions, restrictions, prohibitions, stipulations, or other provisions that—

(1) ensure, to the maximum extent practicable, that oil and gas exploration, development, and production activities on the Coastal Plain will result in no significant adverse effect on fish and wildlife, fish and wildlife habitat, and the environment;

(2) require the application of the best commercially available technology for oil and gas exploration, development, and production on all new exploration, development, and production operations; and

(3) ensure that the maximum surface acreage covered in connection with the leasing program by production and support facilities, including airstrips and any areas covered by gravel berms or piers for support of pipelines, does not exceed 2,000 acres on the Coastal Plain.

(b) SITE-SPECIFIC ASSESSMENT AND MITIGATION.—The Secretary shall require, with respect to any proposed drilling and related activities on the Coastal Plain, that—

(1) a site-specific analysis be made of the probable effects, if any, that the drilling or related activities will have on fish and wildlife, fish and wildlife habitat, subsistence resources, subsistence uses, and the environment;

(2) a plan be implemented to avoid, minimize, and mitigate (in that order and to the maximum extent practicable) any significant adverse effect identified under paragraph (1); and

(3) the development of the plan shall occur after consultation with the 1 or more agencies having jurisdiction over matters mitigated by the plan.

(c) REGULATIONS TO PROTECT COASTAL PLAIN FISH AND WILDLIFE RESOURCES, SUBSISTENCE USERS, AND THE ENVIRONMENT.—Before implementing the leasing program authorized by this subtitle, the Secretary shall prepare and issue regulations, lease terms, conditions, restrictions, prohibitions, stipulations, or other measures designed to ensure, to the maximum extent practicable, that the activities carried out on the Coastal Plain under this subtitle are conducted in a manner consistent with the purposes and environmental requirements of this subtitle.

(d) COMPLIANCE WITH FEDERAL AND STATE ENVIRONMENTAL LAWS AND OTHER REQUIREMENTS.—The proposed regulations, lease terms, conditions, restrictions, prohibitions, and stipulations for the leasing program under this subtitle shall require—

(1) compliance with all applicable provisions of Federal and State environmental law (including regulations);

(2) implementation of and compliance with—

(A) standards that are at least as effective as the safety and environmental mitigation measures, as described in items 1 through 29 on pages 167 through 169 of the Final Statement, on the Coastal Plain;

(B) seasonal limitations on exploration, development, and related activities, as necessary, to avoid significant adverse effects during periods of concentrated fish and wildlife breeding, denning, nesting, spawning, and migration;

(C) design safety and construction standards for all pipelines and any access and service roads that minimize, to the maximum extent practicable, adverse effects on—

(i) the passage of migratory species (such as caribou); and

(ii) the flow of surface water by requiring the use of culverts, bridges, or other structural devices;

(D) prohibitions on general public access to, and use of, all pipeline access and service roads;

(E) stringent reclamation and rehabilitation requirements in accordance with this subtitle for the removal from the Coastal Plain of all oil and gas development and production facilities, structures, and equipment on completion of oil and gas production operations, except in a case in which the Secretary determines that those facilities, structures, or equipment—

(i) would assist in the management of the Arctic National Wildlife Refuge; and

(ii) are donated to the United States for that purpose;

(F) appropriate prohibitions or restrictions on—

(i) access by all modes of transportation;

(ii) sand and gravel extraction; and

(iii) use of explosives;

(G) reasonable stipulations for protection of cultural and archaeological resources;

(H) measures to protect groundwater and surface water, including—

(i) avoidance, to the maximum extent practicable, of springs, streams, and river systems;

(ii) the protection of natural surface drainage patterns and wetland and riparian habitats; and

(iii) the regulation of methods or techniques for developing or transporting adequate supplies of water for exploratory drilling; and

(I) research, monitoring, and reporting requirements.

(3) that exploration activities (except surface geological studies) be limited to the period between approximately November 1 and May 1 of each year and be supported, if necessary, by ice roads, winter trails with adequate snow cover, ice pads, ice airstrips, and air transport methods (except that those exploration activities may be permitted at other times if the Secretary determines that the exploration will have no significant adverse effect on fish and wildlife, fish and wildlife habitat, and the environment of the Coastal Plain);

(4) consolidation of facility siting;

(5) avoidance or reduction of air traffic-related disturbance to fish and wildlife;

(6) treatment and disposal of hazardous and toxic wastes, solid wastes, reserve pit fluids, drilling muds and cuttings, and domestic wastewater, including, in accordance with applicable Federal and State environmental laws (including regulations)—

(A) preparation of an annual waste management report;

(B) development and implementation of a hazardous materials tracking system; and

(C) prohibition on the use of chlorinated solvents;

(7) fuel storage and oil spill contingency planning;

(8) conduct of periodic field crew environmental briefings;

(9) avoidance of significant adverse effects on subsistence hunting, fishing, and trapping;

(10) compliance with applicable air and water quality standards;

(11) appropriate seasonal and safety zone designations around well sites, within which subsistence hunting and trapping shall be limited; and

(12) development and implementation of such other protective environmental requirements, restrictions, terms, or conditions as the Secretary determines to be necessary.

(e) CONSIDERATIONS.—In preparing and issuing regulations, lease terms, conditions, restrictions, prohibitions, or stipulations under this section, the Secretary shall take into consideration—

(1) the stipulations and conditions that govern the National Petroleum Reserve-Alaska leasing program, as set forth in the 1999 Northeast National Petroleum Reserve-Alaska Final Integrated Activity Plan/Environmental Impact Statement;

(2) the environmental protection standards that governed the initial Coastal Plain seismic exploration program under parts 37.31 through 37.33 of title 50, Code of Federal Regulations (or successor regulations); and

(3) the land use stipulations for exploratory drilling on the KIC–ASRC private land described in Appendix 2 of the agreement between Arctic Slope Regional Corporation and the United States dated August 9, 1983.

(f) FACILITY CONSOLIDATION PLANNING.—

(1) IN GENERAL.—After providing for public notice and comment, the Secretary shall prepare and periodically update a plan to govern, guide, and direct the siting and construction of facilities for the exploration, development, production, and transportation of oil and gas resources from the Coastal Plain.

(2) OBJECTIVES.—The objectives of the plan shall be—

(A) the avoidance of unnecessary duplication of facilities and activities;

(B) the encouragement of consolidation of common facilities and activities;

(C) the location or confinement of facilities and activities to areas that will minimize impact on fish and wildlife, fish and wildlife habitat, subsistence resources, and the environment;

(D) the use of existing facilities, to the maximum extent practicable; and

(E) the enhancement of compatibility between wildlife values and development activities.

(g) ACCESS TO PUBLIC LAND.—The Secretary shall—

(1) manage public land in the Coastal Plain in accordance with subsections (a) and (b) of section 811 of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3121); and

(2) ensure that local residents shall have reasonable access to public land in the Coastal Plain for traditional uses.

SEC. 217. EXPEDITED JUDICIAL REVIEW.

(a) FILING OF COMPLAINTS.—

(1) DEADLINE.—A complaint seeking judicial review of a provision of this subtitle or an action of the Secretary under this subtitle shall be filed—

(A) except as provided in subparagraph (B), during the 90-day period beginning on the date on which the action being challenged was carried out; or

(B) in the case of a complaint based solely on grounds arising after the 90-day period described in subparagraph (A), by not later than 90 days after the date on which the complainant knew or reasonably should have known about the grounds for the complaint.

(2) VENUE.—A complaint seeking judicial review of a provision of this subtitle or an action of the Secretary under this subtitle shall be filed in the United States Court of Appeals for the District of Columbia Circuit.

(3) SCOPE.—

(A) IN GENERAL.—Judicial review of a decision of the Secretary relating to a lease sale under this subtitle (including an environmental analysis of such a lease sale) shall be—

(i) limited to a review of whether the decision is in accordance with this subtitle; and

(ii) based on the administrative record of the decision.

(B) PRESUMPTIONS.—Any identification by the Secretary of a preferred course of action relating to a lease sale, and any analysis by the Secretary of environmental effects, under this subtitle shall be presumed to be correct unless proven otherwise by clear and convincing evidence.

(b) LIMITATION ON OTHER REVIEW.—Any action of the Secretary that is subject to judicial review under this section shall not be subject to judicial review in any civil or criminal proceeding for enforcement.

SEC. 218. FEDERAL AND STATE DISTRIBUTION OF REVENUES.

(a) IN GENERAL.—Notwithstanding any other provision of law, of the amount of adjusted bonus, rental, and royalty revenues from Federal oil and gas leasing and operations authorized under this subtitle for each fiscal year—

(1) 50 percent shall be paid to the State of Alaska; and

(2) except as provided in section 221(d), the balance shall be deposited in the Treasury and used for Federal budget deficit reduction.

(b) PAYMENTS TO ALASKA.—Payments to the State of Alaska under this section shall be made semiannually.

SEC. 219. RIGHTS-OF-WAY ACROSS THE COASTAL PLAIN.

(a) IN GENERAL.—The Secretary shall issue rights-of-way and easements across the Coastal Plain for the transportation of oil and gas—

(1) except as provided in paragraph (2), under section 28 of the Mineral Leasing Act (30 U.S.C. 185), without regard to title XI of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3161 et seq.); and

(2) under title XI of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3161 et seq.), for access authorized by sections 1110 and 1111 of that Act (16 U.S.C. 3170, 3171).

(b) TERMS AND CONDITIONS.—The Secretary shall include in any right-of-way or easement issued under subsection (a) such terms and conditions as may be necessary to ensure that transportation of oil and gas does not result in a significant adverse effect on the fish and wildlife, subsistence resources, their habitat, and the environment of the Coastal Plain, including requirements that facilities be sited or designed so as to avoid unnecessary duplication of roads and pipelines.

(c) REGULATIONS.—The Secretary shall include in regulations under section 212(f) provisions granting rights-of-way and easements described in subsection (a).

SEC. 220. CONVEYANCE.

Notwithstanding section 1302(h)(2) of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3192(h)(2)), to remove any

cloud on title to land, and to clarify land ownership patterns in the Coastal Plain, the Secretary shall—

(1) to the extent necessary to fulfill the entitlement of the Kaktovik Inupiat Corporation under sections 12 and 14 of the Alaska Native Claims Settlement Act (43 U.S.C. 1611, 1613), as determined by the Secretary, convey to that Corporation the surface estate of the land described in paragraph (1) of Public Land Order 6959, in accordance with the terms and conditions of the agreement between the Secretary, the United States Fish and Wildlife Service, the Bureau of Land Management, and the Kaktovik Inupiat Corporation, dated January 22, 1993; and

(2) convey to the Arctic Slope Regional Corporation the remaining subsurface estate to which that Corporation is entitled under the agreement between that corporation and the United States, dated August 9, 1983.

SEC. 221. LOCAL GOVERNMENT IMPACT AID AND COMMUNITY SERVICE ASSISTANCE.

(a) FINANCIAL ASSISTANCE AUTHORIZED.—

(1) IN GENERAL.—The Secretary may use amounts available from the Coastal Plain Local Government Impact Aid Assistance Fund established by subsection (d) to provide timely financial assistance to entities that are eligible under paragraph (2).

(2) ELIGIBLE ENTITIES.—The North Slope Borough, the City of Kaktovik, and any other borough, municipal subdivision, village, or other community in the State of Alaska that is directly impacted by exploration for, or the production of, oil or gas on the Coastal Plain under this subtitle, as determined by the Secretary, shall be eligible for financial assistance under this section.

(b) USE OF ASSISTANCE.—Financial assistance under this section may be used only—

(1) to plan for mitigation, implement a mitigation plan, or maintain a mitigation project to address the potential effects of oil and gas exploration and development on environmental, social, cultural, recreational, and subsistence resources of the community;

(2) to develop, carry out, and maintain—

(A) a project to provide new or expanded public facilities; or

(B) services to address the needs and problems associated with the effects described in paragraph (1), including firefighting, police, water and waste treatment, first responder, and other medical services; and

(3) to establish a local coordination office, to be managed by the Mayor of the North Slope Borough, in coordination with the City of Kaktovik, Alaska—

(A) to coordinate with and advise developers on local conditions and the history of areas affected by development; and

(B) to provide to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate annual reports on the status of the coordination between developers and communities affected by development.

(c) APPLICATION.—

(1) IN GENERAL.—Any community that is eligible for assistance under this section may submit an application for such assistance to the Secretary, in such form and under such procedures as the Secretary may prescribe by regulation.

(2) NORTH SLOPE BOROUGH COMMUNITIES.—A community located in the North Slope Borough may apply for assistance under this section either directly to the Secretary or through the North Slope Borough.

(3) APPLICATION ASSISTANCE.—The Secretary shall work closely with and assist the North Slope Borough and other communities eligible for assistance under this section in developing and submitting applications for assistance under this section.

(d) ESTABLISHMENT OF FUND.—

(1) IN GENERAL.—There is established in the Treasury the ''Coastal Plain Local Government Impact Aid Assistance Fund'' (referred to in this section as the ''Fund'').

(2) USE.—Amounts in the Fund may be used only for providing financial assistance under this section.

(3) DEPOSITS.—Subject to paragraph (4), there shall be deposited into the Fund amounts received by the United States as revenues derived from rents, bonuses, and royalties from Federal leases and lease sales authorized under this subtitle.

(4) LIMITATION ON DEPOSITS.—The total amount in the Fund may not exceed $11,000,000.

(5) INVESTMENT OF BALANCES.—The Secretary of the Treasury shall invest amounts in the Fund in interest bearing government securities.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary from the Fund to provide financial assistance under this section $5,000,000 for each fiscal year.

Subtitle C—Approval of Keystone XL Pipeline Project

SEC. 231. APPROVAL OF KEYSTONE XL PIPELINE PROJECT.

(a) APPROVAL OF CROSS-BORDER FACILITIES.—

(1) IN GENERAL.—In accordance with section 8 of article 1 of the Constitution (delegating to Congress the power to regulate commerce with foreign nations), TransCanada Keystone Pipeline, L.P. is authorized to construct, connect, operate, and maintain pipeline facilities, subject to subsection (c), for the import of crude oil and other hydrocarbons at the United States-Canada Border at Phillips County, Montana, in accordance with the application filed with the Department of State on September 19, 2008 (as supplemented and amended).

(2) PERMIT.—Notwithstanding any other provision of law, no permit pursuant to Executive Order 13337 (3 U.S.C. 301 note) or any other similar Executive Order regulating construction, connection, operation, or maintenance of facilities at the borders of the United States, and no additional environmental impact statement, shall be required for TransCanada Keystone Pipeline, L.P. to construct, connect, operate, and maintain the facilities described in paragraph (1).

(b) CONSTRUCTION AND OPERATION OF KEYSTONE XL PIPELINE IN UNITED STATES.—

(1) IN GENERAL.—The final environmental impact statement issued by the Department of State on August 26, 2011, shall be considered to satisfy all requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and any other provision of law that requires Federal agency consultation or review with respect to the cross-border facilities described in subsection (a)(1) and the related facilities in the United States described in the application filed with the Department of State on September 19, 2008 (as supplemented and amended).

(2) PERMITS.—Any Federal permit or authorization issued before the date of enactment of this Act for the cross-border facilities described in subsection (a)(1), and the related facilities in the United States described in the application filed with the Department of State on September 19, 2008 (as supplemented and amended), shall remain in effect.

(c) CONDITIONS.—In constructing, connecting, operating, and maintaining the cross-border facilities described in subsection (a)(1) and related facilities in the United States described in the application filed with the Department of State on September 19, 2008 (as supplemented and amended), TransCanada Keystone Pipeline, L.P. shall comply with the following conditions:

(1) TransCanada Keystone Pipeline, L.P. shall comply with all applicable Federal and State laws (including regulations) and all applicable industrial codes regarding the construction, connection, operation, and maintenance of the facilities.

(2) Except as provided in subsection (a)(2), TransCanada Keystone Pipeline, L.P. shall comply with all requisite permits from Canadian authorities and applicable Federal, State, and local government agencies in the United States.

(3) TransCanada Keystone Pipeline, L.P. shall take all appropriate measures to prevent or mitigate any adverse environmental impact or disruption of historic properties in connection with the construction, connection, operation, and maintenance of the facilities.

(4) The construction, connection, operation, and maintenance of the facilities shall be—

(A) in all material respects, similar to that described in—

(i) the application filed with the Department of State on September 19, 2008 (as supplemented and amended); and

(ii) the final environmental impact statement described in subsection (b)(1); and

(B) carried out in accordance with—

(i) the construction, mitigation, and reclamation measures agreed to for the project in the construction mitigation and reclamation plan contained in appendix B of the final environmental impact statement described in subsection (b)(1);

(ii) the special conditions agreed to between the owners and operators of the project and the Administrator of the Pipeline and Hazardous Materials Safety Administration of the Department of Transportation, as contained in appendix U of the final environmental impact statement;

(iii) the measures identified in appendix H of the final environmental impact statement, if the modified route submitted by the State of Nebraska to the Secretary of State crosses the Sand Hills region; and

(iv) the stipulations identified in appendix S of the final environmental impact statement.

(d) ROUTE IN NEBRASKA.—

(1) IN GENERAL.—Any route and construction, mitigation, and reclamation measures for the project in the State of Nebraska that is identified by the State of Nebraska and submitted to the Secretary of State under this section is considered sufficient for the purposes of this section.

(2) PROHIBITION.—Construction of the facilities in the United States described in the application filed with the Department of State on September 19, 2008 (as supplemented and amended), shall not commence in the State of Nebraska until the date on which the Secretary of State receives a route for the project in the State of Nebraska that is identified by the State of Nebraska.

(3) RECEIPT.—On the date of receipt of the route described in paragraph (1) by the Secretary of State, the route for the project within the State of Nebraska under this section shall supersede the route for the project in the State specified in the application filed with the Department of State on September 19, 2008 (including supplements and amendments).

(4) COOPERATION.—Not later than 30 days after the date on which the State of Nebraska submits a request to the Secretary of State or any appropriate Federal official, the Secretary of State or Federal official shall provide assistance that is consistent with the law of the State of Nebraska.

(e) ADMINISTRATION.—

(1) IN GENERAL.—Any action taken to carry out this section (including the modification of any route under subsection (d)) shall not constitute a major Federal action under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(2) STATE SITING AUTHORITY.—Nothing in this section alters any provision of State law relating to the siting of pipelines.

(3) PRIVATE PROPERTY.—Nothing in this section alters any Federal, State, or local process or condition in effect on the date of enactment of this Act that is necessary to secure access from an owner of private property to construct the project.

(f) FEDERAL JUDICIAL REVIEW.—The cross-border facilities described in subsection (a)(1), and the related facilities in the United States described in the application filed with the Department of State on September 19, 2008 (as supplemented and amended), that are approved by this section, and any permit, right-of-way, or other action taken to construct or complete the project pursuant to Federal law, shall only be subject to judicial review on direct appeal to the United States Court of Appeals for the District of Columbia Circuit.

TITLE III—CLOSING LOOPHOLES TO FUND CONSUMER RELIEF AT THE PUMP

SEC. 301. MODIFICATIONS OF FOREIGN TAX CREDIT RULES APPLICABLE TO MAJOR INTEGRATED OIL COMPANIES WHICH ARE DUAL CAPACITY TAXPAYERS.

(a) IN GENERAL.—Section 901 of the Internal Revenue Code of 1986 is amended by redesignating subsection (n) as subsection (o) and by inserting after subsection (m) the following new subsection:

''(n) SPECIAL RULES RELATING TO MAJOR INTEGRATED OIL COMPANIES WHICH ARE DUAL CAPACITY TAXPAYERS.—

''(1) GENERAL RULE.—Notwithstanding any other provision of this chapter, any amount paid or accrued by a dual capacity taxpayer which is a major integrated oil company (as defined in section 167(h)(5)(B)) to a foreign country or possession of the United States shall not be considered a tax—

''(A) if, for such period, the foreign country or possession does not impose a generally applicable income tax, or

''(B) to the extent such amount exceeds the amount (determined in accordance with regulations) which—

''(i) is paid by such dual capacity taxpayer pursuant to the generally applicable income tax imposed by the country or possession, or

''(ii) would be paid if the generally applicable income tax imposed by the country or possession were applicable to such dual capacity taxpayer.

Nothing in this paragraph shall be construed to imply the proper treatment of any such amount not in excess of the amount determined under subparagraph (B).

''(2) DUAL CAPACITY TAXPAYER.—For purposes of this subsection, the term 'dual capacity taxpayer' means, with respect to any foreign country or possession of the United States, a person who—

''(A) is subject to a levy of such country or possession, and

''(B) receives (or will receive) directly or indirectly a specific economic benefit (as determined in accordance with regulations) from such country or possession.

''(3) GENERALLY APPLICABLE INCOME TAX.—For purposes of this subsection—

''(A) IN GENERAL.—The term 'generally applicable income tax' means an income tax (or a series of income taxes) which is generally imposed under the laws of a foreign country or possession on income derived from the conduct of a trade or business within such country or possession.

''(B) EXCEPTIONS.—Such term shall not include a tax unless it has substantial application, by its terms and in practice, to—

''(i) persons who are not dual capacity taxpayers, and

''(ii) persons who are citizens or residents of the foreign country or possession.''.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to taxes paid or accrued in taxable years beginning after the date of the enactment of this Act.

(2) CONTRARY TREATY OBLIGATIONS UPHELD.—The amendments made by this section shall not apply to the extent contrary to any treaty obligation of the United States.

SEC. 302. LIMITATION ON SECTION 199 DEDUCTION ATTRIBUTABLE TO OIL, NATURAL GAS, OR PRIMARY PRODUCTS THEREOF.

(a) DENIAL OF DEDUCTION.—Paragraph (4) of section 199(c) of the Internal Revenue Code of 1986 is amended by adding at the end the following new subparagraph:

''(E) SPECIAL RULE FOR CERTAIN OIL AND GAS INCOME.—In the case of any taxpayer who is a major integrated oil company (as defined in section 167(h)(5)(B)) for the taxable year, the term 'domestic production gross receipts' shall not include gross receipts from the production, transportation, or distribution of oil, natural gas, or any primary product (within the meaning of subsection (d)(9)) thereof.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2011.

SEC. 303. LIMITATION ON DEDUCTION FOR INTANGIBLE DRILLING AND DEVELOPMENT COSTS.

(a) IN GENERAL.—Section 263(c) of the Internal Revenue Code of 1986 is amended by adding at the end the following new sentence: ''This subsection shall not apply to amounts paid or incurred by a taxpayer in any taxable year in which such taxpayer is a major integrated oil company (as defined in section 167(h)(5)(B)).''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to amounts paid or incurred in taxable years beginning after December 31, 2011.

SEC. 304. TRANSFER OF REVENUES TO HIGHWAY TRUST FUND.

Subsection (b) of section 9503 of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

''(7) TRANSFERS OF CERTAIN REVENUES.—There are hereby appropriated the Highway Trust Fund amounts equivalent to the amounts received in the Treasury that are attributable to the amendments made by sections 301, 302, and 303 of the Gas Price Relief Act of 2012.''.

SA 1959. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 2204, to eliminate unnecessary tax subsidies and promote renewable energy and energy conservation; which was ordered to lie on the table; as follows:

On page 22, strike lines 4 and 5 and insert the following:

TITLE III—MISCELLANEOUS

SEC. 301. HIGHWAY BRIDGE PROGRAM AND DEFICIT REDUCTION.

(a) IN GENERAL.—Of the amounts made available as a result of the repeal under subsection (b) for each fiscal year—

(1) 50 percent shall be transferred to the Secretary of Transportation and used to carry out the highway bridge program under section 144 of title 23, United States Code; and

(2) 50 percent shall be transferred to the general fund of the Treasury and used for deficit reduction.

(b) REPEAL.—Title XVII of the Energy Policy Act of 2005 (22 U.S.C. 16511 et seq.) is repealed.

TITLE IV—BUDGETARY EFFECTS

SEC. 401. DEFICIT REDUCTION.

SA 1960. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 2204, to eliminate unnecessary tax subsidies and promote renewable energy and energy conservation; which was ordered to lie on the table; as follows:

Strike all after the enacting clause and insert the following:

SEC. ___1. TAX ON BUSINESS ACTIVITIES.

(a) IN GENERAL.—Section 11 of the Internal Revenue Code of 1986 is amended to read as follows:

"SEC. 11. TAX IMPOSED ON BUSINESS ACTIVITIES.

''(a) TAX IMPOSED.—There is hereby imposed on every person engaged in a business activity a tax equal to 17 percent of the business taxable income of such person.

''(b) LIABILITY FOR TAX.—The tax imposed by this section shall be paid by the person engaged in the business activity, whether such person is an individual, partnership, corporation, or otherwise.

''(c) BUSINESS TAXABLE INCOME.—For purposes of this section—

''(1) IN GENERAL.—The term 'business taxable income' means gross active income reduced by the deductions specified in subsection (d).

''(2) GROSS ACTIVE INCOME.—

''(A) IN GENERAL.—For purposes of paragraph (1), the term 'gross active income' means gross receipts from—

''(i) the sale or exchange of property or services in the United States by any person in connection with a business activity, and

''(ii) the export of property or services from the United States in connection with a business activity.

''(B) EXCHANGES.—For purposes of this section, the amount treated as gross receipts from the exchange of property or services is the fair market value of the property or services received, plus any money received.

''(C) COORDINATION WITH SPECIAL RULES FOR FINANCIAL SERVICES, ETC.—Except as provided in subsection (e)—

''(i) the term 'property' does not include money or any financial instrument, and

''(ii) the term 'services' does not include financial services.

''(3) EXEMPTION FROM TAX FOR ACTIVITIES OF GOVERNMENTAL ENTITIES AND TAX-EXEMPT ORGANIZATIONS.—For purposes of this section, the term 'business activity' does not include any activity of a governmental entity or of any other organization which is exempt from tax under this chapter.

''(d) DEDUCTIONS.—

''(1) IN GENERAL.—The deductions specified in this subsection are—

''(A) the cost of business inputs for the business activity,

''(B) wages (as defined in section 3121(a) without regard to paragraph (1) thereof) which are paid in cash for services performed in the United States as an employee, and

''(C) retirement contributions to or under any plan or arrangement which makes retirement distributions for the benefit of such employees to the extent such contributions are allowed as a deduction under section 404.

''(2) BUSINESS INPUTS.—

''(A) IN GENERAL.—For purposes of paragraph (1), the term 'cost of business inputs' means—

''(i) the amount paid for property sold or used in connection with a business activity,

''(ii) the amount paid for services (other than for the services of employees, including fringe benefits paid by reason of such services) in connection with a business activity, and

''(iii) any excise tax, sales tax, customs duty, or other separately stated levy imposed by a Federal, State, or local government on the purchase of property or services which are for use in connection with a business activity.

Such term shall not include any tax imposed by chapter 2 or 21.

''(B) EXCEPTIONS.—Such term shall not include—

''(i) items described in subparagraphs (B) and (C) of paragraph (1), and

''(ii) items for personal use not in connection with any business activity.

''(C) EXCHANGES.—For purposes of this section, the amount treated as paid in connection with the exchange of property or services is the fair market value of the property or services exchanged, plus any money paid.

''(3) RETIREMENT DISTRIBUTIONS.—For purposes of paragraph (1)(C), the term 'retirement distribution' means any distribution from—

''(A) a plan described in section 401(a) which includes a trust exempt from tax under section 501(a),

''(B) an annuity plan described in section 403(a),

''(C) an annuity contract described in section 403(b),

''(D) an individual retirement account described in section 408(a),

''(E) an individual retirement annuity described in section 408(b),

''(F) an eligible deferred compensation plan (as defined in section 457),

''(G) a governmental plan (as defined in section 414(d)), or

''(H) a trust described in section 501(c)(18).

Such term includes any plan, contract, account, annuity, or trust which, at any time, has been determined by the Secretary to be such a plan, contract, account, annuity, or trust.

''(e) SPECIAL RULES FOR FINANCIAL INTERMEDIATION SERVICE ACTIVITIES.—In the case of the business activity of providing financial intermediation services, the taxable income from such activity shall be equal to the value of the intermediation services provided in such activity.

''(f) EXCEPTION FOR SERVICES PERFORMED AS EMPLOYEE.—For purposes of this section, the term 'business activity' does not include the performance of services by an employee for the employee's employer.

''(g) CARRYOVER OF CREDIT-EQUIVALENT OF EXCESS DEDUCTIONS.—

''(1) IN GENERAL.—If the aggregate deductions for any taxable year exceed the gross active income for such taxable year, the credit-equivalent of such excess shall be allowed as a credit against the tax imposed by this section for the following taxable year.

''(2) CREDIT-EQUIVALENT OF EXCESS DEDUCTIONS.—For purposes of paragraph (1), the credit-equivalent of the excess described in paragraph (1) for any taxable year is an amount equal to—

''(A) the sum of—

''(i) such excess, plus

''(ii) the product of such excess and the 3-month Treasury rate for the last month of such taxable year, multiplied by

''(B) the rate of the tax imposed by subsection (a) for such taxable year.

''(3) CARRYOVER OF UNUSED CREDIT.—If the credit allowable for any taxable year by reason of this subsection exceeds the tax imposed by this section for such year, then (in lieu of treating such excess as an overpayment) the sum of—

''(A) such excess, plus

''(B) the product of such excess and the 3-month Treasury rate for the last month of such taxable year,

shall be allowed as a credit against the tax imposed by this section for the following taxable year.

''(4) 3-MONTH TREASURY RATE.—For purposes of this subsection, the 3-month Treasury rate is the rate determined by the Secretary based on the average market yield (during any 1-month period selected by the Secretary and ending in the calendar month in which the determination is made) on outstanding marketable obligations of the United States with remaining periods to maturity of 3 months or less.''

(b) TAX ON TAX-EXEMPT ENTITIES PROVIDING NONCASH COMPENSATION TO EMPLOYEES.—Section 4977 of the Internal Revenue Code of 1986 is amended to read as follows:

''SEC. 4977. TAX ON NONCASH COMPENSATION PROVIDED TO EMPLOYEES NOT ENGAGED IN BUSINESS ACTIVITY.

''(a) IMPOSITION OF TAX.—There is hereby imposed a tax equal to 17 percent of the value of excludable compensation provided during the calendar year by an employer for the benefit of employees to whom this section applies.

''(b) LIABILITY FOR TAX.—The tax imposed by this section shall be paid by the employer.

''(c) EXCLUDABLE COMPENSATION.—For purposes of subsection (a), the term 'excludable compensation' means any remuneration for services performed as an employee other than—

''(1) wages (as defined in section 3121(a) without regard to paragraph (1) thereof) which are paid in cash,

''(2) remuneration for services performed outside the United States, and

''(3) retirement contributions to or under any plan or arrangement which makes retirement distributions (as defined in section 11(d)(3)).

''(d) EMPLOYEES TO WHOM SECTION APPLIES.—This section shall apply to an employee who is employed in any activity by—

''(1) any organization which is exempt from taxation under this chapter, or

''(2) any agency or instrumentality of the United States, any State or political subdivision of a State, or the District of Columbia.''

(c) EFFECTIVE DATE.—The amendments made by this title shall apply to taxable years beginning after December 31, 2012.

SEC. ___2. REPEAL OF ALTERNATIVE MINIMUM TAX ON CORPORATIONS.

(a) IN GENERAL.—Subsection (a) of section 55 of the Internal Revenue Code of 1986 is amended by adding at the end the following new sentence:

''No tax shall be imposed by this section on any corporation for any taxable year beginning after December 31, 2012, and the tentative minimum tax of any corporation for any such taxable year shall be zero for purposes of this title.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2012.

SEC. ___3. REPEAL OF BUSINESS RELATED CREDITS.

Subparts D, E, F, G, H, I, and J of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 are repealed with respect to taxable years beginning after December 31, 2012.

SEC. ___4. TECHNICAL AND CONFORMING AMENDMENTS.

The Secretary of the Treasury or the Secretary's delegate shall not later than 90 days after the date of the enactment of this Act, submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a draft of any technical and conforming changes in the Internal Revenue Code of 1986 which are necessary to reflect throughout such Code the purposes of the provisions of, and amendments made by, this Act.

SEC. ___5. SUPERMAJORITY REQUIRED TO CONSIDER BUSINESS REVENUE MEASURE.

A bill, joint resolution, amendment to a bill or joint resolution, or conference report that—

(1) includes an increase in the rate of tax specified in section 11(a) of the Internal Revenue Code of 1986 (as amended by this Act), or

(2) reduces the deductions specified in section 11(d) of such Code (as so amended),

may not be considered as passed or agreed to by the House of Representatives or the Senate unless so determined by a vote of not less than two-thirds of the Members of the House of Representatives or the Senate (as the case may be) voting, a quorum being present.

SA 1961. Mr. PRYOR submitted an amendment intended to be proposed by him to the bill S. 2204, to eliminate unnecessary tax subsidies and promote renewable energy and energy conservation; which was ordered to lie on the table; as follows:

On page 22, between lines 3 and 4, insert the following:

TITLE III—MISCELLANEOUS

SEC. 301. POSITION LIMITS FOR PETROLEUM AND RELATED PRODUCTS.

Section 4a(a)(6) of the Commodity Exchange Act (7 U.S.C. 6a(a)(6)) is amended—

(1) by redesignating subparagraphs (A) through (C) as clauses (i) through (iii), respectively, and indenting appropriately;

(2) by striking ''The Commission shall'' and inserting the following:

''(A) IN GENERAL.—The Commission shall''; and

(3) by adding at the end the following:

''(B) PETROLEUM AND RELATED PRODUCTS.—The Commission shall, by regulation, establish limits on the aggregate number or amount of positions in contracts for petroleum or related products that may be held by any person, including any group or class of traders, for each month across contracts described in clauses (i) through (iii) of subparagraph (A), so that—

''(i) the short position for traditional bona fide hedgers in the aggregate is not less than 50 percent; and

''(ii) the long position for traditional bona fide hedgers in the aggregate is not less than 50 percent.''.

SA 1962. Mr. PRYOR submitted an amendment intended to be proposed by him to the bill S. 2204, to eliminate unnecessary tax subsidies and promote renewable energy and energy conservation; which was ordered to lie on the table; as follows:

On page 22, between lines 3 and 4, insert the following:

TITLE III—MISCELLANEOUS

SEC. 301. QUADRENNIAL ENERGY REVIEW.

(a) FINDINGS.—Congress finds that—

(1) the President's Council of Advisors on Science and Technology recommends that the United States develop a Government wide Federal energy policy and update the policy regularly with strategic Quadrennial Energy Reviews similar to the reviews conducted by the Department of Defense;

(2) as the lead agency in support of energy science and technology innovation, the Department of Energy has conducted a Quadrennial Technology Review of the energy technology policies and programs of the Department;

(3) the Quadrennial Technology Review of the Department of Energy serves as the basis for coordination with other agencies and on other programs for which the Department has a key role;

(4) a Quadrennial Energy Review would—

(A) establish integrated, Government wide national energy objectives in the context of economic, environmental, and security priorities;

(B) coordinate actions across Federal agencies;

(C) identify the resources needed for the invention, adoption, and diffusion of energy technologies; and

(D) provide a strong analytical base for Federal energy policy decisions;

(5) the development of an energy policy resulting from a Quadrennial Energy Review would—

(A) enhance the energy security of the United States;

(B) create jobs; and

(C) mitigate environmental harm; and

(6) while a Quadrennial Energy Review will be a product of the executive branch, the review will have substantial input from—

(A) Congress;

(B) the energy industry;

(C) academia;

(D) nongovernmental organizations; and

(E) the public.

(b) QUADRENNIAL ENERGY REVIEW.—Section 801 of the Department of Energy Organization Act (42 U.S.C. 7321) is amended to read as follows:

"SEC. 801. QUADRENNIAL ENERGY REVIEW.

''(a) DEFINITIONS.—In this section:

''(1) DIRECTOR.—The term 'Director' means the Director of the Office of Science and Technology Policy within the Executive Office of the President.

''(2) FEDERAL LABORATORY.—

''(A) IN GENERAL.—The term 'Federal Laboratory' has the meaning given the term 'laboratory' in section 12(d) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a(d)).

''(B) INCLUSION.—The term 'Federal Laboratory' includes a federally funded research and development center sponsored by a Federal agency.

''(3) INTERAGENCY ENERGY COORDINATION COUNCIL.—The term 'interagency energy coordination council' means a council established under subsection (b)(1).

''(4) QUADRENNIAL ENERGY REVIEW.—The term 'Quadrennial Energy Review' means a comprehensive multiyear review, coordinated across the Federal agencies, that—

''(A) covers all energy programs and technologies of the Federal Government;

''(B) establishes energy objectives across the Federal Government; and

''(C) covers each of the areas described in subsection (d)(2).

''(b) INTERAGENCY ENERGY COORDINATION COUNCIL.—

''(1) ESTABLISHMENT.—Beginning on February 1, 2013, and every 4 years thereafter, the President shall establish an interagency energy coordination council to coordinate the Quadrennial Energy Review.

''(2) CO-CHAIRPERSONS.—The Secretary and the Director shall be co-chairpersons of the interagency energy coordination council.

''(3) MEMBERSHIP.—The interagency energy coordination council shall be comprised of representatives at level I or II of the Executive Schedule of—

''(A) the Department of Commerce;

''(B) the Department of Defense;

''(C) the Department of State;

''(D) the Department of the Interior;

''(E) the Department of Agriculture;

''(F) the Department of the Treasury;

''(G) the Department of Transportation;

''(H) the Office of Management and Budget;

''(I) the National Science Foundation;

''(J) the Environmental Protection Agency; and

''(K) such other Federal organizations, departments, and agencies that the President considers to be appropriate.

''(c) CONDUCT OF REVIEW.—Each Quadrennial Energy Review shall be conducted to provide an integrated view of national energy objectives and Federal energy policy, including (to the maximum extent practicable) alignment of research programs, incentives, regulations, and partnerships.

''(d) SUBMISSION OF QUADRENNIAL ENERGY REVIEW TO CONGRESS.—

''(1) IN GENERAL.—Not later than February 1, 2015, and every 4 years thereafter, the Secretary, in cooperation with the Director, shall publish and submit to Congress a report on the Quadrennial Energy Review.

''(2) INCLUSIONS.—The report described in paragraph (1) shall include, at a minimum—

''(A) an integrated view of short-, intermediate-, and long-term objectives for Federal energy policy in the context of economic, environmental, and security priorities;

''(B) anticipated Federal actions (including programmatic, regulatory, and fiscal actions) and resource requirements—

''(i) to achieve the objectives described in subparagraph (A); and

''(ii) to be coordinated across multiple agencies;

''(C) an analysis of the prospective roles of parties (including academia, industry, consumers, the public, and Federal agencies) in achieving the objectives described in subparagraph (A), including—

''(i) an analysis, by energy use sector, including—

''(I) commercial and residential buildings;

''(II) the industrial sector;

''(III) transportation; and

''(IV) electric power;

''(ii) requirements for invention, adoption, development, and diffusion of energy technologies that are mapped onto each of the energy use sectors; and

''(iii) other research that inform strategies to incentivize desired actions;

''(D) an assessment of policy options to increase domestic energy supplies;

''(E) an evaluation of energy storage, transmission, and distribution requirements, including requirements for renewable energy;

''(F) an integrated plan for the involvement of the Federal Laboratories in energy programs;

''(G) portfolio assessments that describe the optimal deployment of resources, including prioritizing financial resources for energy programs;

''(H) a mapping of the linkages among basic research and applied programs, demonstration programs, and other innovation mechanisms across the Federal agencies;

''(I) an identification of, and projections for, demonstration projects, including timeframes, milestones, sources of funding, and management;

''(J) an identification of public and private funding needs for various energy technologies, systems, and infrastructure, including consideration of public-private partnerships, loans, and loan guarantees;

''(K) an assessment of global competitors and an identification of programs that can be enhanced with international cooperation;

''(L) an identification of policy gaps that need to be filled to accelerate the adoption and diffusion of energy technologies, including consideration of—

''(i) Federal tax policies; and

''(ii) the role of Federal agencies as early adopters and purchasers of new energy technologies;

''(M) an analysis of—

''(i) points of maximum leverage for policy intervention to achieve outcomes; and

''(ii) areas of energy policy that can be most effective in meeting national goals for the energy sector; and

''(N) recommendations for executive branch organization changes to facilitate the development and implementation of Federal energy policies.

''(e) EXECUTIVE SECRETARIAT.—

''(1) IN GENERAL.—The Secretary shall provide the Executive Secretariat with the necessary analytical, financial, and administrative support for the conduct of each Quadrennial Energy Review required under this section.

''(2) COOPERATION.—The heads of applicable Federal agencies shall cooperate with the Secretary and provide such assistance, information, and resources as the Secretary may require to assist in carrying out this section.''.

(c) ADMINISTRATION.—Nothing in this section or an amendment made by this section supersedes, modifies, amends, or repeals any provision of Federal law not expressly superseded, modified, amended, or repealed by this section.

SA 1963. Mr. INHOFE (for himself and Mr. BARRASSO) submitted an amendment intended to be proposed by him to the bill S. 2204, to eliminate unnecessary tax subsidies and promote renewable energy and energy conservation; which was ordered to lie on the table; as follows:

On page 22, between lines 3 and 4, insert the following:

TITLE III—GASOLINE REGULATIONS

SEC. 301. SHORT TITLE.

This title may be cited as the ''Gasoline Regulations Act of 2012''.

SEC. 302. DEFINITIONS.

In this title:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Environmental Protection Agency.

(2) COMMISSION.—The term ''Commission'' means the Transportation Fuels Regulatory Commission established by section 303(a).

(3) COVERED ACTION.—The term ''covered action'' means any action, to the extent the action affects facilities involved in the production, transportation, or distribution of gasoline or diesel fuel, taken—

(A) on or after January 1, 2009, by the Administrator, a State, a local government, or a permitting agency; and

(B) to conform with part C of title I or title V of the Clean Air Act (42 U.S.C. 7401 et seq.) regarding an air pollutant identified as a greenhouse gas in the final rule entitled ''Endangerment and Cause or Contribute Findings for Greenhouse Gases Under Section 202(a) of the Clean Air Act'' (74 Fed. Reg. 66496 (December 15, 2009)).

(4) COVERED RULE.—The term ''covered rule'' means the following rules (and includes any successor or substantially similar rules):

(A) ''Control of Air Pollution From New Motor Vehicles: Tier 3 Motor Vehicle Emission and Fuel Standards'', as described in the Unified Agenda of Federal Regulatory and Deregulatory Actions under Regulatory Identification Number 2060–AQ86.

(B) ''National Ambient Air Quality Standards for Ozone'' (73 Fed. Reg. 16436 (March 27, 2008)).

(C) ''Reconsideration of the 2008 Ozone Primary and Secondary National Ambient Air Quality Standards'', as described in the Unified Agenda of Federal Regulatory and Deregulatory Actions under Regulatory Identification Number 2060–AP98.

(D) Any rule proposed after March 15, 2012, establishing or revising a standard of performance or emission standard under section 111 or 112 of the Clean Air Act (42 U.S.C. 7411, 7412) applicable to petroleum refineries.

(E) Any rule proposed after March 15, 2012, to implement any portion of the renewable fuel program under section 211(o) of the Clean Air Act (42 U.S.C. 7545(o)).

(F) Any rule proposed after March 15, 2012, revising or supplementing the national ambient air quality standards for ozone under section 109 of the Clean Air Act (42 U.S.C. 7409).

SEC. 303. TRANSPORTATION FUELS REGULATORY COMMISSION.

(a) ESTABLISHMENT.—There is established a commission to be known as the ''Transportation Fuels Regulatory Commission''.

(b) MEMBERS.—The Commission shall be composed of the following officials (or designees of the officials):

(1) The Secretary of Energy, who shall serve as the Chair of the Commission.

(2) The Secretary of Transportation, acting through the Administrator of the National Highway Traffic Safety Administration.

(3) The Secretary of Commerce, acting through the Chief Economist and the Under Secretary for International Trade.

(4) The Secretary of Labor, acting through the Commissioner of the Bureau of Labor Statistics.

(5) The Secretary of the Treasury, acting through the Deputy Assistant Secretary for Environment and Energy.

(6) The Administrator.

(7) The Chairman of the United States International Trade Commission, acting through the Director of the Office of Economics.

(8) The Administrator of the Energy Information Administration.

(c) DUTIES OF THE COMMISSION.—The Commission shall analyze and report on the cumulative impacts of certain rules and actions of the Environmental Protection Agency on gasoline and diesel fuel prices, in accordance with sections 304 and 305.

(d) CONSULTATION BY CHAIR.—In carrying out the functions of the Chair of the Commission, the Chair shall consult with the other members of the Commission.

(e) TERMINATION.—The Commission shall terminate on the date that is 60 days after the date on which the Commission submits the report under section 305(c).

SEC. 304. ANALYSES.

(a) SCOPE.—The Commission shall conduct analyses, for each of the calendar years 2016 and 2020, of the cumulative impact of all covered rules and covered actions.

(b) CONTENTS.—In conducting each analysis under this section, the Commission shall include the following:

(1) Estimates of the cumulative impacts of the covered rules and covered actions with respect to—

(A) any resulting change in the national, State, or regional price of gasoline or diesel fuel;

(B) required capital investments and projected costs for the operation and maintenance of new equipment required to be installed;

(C) global economic competitiveness of the United States and any loss of domestic refining capacity;

(D) other cumulative costs and cumulative benefits, including evaluation through a general equilibrium model approach; and

(E) national, State, and regional employment, including impacts associated with increased gasoline or diesel fuel prices and facility closures.

(2) Discussion of key uncertainties and assumptions associated with each estimate under paragraph (1).

(3) A sensitivity analysis reflecting alternative assumptions with respect to the aggregate demand for gasoline or diesel fuel.

(4) Discussion, and where feasible an assessment, of the cumulative impact of the covered rules and covered actions on—

(A) consumers;

(B) small businesses;

(C) regional economies;

(D) State, local, and tribal governments;

(E) low-income communities;

(F) public health;

(G) local and industry-specific labor markets; and

(H) any uncertainties associated with each topic listed in subparagraphs (A) through (G).

(c) METHODS.—In conducting an analysis under this section, the Commission shall use the best available methods, consistent with guidance from the Office of Information and Regulatory Affairs and the Office of Management and Budget Circular A–4.

(d) DATA.—In conducting an analysis under this section, the Commission shall not be required to create data or to use data that are not readily accessible.

SEC. 305. REPORTS; PUBLIC COMMENT.

(a) PRELIMINARY REPORT.—Not later than 90 days after the date of enactment of this Act, the Commission shall make public and submit to the Committee on Environment and Public Works of the Senate and the Committee on Energy and Commerce of the House of Representatives a preliminary report containing the results of the analyses conducted under section 304.

(b) PUBLIC COMMENT PERIOD.—The Commission shall accept public comments regarding the preliminary report submitted under subsection (a) for a period of 60 days after the date on which the preliminary report is submitted.

(c) FINAL REPORT.—Not later than 60 days after the expiration of the 60-day period described in subsection (b), the Commission shall submit to Congress a final report containing the analyses conducted under section 304, including—

(1) any revisions to the analyses made as a result of public comments; and

(2) a response to the public comments.

SEC. 306. NO FINAL ACTION ON CERTAIN RULES.

The Administrator shall not finalize any of the following rules until a date (to be determined by the Administrator) that is at least 180 days after the day on which the Commission submits the final report under section 305(c):

(1) ''Control of Air Pollution From New Motor Vehicles: Tier 3 Motor Vehicle Emission and Fuel Standards'', as described in the Unified Agenda of Federal Regulatory and Deregulatory Actions under Regulatory Identification Number 2060–AQ86, and any successor or substantially similar rule.

(2) Any rule proposed after March 15, 2012, establishing or revising a standard of performance or emission standard under section 111 or 112 of the Clean Air Act (42 U.S.C. 7411, 7412) that is applicable to petroleum refineries.

(3) Any rule revising or supplementing the national ambient air quality standards for ozone under section 109 of the Clean Air Act (42 U.S.C. 7409).

SEC. 307. CONSIDERATION OF FEASIBILITY AND COST IN REVISING OR SUPPLEMENTING NATIONAL AMBIENT AIR QUALITY STANDARDS FOR OZONE.

In revising or supplementing any national primary or secondary ambient air quality standards for ozone under section 109 of the Clean Air Act (42 U.S.C. 7409), the Administrator shall consider the feasibility and cost of the revision or supplement.

SA 1964. Mr. BROWN of Massachusetts submitted an amendment intended to be proposed by him to the bill S. 2204, to eliminate unnecessary tax subsidies and promote renewable energy and energy conservation; which was ordered to lie on the table; as follows:

On page 2, between lines 20 and 21, insert the following:

SEC. 103. CREDIT FOR HYBRID CONVERSION.

(a) IN GENERAL.—Section 30B of the Internal Revenue Code of 1986 is amended by redesignating subsections (j) and (k) as subsections (k) and (l), respectively, and by inserting after subsection (i) the following new subsection:

''(j) HYBRID CONVERSION CREDIT.—

''(1) CREDIT ALLOWED.—

''(A) IN GENERAL.—For purposes of subsection (a), the hybrid conversion credit determined under this subsection with respect to any motor vehicle which is converted to a qualified hybrid motor vehicle is an amount equal to so much of the cost of the conversion of such vehicle as does not exceed the applicable amount determined under the following table:

''If gross vehicle weight (prior to conversion) is:	**The applicable amount is:**
Not more than 8,500 pounds	$3,000
More than 8,500 pounds but not more than 14,000 pounds	$4,000
More than 14,000 pounds but not more than 26,000 pounds	$6,000
More than 26,000 pounds	$8,000.

''(2) QUALIFIED HYBRID MOTOR VEHICLE.—For purposes of this subsection, the term 'qualified hybrid motor vehicle' means any new qualified hybrid motor vehicle (as defined in subsection (d)(3), determined without regard to whether such vehicle is made by a manufacturer or whether the original use of such vehicle commences with the taxpayer) which—

''(A) is used or leased by the taxpayer and is not for resale, and

''(B) achieves the minimum required reduction in fuel consumption determined under the following table, relative to the fuel consumption of an uncoverted vehicle of the same make and model under the Urban Dynamometer Driving Schedule (UDDS) test procedure issued by the Environmental Protection Agency (40 CFR 86.115 and Appendix I to 40 CFR Part 86):

''If vehicle (prior to conversion) is:	**The minimum required reduction is:**
A passenger vehicle with a gross vehicle weight of not more than 8,500 pounds	19 percent
A light truck with a gross vehicle weight of not more than 8,500 pounds	15 percent
A diesel vehicle with a gross vehicle weight of more than 8,500 pounds but not more than 14,000 pounds	17 percent
A gasoline vehicle with a gross vehicle weight of more than 8,500 pounds but not more than 14,000 pounds	12 percent

"If vehicle (prior to conversion) is:	The minimum required reduction is:
A vehicle with a gross vehicle weight of more than 14,000 pounds	10 percent.

''(3) CREDIT ALLOWED IN ADDITION TO OTHER CREDITS.—The credit allowed under this subsection shall be allowed with respect to a motor vehicle notwithstanding whether a credit has been allowed with respect to such motor vehicle under this section (other than this subsection and subsection (i)) in any preceding taxable year. No credit shall be allowed under this subsection with respect to a motor vehicle if the credit under subsection (i) is allowed with respect to such motor vehicle in any taxable year.

''(4) LIMITATION ON NUMBER OF HYBRID CONVERSIONS ELIGIBLE FOR CREDIT.—This subsection shall not apply to the conversion of any motor vehicle after the last day of the calendar quarter which includes the first date on which the total number of conversions with respect to which a credit under this subsection has been allowed for all taxable years is at least equal to the applicable number determined under the following table:

"If gross vehicle weight (prior to conversion) is:	The applicable number is:
Not more than 8,500 pounds	100,000
More than 8,500 pounds but not more than 14,000 pounds	70,000
More than 14,000 pounds but not more than 26,000 pounds	20,000
More than 26,000 pounds	10,000.

''(5) TERMINATION.—This subsection shall not apply to conversions made after the date which is 5 years after the date of the enactment of the RETRO Act.''.

(b) CREDIT TREATED AS PART OF ALTERNATIVE MOTOR VEHICLE CREDIT.—Subsection (a) of section 30B of the Internal Revenue Code of 1986 is amended—

(1) by striking ''and'' at the end of paragraph (4),

(2) by striking the period at the end of paragraph (5) and inserting '', and'', and

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

''(6) the hybrid conversion credit determined under subsection (j).''.

(c) NO RECAPTURE FOR VEHICLES CONVERTED TO QUALIFIED HYBRID MOTOR VEHICLES.—Paragraph (8) of section 30B(h) of the Internal Revenue Code of 1986 is amended by striking ''a vehicle)'' and all that follows and inserting ''a vehicle), except that no benefit shall be recaptured if such property ceases to be eligible for such credit by reason of conversion to a qualified plug-in electric drive motor vehicle or a qualified hybrid motor vehicle.''.

(d) DENIAL OF DOUBLE BENEFIT.—Paragraph (3) of section 30B(i) of the Internal Revenue Code of 1986 is amended by adding at the end the following: ''No credit shall be allowed under this subsection with respect to a motor vehicle if the credit under subsection (j) is allowed with respect to such motor vehicle in any taxable year.''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act.

(f) RESCISSION OF UNOBLIGATED FEDERAL FUNDS TO OFFSET LOSS IN REVENUES.—

(1) IN GENERAL.—Notwithstanding any other provision of law, of all available unobligated funds, appropriated discretionary funds are hereby rescinded in such amounts as determined by the Director of the Office of Management and Budget such that the aggregate amount of such rescission equals the reduction in revenues to the Treasury by reason of the amendments made by this section.

(2) IMPLEMENTATION.—The Director of the Office of Management and Budget shall determine and identify from which appropriation accounts the rescission under paragraph (1) shall apply and the amount of such rescission that shall apply to each such account. Not later than 60 days after the date of the enactment of this Act, the Director of the Office of Management and Budget shall submit a report to the Secretary of the Treasury and Congress of the accounts and amounts determined and identified for rescission under the preceding sentence.

(3) EXCEPTION.—This subsection shall not apply to the unobligated funds of the Department of Veterans Affairs, the Department of Defense, or any funds appropriated for disaster relief.

SA 1965. Mr. VITTER (for himself and Mr. SESSIONS) submitted an amendment intended to be proposed by him to the bill S. 2204, to eliminate unnecessary tax subsidies and promote renewable energy and energy conservation; which was ordered to lie on the table; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. EXTENSION OF LEASING PROGRAM.

(a) IN GENERAL.—Subject to subsection (c), the Draft Proposed Outer Continental Shelf Oil and Gas Leasing Program 2010–2015 issued by the Secretary of the Interior (referred to in this section as the ''Secretary'') under section 18 of the Outer Continental Shelf Lands Act (43 U.S.C. 1344) shall be considered to be the final oil and gas leasing program under that section for the period of fiscal years 2013 through 2018.

(b) FINAL ENVIRONMENTAL IMPACT STATEMENT.—The Secretary is considered to have issued a final environmental impact statement for the program applicable to the period described in subsection (a) in accordance with all requirements under section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)).

(c) EXCEPTIONS.—Lease Sales 214, 232, and 239 shall not be included in the final oil and gas leasing program for the period of fiscal years 2013 through 2018.

SA 1966. Mr. WICKER submitted an amendment intended to be proposed by him to the bill S. 2204, to eliminate unnecessary tax subsidies and promote renewable energy and energy conservation; which was ordered to lie on the table; as follows:

On page 22, between lines 3 and 4, insert the following:

TITLE III—MISCELLANEOUS

SEC. 301. DOMESTIC OIL AND NATURAL GAS PRODUCTION GOAL.

Section 18 of the Outer Continental Shelf Lands Act (43 U.S.C. 1344) is amended by striking subsection (b) and inserting the following:

''(b) DOMESTIC OIL AND NATURAL GAS PRODUCTION GOAL.—

''(1) IN GENERAL.—In developing a 5-year oil and gas leasing program, the Secretary shall establish a domestic strategic production goal for the development of oil and natural gas under the program that is—

''(A) the best estimate of the potential increase in domestic production of oil and natural gas from the outer Continental Shelf; and

''(B) focused on—

''(i) meeting the demand for oil and natural gas in the United States;

''(ii) reducing the dependence of the United States on foreign energy sources; and

''(iii) the production increases to be achieved by the leasing program at the end of the 15-year period beginning on the effective date of the program.

''(2) 2012–2017 PROGRAM GOAL.—For purposes of the 5-year oil and gas leasing program for fiscal years 2012-2017, the production goal referred to in paragraph (1) shall be an increase by 2027 of—

''(A) not less than 3,000,000 barrels in the quantity of oil produced per day; and

''(B) not less than 10,000,000,000 cubic feet in the quantity of natural gas produced per day.

''(3) REPORTS.—At the end of each 5-year oil and gas leasing program and annually thereafter, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a report that describes the progress of the applicable 5-year program with respect to achieving the production goal established for the program, including—

''(A) any projections for production under the program; and

''(B) identifying any problems with leasing, permitting, or production that would prevent the production goal from being achieved.''.

SA 1967. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 2204, to eliminate unnecessary tax subsidies and promote renewable energy and energy conservation; which was ordered to lie on the table; as follows:

On page 22, between lines 3 and 4, insert the following:

TITLE III—MISCELLANEOUS

SEC. 301. SHORT TITLE.

This title may be cited as the ''Energy Tax Prevention Act of 2011''.

SEC. 302. NO REGULATION OF EMISSIONS OF GREENHOUSE GASES.

(a) IN GENERAL.—Title III of the Clean Air Act (42 U.S.C. 7601 et seq.) is amended by adding at the end the following:

''SEC. 330. NO REGULATION OF EMISSIONS OF GREENHOUSE GASES.

''(a) DEFINITION.—In this section, the term 'greenhouse gas' means any of the following:

''(1) Water vapor.

''(2) Carbon dioxide.

''(3) Methane.

''(4) Nitrous oxide.

''(5) Sulfur hexafluoride.

''(6) Hydrofluorocarbons.

''(7) Perfluorocarbons.

''(8) Any other substance subject to, or proposed to be subject to, regulation, action, or consideration under this Act to address climate change.

''(b) LIMITATION ON AGENCY ACTION.—

''(1) LIMITATION.—

''(A) IN GENERAL.—The Administrator may not, under this Act, promulgate any regulation concerning, take action relating to, or take into consideration the emission of a greenhouse gas to address climate change.

''(B) AIR POLLUTANT DEFINITION.—The definition of the term 'air pollutant' in section 302(g) does not include a greenhouse gas. Nothwithstanding the previous sentence, such definition may include a greenhouse gas for purposes of addressing concerns other than climate change.

''(2) EXCEPTIONS.—Paragraph (1) does not prohibit the following:

''(A) Notwithstanding paragraph (4)(B), implementation and enforcement of the rule entitled 'Light-Duty Vehicle Greenhouse Gas Emission Standards and Corporate Average Fuel Economy Standards' (75 Fed. Reg. 25324 (May 7, 2010) and without further revision)

and finalization, implementation, enforcement, and revision of the proposed rule entitled 'Greenhouse Gas Emissions Standards and Fuel Efficiency Standards for Medium- and Heavy-Duty Engines and Vehicles' published at 75 Fed. Reg. 74152 (November 30, 2010).

''(B) Implementation and enforcement of section 211(o).

''(C) Statutorily authorized Federal research, development, and demonstration programs addressing climate change.

''(D) Implementation and enforcement of title VI to the extent such implementation or enforcement only involves one or more class I or class II substances (as such terms are defined in section 601).

''(E) Implementation and enforcement of section 821 (42 U.S.C. 7651k note) of Public Law 101–549 (commonly referred to as the 'Clean Air Act Amendments of 1990').

''(3) INAPPLICABILITY OF PROVISIONS.—Nothing listed in paragraph (2) shall cause a greenhouse gas to be subject to part C of title I (relating to prevention of significant deterioration of air quality) or considered an air pollutant for purposes of title V (relating to air permits).

''(4) CERTAIN PRIOR AGENCY ACTIONS.—The following rules, and actions (including any supplement or revision to such rules and actions) are repealed and shall have no legal effect:

''(A) 'Mandatory Reporting of Greenhouse Gases', published at 74 Fed. Reg. 56260 (October 30, 2009).

''(B) 'Endangerment and Cause or Contribute Findings for Greenhouse Gases under section 202(a) of the Clean Air Act' published at 74 Fed. Reg. 66496 (Dec. 15, 2009).

''(C) 'Reconsideration of the Interpretation of Regulations That Determine Pollutants Covered by Clean Air Act Permitting Programs' published at 75 Fed. Reg. 17004 (April 2, 2010) and the memorandum from Stephen L. Johnson, Environmental Protection Agency (EPA) Administrator, to EPA Regional Administrators, concerning 'EPA's Interpretation of Regulations that Determine Pollutants Covered by Federal Prevention of Significant Deterioration (PSD) Permit Program' (Dec. 18, 2008).

''(D) 'Prevention of Significant Deterioration and Title V Greenhouse Gas Tailoring Rule', published at 75 Fed. Reg. 31514 (June 3, 2010).

''(E) 'Action To Ensure Authority To Issue Permits Under the Prevention of Significant Deterioration Program to Sources of Greenhouse Gas Emissions: Finding of Substantial Inadequacy and SIP Call', published at 75 Fed. Reg. 77698 (December 13, 2010).

''(F) 'Action To Ensure Authority To Issue Permits Under the Prevention of Significant Deterioration Program to Sources of Greenhouse Gas Emissions: Finding of Failure to Submit State Implementation Plan Revisions Required for Greenhouse Gases', published at 75 Fed. Reg. 81874 (December 29, 2010).

''(G) 'Action To Ensure Authority To Issue Permits Under the Prevention of Significant Deterioration Program to Sources of Greenhouse Gas Emissions: Federal Implementation Plan', published at 75 Fed. Reg. 82246 (December 30, 2010).

''(H) 'Action To Ensure Authority To Implement Title V Permitting Programs Under the Greenhouse Gas Tailoring Rule', published at 75 Fed. Reg. 82254 (December 30, 2010).

''(I) 'Determinations Concerning Need for Error Correction, Partial Approval and Partial Disapproval, and Federal Implementation Plan Regarding Texas Prevention of Significant Deterioration Program', published at 75 Fed. Reg. 82430 (December 30, 2010).

''(J) 'Limitation of Approval of Prevention of Significant Deterioration Provisions Concerning Greenhouse Gas Emitting-Sources in State Implementation Plans; Final Rule', published at 75 Fed. Reg. 82536 (December 30, 2010).

''(K) 'Determinations Concerning Need for Error Correction, Partial Approval and Partial Disapproval, and Federal Implementation Plan Regarding Texas Prevention of Significant Deterioration Program; Proposed Rule', published at 75 Fed. Reg. 82365 (December 30, 2010).

''(L) Except for action listed in paragraph (2), any other Federal action under this Act occurring before the date of enactment of this section that applies a stationary source permitting requirement or an emissions standard for a greenhouse gas to address climate change.

''(5) STATE ACTION.—

''(A) NO LIMITATION.—This section does not limit or otherwise affect the authority of a State to adopt, amend, enforce, or repeal State laws and regulations pertaining to the emission of a greenhouse gas.

''(B) EXCEPTION.—

''(i) RULE.—Notwithstanding subparagraph (A), any provision described in clause (ii)—

''(I) is not federally enforceable;

''(II) is not deemed to be a part of Federal law; and

''(III) is deemed to be stricken from the plan described in clause (ii)(I) or the program or permit described in clause (ii)(II), as applicable.

''(ii) PROVISIONS DEFINED.—For purposes of clause (i), the term 'provision' means any provision that—

''(I) is contained in a State implementation plan under section 110 and authorizes or requires a limitation on, or imposes a permit requirement for, the emission of a greenhouse gas to address climate change; or

''(II) is part of an operating permit program under title V, or a permit issued pursuant to title V, and authorizes or requires a limitation on the emission of a greenhouse gas to address climate change.

''(C) ACTION BY ADMINISTRATOR.—The Administrator may not approve or make federally enforceable any provision described in subparagraph (B)(ii).''.

SEC. 303. PRESERVING ONE NATIONAL STANDARD FOR AUTOMOBILES.

Section 209(b) of the Clean Air Act (42 U.S.C. 7543) is amended by adding at the end the following:

''(4) With respect to standards for emissions of greenhouse gases (as defined in section 330) for model year 2017 or any subsequent model year for new motor vehicles and new motor vehicle engines—

''(A) the Administrator may not waive application of subsection (a); and

''(B) no waiver granted prior to the date of enactment of this paragraph may be considered to waive the application of subsection (a).''.

SA 1968. Mr. REID proposed an amendment to the bill S. 2204, to eliminate unnecessary tax subsidies and promote renewable energy and energy conservation; as follows:

At the end, add the following:

This Act shall become effective 1 day after enactment.

SA 1969. Mr. REID proposed an amendment to amendment SA 1968 proposed by Mr. REID to the bill S. 2204, to eliminate unnecessary tax subsidies and promote renewable energy and energy conservation; as follows:

In the amendment, strike ''1 day'' and insert ''2 days''.

SA 1970. Mr. REID proposed an amendment to the bill S. 2204, to eliminate unnecessary tax subsidies and promote renewable energy and energy conservation; as follows:

At the end, add the following:

This Act shall become effective 3 days after enactment.

SA 1971. Mr. REID proposed an amendment to amendment SA 1970 proposed by Mr. REID to the bill S. 2204, to eliminate unnecessary tax subsidies and promote renewable energy and energy conservation; as follows:

In the amendment, strike ''3 days'' and insert ''4 days''.

SA 1972. Mr. REID proposed an amendment to amendment SA 1971 proposed by Mr. REID to the amendment SA 1970 proposed by Mr. REID to the bill S. 2204, to eliminate unnecessary tax subsidies and promote renewable energy and energy conservation; as follows;

In the amendment, strike ''4 days'' and insert ''5 days''.

SA 1973. Mr. TESTER submitted an amendment intended to be proposed by him to the bill S. 2204, to eliminate unnecessary tax subsidies and promote renewable energy and energy conservation; which was ordered to lie on the table; as follows:

On page 22, between lines 3 and 4, insert the following:

TITLE III—MISCELLANEOUS

SEC. 301. PROHIBITION ON EXPORT OF CRUDE OIL TRANSPORTED BY KEYSTONE XL PIPELINE.

(a) DEFINITION OF KEYSTONE XL PIPELINE.—In this section, the term ''Keystone XL pipeline'' means the pipeline for the import of crude oil and other hydrocarbons at the United States-Canada Border at Phillips County, Montana, in accordance with the application filed with the Department of State on September 19, 2008 (as supplemented and amended).

(b) PROHIBITION ON EXPORTS.—Subject to subsection (c), no crude oil transported by the Keystone XL pipeline, or petroleum products derived from the crude oil, may be exported from the United States.

(c) WAIVERS.—The President may grant a waiver from the application of subsection (b) if the President—

(1) determines that the waiver is necessary as the result of—

(A) national security; or

(B) a natural or manmade disaster; or

(2) makes an express finding that the exports described in subsection (b)—

(A) will not diminish the total quantity or quality of petroleum available in the United States; and

(B) are in the national interest of the United States.

SA 1974. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 2204, to eliminate unnecessary tax subsidies and promote renewable energy and energy conservation; which was ordered to lie on the table; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''American Jobs and Domestic Energy Production Act''.

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

Sec. 1. Short title; table of contents.
TITLE I—OUTER CONTINENTAL SHELF
Sec. 101. Definitions.
Sec. 102. Outer Continental Shelf leasing program.
Sec. 103. Domestic oil and natural gas production goal.
Sec. 104. Requirement to conduct proposed oil and gas Lease Sale 216 in the Central Gulf of Mexico.
Sec. 105. Requirement to conduct proposed oil and gas Lease Sale 220 on the Outer Continental Shelf offshore Virginia.
Sec. 106. Requirement to conduct proposed oil and gas Lease Sale 222 in the Central Gulf of Mexico.
Sec. 107. Additional leases.
TITLE II—COASTAL PLAIN ENERGY DEVELOPMENT
Sec. 201. Definitions.
Sec. 202. Leasing program for land within the Coastal Plain.
Sec. 203. Lease sales.
Sec. 204. Grant of leases by the Secretary.
Sec. 205. Lease terms and conditions.
Sec. 206. Coastal Plain environmental protection.
Sec. 207. Expedited judicial review.
Sec. 208. Rights-of-way and easements across Coastal Plain.
Sec. 209. Conveyance.
Sec. 210. Prohibition on exports.
Sec. 211. Allocation of revenues.
TITLE III—OIL SHALE
Sec. 301. Findings.
Sec. 302. Definition of Secretary.
Sec. 303. Effectiveness of oil shale regulations, amendments to resource management plans, and record of decisions.
Sec. 304. Lease sales.
TITLE IV—ENERGY DEVELOPMENT AT MILITARY INSTALLATIONS
Sec. 401. Energy development at military installations.
TITLE V—HYDRAULIC FRACTURING
Sec. 501. Findings.
Sec. 502. Definition of Federal land.
Sec. 503. State authority.

TITLE I—OUTER CONTINENTAL SHELF

SEC. 101. DEFINITIONS.

In this title:

(1) ENVIRONMENTAL IMPACT STATEMENT FOR THE 2007–2012 5–YEAR OUTER CONTINENTAL SHELF PLAN.—The term ''Environmental Impact Statement for the 2007–2012 5–Year Outer Continental Shelf Plan'' means the Final Environmental Impact Statement for Outer Continental Shelf Oil and Gas Leasing Program: 2007–2012 (April 2007) prepared by the Secretary.

(2) MULTISALE ENVIRONMENTAL IMPACT STATEMENT.—The term ''Multisale Environmental Impact Statement'' means the Environmental Impact Statement for Proposed Western Gulf of Mexico Outer Continental Shelf Oil and Gas Lease Sales 204, 207, 210, 215, and 218, and Proposed Central Gulf of Mexico Outer Continental Shelf Oil and Gas Lease Sales 205, 206, 208, 213, 216, and 222 (September 2008) prepared by the Secretary.

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

SEC. 102. OUTER CONTINENTAL SHELF LEASING PROGRAM.

Section 18(a) of the Outer Continental Shelf Lands Act (43 U.S.C. 1344(a)) is amended by adding at the end the following:

''(5) In each oil and gas leasing program under this section, the Secretary shall make available for leasing and conduct lease sales that include—

''(A) at least 75 percent of the available acreage within each outer Continental Shelf planning area that is—

''(i) not under lease at the time of a proposed lease sale and has not otherwise been made unavailable for leasing by law; and

''(ii) considered to have the largest undiscovered, technically recoverable oil and gas resources (on a total btu basis) based on the most recent national geologic assessment of the outer Continental Shelf, with an emphasis on offering the most geologically prospective parts of the planning area; and

''(B) any State subdivision of an outer Continental Shelf planning area that the Governor of the State that represents that subdivision requests be made available for leasing.

''(6) In the 2012–2017 5-year oil and gas leasing program, the Secretary shall make available for leasing any outer Continental Shelf planning area that the Secretary determines, based on the document entitled 'Minerals Management Service Assessment of Undiscovered Technically Recoverable Oil and Gas Resources of the Nation's Outer Continental Shelf, 2006'—

''(A) is estimated to contain more than 2,500,000,000 barrels of oil; or

''(B) is estimated to contain more than 7,500,000,000,000 cubic feet of natural gas.''.

SEC. 103. DOMESTIC OIL AND NATURAL GAS PRODUCTION GOAL.

Section 18 of the Outer Continental Shelf Lands Act (43 U.S.C. 1344) is amended by striking subsection (b) and inserting the following:

''(b) DOMESTIC OIL AND NATURAL GAS PRODUCTION GOAL.—

''(1) IN GENERAL.—In developing a 5-year oil and gas leasing program, the Secretary shall establish a domestic strategic production goal for the development of oil and natural gas under the program that is—

''(A) the best estimate of the potential increase in domestic production of oil and natural gas from the outer Continental Shelf; and

''(B) focused on—

''(i) meeting the demand for oil and natural gas in the United States;

''(ii) reducing the dependence of the United States on foreign energy sources; and

''(iii) the production increases to be achieved by the leasing program at the end of the 15-year period beginning on the effective date of the program.

''(2) 2012–2017 PROGRAM GOAL.—For purposes of the 5-year oil and gas leasing program for fiscal years 2012-2017, the production goal referred to in paragraph (1) shall be an increase by 2027 of—

''(A) not less than 3,000,000 barrels in the quantity of oil produced per day; and

''(B) not less than 10,000,000,000 cubic feet in the quantity of natural gas produced per day.

''(3) REPORTS.—At the end of each 5-year oil and gas leasing program and annually thereafter, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a report that describes the progress of the applicable 5-year program with respect to achieving the production goal established for the program, including—

''(A) any projections for production under the program; and

''(B) identifying any problems with leasing, permitting, or production that would prevent the production goal from being achieved.''.

SEC. 104. REQUIREMENT TO CONDUCT PROPOSED OIL AND GAS LEASE SALE 216 IN THE CENTRAL GULF OF MEXICO.

(a) IN GENERAL.—The Secretary shall conduct offshore oil and gas Lease Sale 216 under section 8 of the Outer Continental Shelf Lands Act (43 U.S.C. 1337) as soon as practicable, but not later than 4 months, after the date of enactment of this Act.

(b) ENVIRONMENTAL REVIEW.—For the purposes of that lease sale, the Environmental Impact Statement for the 2007–2012 5–Year Outer Continental Shelf Plan and the Multisale Environmental Impact Statement shall be considered to satisfy the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

SEC. 105. REQUIREMENT TO CONDUCT PROPOSED OIL AND GAS LEASE SALE 220 ON THE OUTER CONTINENTAL SHELF OFFSHORE VIRGINIA.

(a) IN GENERAL.—Notwithstanding the inclusion of Lease Sale 220 in the fiscal years 2012 through 2017 5–Year Outer Continental Shelf Oil and Gas Leasing Program, the Secretary shall conduct offshore oil and gas Lease Sale 220 under section 8 of the Outer Continental Shelf Lands Act (43 U.S.C. 1337) as soon as practicable, but not later than 1 year, after the date of enactment of this Act.

(b) PROHIBITION ON CONFLICTS WITH MILITARY OPERATIONS.—No person may engage in any exploration, development, or production of oil or natural gas off the coast of Virginia that would conflict with any military operation, as determined in accordance with the Memorandum of Agreement between the Department of Defense and the Department of the Interior on Mutual Concerns on the Outer Continental Shelf signed July 20, 1983, and any revision or replacement for that agreement that is agreed to by the Secretary of Defense and the Secretary of the Interior after that date but before the date of issuance of the lease under which the exploration, development, or production is conducted.

SEC. 106. REQUIREMENT TO CONDUCT PROPOSED OIL AND GAS LEASE SALE 222 IN THE CENTRAL GULF OF MEXICO.

(a) IN GENERAL.—The Secretary shall conduct offshore oil and gas Lease Sale 222 under section 8 of the Outer Continental Shelf Lands Act (43 U.S.C. 1337) as soon as practicable after the date of enactment of this Act, but not later than September 1, 2012.

(b) ENVIRONMENTAL REVIEW.—For the purposes of that lease sale, the Environmental Impact Statement for the 2007–2012 5–Year Outer Continental Shelf Plan and the Multisale Environmental Impact Statement shall be considered to satisfy the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

SEC. 107. ADDITIONAL LEASES.

Section 18 of the Outer Continental Shelf Lands Act (43 U.S.C. 1344) is amended by adding at the end the following:

''(i) ADDITIONAL LEASE SALES.—In addition to lease sales conducted in accordance with a leasing program under this section, the Secretary may hold lease sales for areas identified by the Secretary to have the greatest potential for new oil and gas development as a result of local support, new seismic findings, or nomination by interested persons.''.

TITLE II—COASTAL PLAIN ENERGY DEVELOPMENT

SEC. 201. DEFINITIONS.

In this title:

(1) COASTAL PLAIN.—The term ''Coastal Plain'' means that area described in appendix I to part 37 of title 50, Code of Federal Regulations.

(2) FINAL STATEMENT.—The term ''Final Statement'' means the final legislative environmental impact statement on the Coastal Plain, dated April 1987, and prepared pursuant to section 1002 of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3142) and section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)).

(3) PEER REVIEWED.—The term ''peer reviewed'' means a peer review conducted—

(A) by individuals chosen by the National Academy of Sciences that have no contractual relationship with or an application for a grant or other funding pending with a Federal agency with leasing jurisdiction; or

(B) if individuals described in subparagraph (A) are not available, by the top individuals in the specified biological fields, as determined by the National Academy of Sciences.

(4) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior (or a designee of the Secretary of the Interior), acting through the Director of the Bureau of Land Management (or any successor organization) in consultation with the Director of the United States Fish and Wildlife Service (or any successor organization).

SEC. 202. LEASING PROGRAM FOR LAND WITHIN THE COASTAL PLAIN.

(a) IN GENERAL.—Subject to subsection (b), the Secretary shall take such actions as are necessary—

(1) to establish and implement, in accordance with this title, a competitive oil and gas leasing program that will result in the exploration, development, and production of the oil and gas resources of the Coastal Plain; and

(2) to administer this title through regulations, lease terms, conditions, restrictions, prohibitions, stipulations, and other provisions that—

(A) ensure the oil and gas exploration, development, and production activities on the Coastal Plain will result in no significant permanent and irreversible adverse effect on fish and wildlife, their habitat, subsistence resources, and the environment; and

(B) require the application of the best commercially available technology for oil and gas exploration, development, and production to all exploration, development, and production operations under this title in a manner that ensures the receipt of fair market value by the public for the mineral resources to be leased.

(b) ADMINISTRATION.—None of the provisions of this title (including regulations, terms, conditions, restrictions, prohibitions, stipulations, and other provisions determined by the Secretary to be necessary under this title) shall limit the ability of a lessee—

(1) to create jobs; or

(2) to conduct, to the maximum extent practicable, any of the activities required to fully and completely explore, develop, and produce oil and gas resources under a lease.

(c) REPEAL.—

(1) REPEAL.—Section 1003 of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3143) is repealed.

(2) CONFORMING AMENDMENT.—The table of contents contained in section 1 of that Act (16 U.S.C. 3101 note) is amended by striking the item relating to section 1003.

(d) COMPLIANCE WITH REQUIREMENTS UNDER CERTAIN OTHER LAWS.—

(1) COMPATIBILITY.—For purposes of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd et seq.)—

(A) the oil and gas pre-leasing and leasing program, and activities authorized by this section in the Coastal Plain, shall be considered to be compatible with the purposes for which the Arctic National Wildlife Refuge was established; and

(B) no further findings or decisions shall be required to implement that program and those activities.

(2) ADEQUACY OF THE DEPARTMENT OF THE INTERIOR'S LEGISLATIVE ENVIRONMENTAL IMPACT STATEMENT.—The Final Statement shall be considered to satisfy the requirements under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) that apply with respect to pre-leasing activities, including actions authorized to be taken by the Secretary to develop and promulgate the regulations for the establishment of a leasing program authorized by this title before the conduct of the first lease sale.

(3) COMPLIANCE WITH NEPA FOR OTHER ACTIONS.—

(A) IN GENERAL.—Before conducting the first lease sale under this title, the Secretary shall prepare an environmental impact statement in accordance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) with respect to the actions authorized by this title that are not referred to in paragraph (2).

(B) IDENTIFICATION AND ANALYSIS.—Notwithstanding any other provision of law, in carrying out this paragraph, the Secretary shall not be required—

(i) to identify nonleasing alternative courses of action; or

(ii) to analyze the environmental effects of those courses of action.

(C) IDENTIFICATION OF PREFERRED ACTION.—Not later than 18 months after the date of enactment of this Act, the Secretary shall—

(i) identify only a preferred action and a single leasing alternative for the first lease sale authorized under this title; and

(ii) only analyze the environmental effects and potential mitigation measures for those 2 alternatives.

(D) PUBLIC COMMENTS.—In carrying out this paragraph, the Secretary shall consider only public comments that are filed not later than 10 days after the date of publication of a draft environmental impact statement.

(E) EFFECT OF COMPLIANCE.—Notwithstanding any other provision of law, compliance with this paragraph shall be considered to satisfy all requirements for the analysis and consideration of the environmental effects of proposed leasing under this title.

(e) RELATIONSHIP TO STATE AND LOCAL AUTHORITY.—Nothing in this title expands or limits any State or local regulatory authority.

(f) SPECIAL AREAS.—

(1) DESIGNATION.—

(A) IN GENERAL.—The Secretary, after consultation with the State of Alaska, the North Slope Borough, Alaska, and the City of Kaktovik, Alaska, may designate not more than 45,000 acres of the Coastal Plain as a special area if the Secretary determines that the special area is of such unique character and interest as to require special management and regulatory protection.

(B) SADLEROCHIT SPRING AREA.—The Secretary shall designate as a special area in accordance with subparagraph (A) the Sadlerochit Spring area, comprising approximately 4,000 acres.

(2) MANAGEMENT.—The Secretary shall manage each special area designated under this subsection in a manner that preserves the unique and diverse character of the area, including fish, wildlife, subsistence resources, and cultural values of the area.

(3) EXCLUSION FROM LEASING OR SURFACE OCCUPANCY.—

(A) IN GENERAL.—The Secretary may exclude any special area designated under this subsection from leasing.

(B) NO SURFACE OCCUPANCY.—If the Secretary leases all or a portion of a special area for the purposes of oil and gas exploration, development, production, and related activities, there shall be no surface occupancy of the land comprising the special area.

(4) DIRECTIONAL DRILLING.—Notwithstanding any other provision of this subsection, the Secretary shall lease any portion of a special area for which there is commercial demand for oil and gas exploration, development, and production (as determined under section 203) under terms that permit the use of horizontal drilling technology from sites on leases located outside the special area.

(g) LIMITATION ON CLOSED AREAS.—The sole authority of the Secretary to close land within the Coastal Plain to oil and gas leasing or to exploration, development, or production shall be the authority provided under this title.

(h) REGULATIONS.—

(1) IN GENERAL.—Subject to subsection (b), not later than 15 months after the date of enactment of this Act, the Secretary shall issue such regulations as are necessary to carry out this title, including rules and regulations relating to protection of the fish and wildlife, fish and wildlife habitat, and subsistence resources of the Coastal Plain.

(2) REVISION OF REGULATIONS.—The Secretary may, through a rulemaking conducted in accordance with section 553 of title 5, United States Code, periodically review and, if appropriate, revise the regulations issued under paragraph (1) to reflect a preponderance of the best available scientific evidence that is peer reviewed and obtained by following appropriate, documented scientific procedures, the results of which can be repeated using those same procedures.

SEC. 203. LEASE SALES.

(a) IN GENERAL.—Land may be leased pursuant to this title to any person qualified to obtain a lease for deposits of oil and gas under the Mineral Leasing Act (30 U.S.C. 181 et seq.).

(b) PROCEDURES.—Not later than 180 days after the date of enactment of this Act, the Secretary shall, by regulation, establish procedures for—

(1) the quarterly receipt and consideration of sealed nominations for any area in the Coastal Plain for inclusion in, or exclusion (as provided in subsection (c)) from, a lease sale;

(2) the holding of lease sales after that nomination process; and

(3) public notice of and comment on designation of areas to be included in, or excluded from, a lease sale.

(c) LEASE SALE BIDS.—Lease sales under this title may be conducted through an Internet leasing program, if the Secretary determines that the program will result in—

(1) savings to the taxpayer;

(2) an increase in the number of bidders participating; and

(3) higher returns than oral bidding or a sealed bidding system.

(d) ACREAGE MINIMUM IN FIRST SALE.—For the first lease sale under this title, the Secretary shall offer for lease those tracts the Secretary considers to have the greatest potential for the discovery of hydrocarbons, taking into consideration nominations received pursuant to subsection (b)(1), but in no case less than 200,000 acres.

(e) TIMING OF LEASE SALES.—

(1) IN GENERAL.—Subject to paragraph (2), the Secretary shall—

(A) not later than 22 months after the date of enactment of this Act, conduct the first lease sale under this title;

(B) offer for lease under this title not less than an additional 50,000 acres at 6-, 12-, and 18-month intervals following the first lease sale conducted under subparagraph (A);

(C) conduct additional sales at appropriate intervals, that are not less frequent than quarterly, if sufficient interest in exploration or development exists to warrant the conduct of the additional sales; and

(D) evaluate bids for each sale and issue leases resulting from the sales, not later than 60 days after the date of the completion of the sale.

(2) ADMINISTRATION.—Nothing in paragraph (1) shall prevent the Secretary from issuing a lease during the 60-day period beginning on the date of the completion of a lease sale.

SEC. 204. GRANT OF LEASES BY THE SECRETARY.

(a) IN GENERAL.—On payment by a lessee of such bonus as may be accepted by the Secretary, the Secretary shall grant to the highest responsible qualified bidder in a lease sale conducted pursuant to section 203 a lease for any land on the Coastal Plain.

(b) SUBSEQUENT TRANSFERS.—

(1) IN GENERAL.—No lease issued under this title may be sold, exchanged, assigned, sublet, or otherwise transferred except with the approval of the Secretary.

(2) APPROVAL OR DENIAL.—

(A) IN GENERAL.—Not later 30 days after the date a lessee requests approval for a transfer under paragraph (1), the Secretary shall—

(i) approve or deny the request; and

(ii) announce the decision.

(B) CONSTRUCTIVE APPROVAL.—If the Secretary does not announce the approval or denial of a request for a transfer in accordance with subparagraph (A), the request shall be considered approved.

(3) CONDITION FOR APPROVAL.—Before granting any approval described in paragraph (1), the Secretary shall consult with and give due consideration to the opinion of the Attorney General.

SEC. 205. LEASE TERMS AND CONDITIONS.

(a) IN GENERAL.—Subject to section 202(b) and subsection (b), an oil or gas lease issued pursuant to this title shall—

(1) provide for the payment of a royalty of not less than 12 ½ percent of the amount or value of the production removed or sold from the lease, as determined by the Secretary in accordance with regulations applicable to other Federal oil and gas leases;

(2) provide that the Secretary may close, on a seasonal basis, for a period of not more than 60 days, such portions of the Coastal Plain to exploratory drilling activities as are necessary to protect caribou calving areas and other species of fish and wildlife based on a preponderance of the best available scientific evidence that is peer reviewed and obtained by following appropriate, documented scientific procedures, the results of which can be repeated using those same procedures;

(3) require that each lessee of land within the Coastal Plain shall be fully responsible and liable for the reclamation of land within the Coastal Plain and any other Federal land that is adversely affected in connection with exploration, development, production, or transportation activities within the Coastal Plain conducted by the lessee or by any of the subcontractors or agents of the lessee;

(4) provide that the lessee may not delegate or convey, by contract or otherwise, that reclamation responsibility and liability to another person without the express written approval of the Secretary;

(5) provide that the standard of reclamation for land required to be reclaimed under this title shall be, to the extent practicable—

(A) a condition capable of supporting the uses that the land was capable of supporting prior to any exploration, development, or production activities; or

(B) upon application by the lessee, to a higher or better standard, as approved by the Secretary;

(6) contain terms and conditions relating to protection of fish and wildlife, fish and wildlife habitat, subsistence resources, and the environment as required under section 202(a); and

(7) contain such other provisions as the Secretary determines to be necessary to ensure compliance with this title and regulations issued under this title.

(b) APPROVAL OR DENIAL.—

(1) IN GENERAL.—Not later 30 days after the date a lessee requests approval for a delegation or conveyance under subsection (a)(4), the Secretary shall—

(A) approve or deny the request; and

(B) announce the decision.

(2) CONSTRUCTIVE APPROVAL.—If the Secretary does not announce the approval or denial of a request for a delegation or conveyance in accordance with paragraph (1), the request shall be considered approved.

SEC. 206. COASTAL PLAIN ENVIRONMENTAL PROTECTION.

(a) NO SIGNIFICANT ADVERSE EFFECT STANDARD TO GOVERN AUTHORIZED COASTAL PLAIN ACTIVITIES.—In accordance with section 202, the Secretary shall administer this title through regulations, lease terms, conditions, restrictions, prohibitions, stipulations, or other provisions that—

(1) ensure, to the maximum extent practicable, that oil and gas exploration, development, and production activities on the Coastal Plain will result in no significant permanent and irreversible adverse effect on fish and wildlife, fish and wildlife habitat, and the environment;

(2) require the application of the best commercially available technology for oil and gas exploration, development, and production on all new exploration, development, and production operations; and

(3) ensure that the maximum surface acreage covered in connection with the leasing program by production and support facilities, including airstrips and any areas covered by gravel berms or piers for support of pipelines, does not exceed 10,000 acres on the Coastal Plain for each 100,000 acres of area leased.

(b) SITE-SPECIFIC ASSESSMENT AND MITIGATION.—The Secretary shall require, with respect to any proposed drilling and related activities on the Coastal Plain, that—

(1) a site-specific environmental analysis be made of the probable effects, if any, that the drilling or related activities will have on fish and wildlife, fish and wildlife habitat, subsistence resources, subsistence uses, and the environment;

(2) a plan be implemented to avoid, minimize, and mitigate (in that order and to the maximum extent practicable) any significant permanent and irreversible adverse effect identified under paragraph (1); and

(3) the development of the plan occur after consultation with each agency having jurisdiction over matters mitigated by the plan.

(c) REGULATIONS TO PROTECT COASTAL PLAIN FISH AND WILDLIFE RESOURCES, SUBSISTENCE USERS, AND THE ENVIRONMENT.—Not later than 180 days after the date of enactment of this Act, subject to section 202(b), the Secretary shall prepare and issue regulations, lease terms, conditions, restrictions, prohibitions, stipulations, or other measures designed to ensure, to the maximum extent practicable, that the activities carried out on the Coastal Plain under this title are conducted in a manner consistent with the purposes and environmental requirements of this title.

(d) COMPLIANCE WITH FEDERAL AND STATE ENVIRONMENTAL LAWS AND OTHER REQUIREMENTS.—Subject to section 202(b), the proposed regulations, lease terms, conditions, restrictions, prohibitions, and stipulations for the leasing program under this title shall require—

(1) compliance with all applicable provisions of Federal and State environmental law (including regulations);

(2) implementation of and compliance with—

(A) standards that are at least as effective as the safety and environmental mitigation measures, as described in items 1 through 29 on pages 167 through 169 of the Final Statement, on the Coastal Plain;

(B) seasonal limitations on exploration, development, and related activities, as necessary, to avoid significant permanent and irreversible adverse effects during periods of concentrated fish and wildlife breeding, denning, nesting, spawning, and migration based on the best available scientific evidence that is peer reviewed and obtained by following appropriate, documented scientific procedures, the results of which can be repeated using those same procedures;

(C) design safety and construction standards for all pipelines and any access and service roads that minimize, to the maximum extent practicable, significant permanent and irreversible adverse effects on—

(i) the passage of migratory species (such as caribou); and

(ii) the flow of surface water by requiring the use of culverts, bridges, or other structural devices;

(D) prohibitions on general public access to, and use of, all pipeline access and service roads;

(E) stringent reclamation and rehabilitation requirements in accordance with this title for the removal from the Coastal Plain of all oil and gas development and production facilities, structures, and equipment on completion of oil and gas production operations, except in a case in which the Secretary determines that those facilities, structures, or equipment—

(i) would assist in the management of the Arctic National Wildlife Refuge; and

(ii) are donated to the United States for that purpose;

(F) appropriate prohibitions or restrictions on—

(i) access by all modes of transportation;

(ii) sand and gravel extraction; and

(iii) use of explosives;

(G) reasonable stipulations for protection of cultural and archaeological resources;

(H) reasonable measures to protect groundwater and surface water, including—

(i) avoidance, to the maximum extent practicable, of springs, streams, and river systems;

(ii) the protection of natural surface drainage patterns and wetland and riparian habitats; and

(iii) the regulation of methods or techniques for developing or transporting adequate supplies of water for exploratory drilling; and

(I) research, monitoring, and reporting requirements;

(3) that exploration activities (except surface geological studies) be limited to the period between approximately November 1 and May 1 of each year and be supported, if necessary, by ice roads, winter trails with adequate snow cover, ice pads, ice airstrips, and air transport methods (except that those exploration activities may be permitted at other times if the Secretary determines that the exploration will have no significant permanent and irreversible adverse effect on fish and wildlife, fish and wildlife habitat, subsistence resources, and the environment of the Coastal Plain);

(4) consolidation of facility siting;

(5) avoidance or reduction of air traffic-related disturbance to fish and wildlife;

(6) treatment and disposal of hazardous and toxic wastes, solid wastes, reserve pit fluids, drilling muds and cuttings, and domestic wastewater, including, in accordance with applicable Federal and State environmental laws (including regulations)—

(A) preparation of an annual waste management report;

(B) development and implementation of a hazardous materials tracking system; and

(C) prohibition on the use of chlorinated solvents;

(7) fuel storage and oil spill contingency planning;

(8) conduct of periodic field crew environmental briefings;

(9) avoidance of significant adverse effects on subsistence hunting, fishing, and trapping by subsistence users;

(10) compliance with applicable air and water quality standards;

(11) appropriate seasonal and safety zone designations around well sites, within which subsistence hunting and trapping shall be limited; and

(12) development and implementation of such other protective environmental requirements, restrictions, terms, or conditions as the Secretary, determines to be necessary.

(e) CONSIDERATIONS.—In preparing and issuing regulations, lease terms, conditions, restrictions, prohibitions, or stipulations under this section, the Secretary shall take into consideration—

(1) the stipulations and conditions that govern the National Petroleum Reserve—Alaska leasing program, as set forth in the 1999 Northeast National Petroleum Reserve—Alaska Final Integrated Activity Plan/Environmental Impact Statement;

(2) the environmental protection standards that governed the initial Coastal Plain seismic exploration program under parts 37.31 through 37.33 of title 50, Code of Federal Regulations (or successor regulations); and

(3) the land use stipulations for exploratory drilling on the KIC-ASRC private land described in Appendix 2 of the agreement between Arctic Slope Regional Corporation and the United States dated August 9, 1983.

(f) FACILITY CONSOLIDATION PLANNING.—

(1) IN GENERAL.—After providing for public notice and comment, the Secretary shall prepare and periodically update a plan to govern, guide, and direct the siting and construction of facilities for the exploration, development, production, and transportation of oil and gas resources from the Coastal Plain.

(2) OBJECTIVES.—The objectives of the plan shall be—

(A) the avoidance of unnecessary duplication of facilities and activities;

(B) the encouragement of consolidation of common facilities and activities;

(C) the location or confinement of facilities and activities to areas that will minimize impact on fish and wildlife, fish and wildlife habitat, subsistence resources, and the environment;

(D) the use of existing facilities, to the maximum extent practicable; and

(E) the enhancement of compatibility between wildlife values and development activities.

(g) ACCESS TO PUBLIC LAND.—The Secretary shall—

(1) manage public land in the Coastal Plain in accordance with subsections (a) and (b) of section 811 of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3121); and

(2) ensure that local residents shall have reasonable access to public land in the Coastal Plain for traditional uses.

SEC. 207. EXPEDITED JUDICIAL REVIEW.

(a) FILING OF COMPLAINTS.—

(1) DEADLINE.—A complaint seeking judicial review—

(A) of a provision of this title shall be filed by not later than 1 year after the date of enactment of this Act; or

(B) of any action of the Secretary under this title shall be filed—

(i) except as provided in subparagraph (B), during the 90-day period beginning on the date on which the action being challenged was carried out; or

(ii) in the case of a complaint based solely on grounds arising after the 90-day period described in subparagraph (A), during the 90-day period beginning on the date on which the complainant knew or reasonably should have known about the grounds for the complaint.

(2) VENUE.—A complaint seeking judicial review of a provision of this title or an action of the Secretary under this title shall be filed in the United States Court of Appeals for the District of Columbia.

(3) SCOPE.—

(A) IN GENERAL.—Judicial review of a decision of the Secretary under this title (including an environmental analysis of such a lease sale) shall be—

(i) limited to a review of whether the decision is in accordance with this title; and

(ii) based on the administrative record of the decision.

(B) PRESUMPTIONS.—Any identification by the Secretary of a preferred course of action relating to a lease sale, and any analysis by the Secretary of environmental effects, under this title shall be presumed to be correct unless proven otherwise by clear and convincing evidence.

(b) LIMITATION ON OTHER REVIEW.—Any action of the Secretary that is subject to judicial review under this section shall not be subject to judicial review in any civil or criminal proceeding for enforcement.

(c) LIMITATION ON ATTORNEYS' FEES AND COURT COSTS.—No person seeking judicial review of any action under this title shall receive payment from the Federal Government for attorneys' fees and other court costs under any provision of law, including under any amendment made by the Equal Access to Justice Act (5 U.S.C. 504 note; Public Law 96–481).

SEC. 208. RIGHTS-OF-WAY AND EASEMENTS ACROSS COASTAL PLAIN.

For purposes of section 1102(4)(A) of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3162(4)(A)), any rights-of-way or easements across the Coastal Plain for the exploration, development, production, or transportation of oil and gas shall be considered to be established incident to the management of the Coastal Plain under this section.

SEC. 209. CONVEYANCE.

In order to maximize revenue to the Federal Government, notwithstanding section 1302(h)(2) of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3192(h)(2)), to remove any cloud on title to land, and to clarify land ownership patterns in the Coastal Plain, the Secretary shall—

(1) to the extent necessary to fulfill the entitlement of the Kaktovik Inupiat Corporation under sections 12 and 14 of the Alaska Native Claims Settlement Act (43 U.S.C. 1611, 1613), as determined by the Secretary, convey to that Corporation the surface estate of the land described in paragraph (1) of Public Land Order 6959, in accordance with the terms and conditions of the agreement between the Secretary, the United States Fish and Wildlife Service, the Bureau of Land Management, and the Kaktovik Inupiat Corporation, dated January 22, 1993; and

(2) convey to the Arctic Slope Regional Corporation the remaining subsurface estate to which that Corporation is entitled under the agreement between that corporation and the United States, dated August 9, 1983.

SEC. 210. PROHIBITION ON EXPORTS.

An oil or gas lease issued under this title shall prohibit the exportation of oil or gas produced under the lease.

SEC. 211. ALLOCATION OF REVENUES.

Notwithstanding the Mineral Leasing Act (30 U.S.C. 181 et seq.) or any other provision of law, of the adjusted bonus, rental, and royalty receipts from Federal oil and gas leasing and operations authorized under this title:

(1) 50 percent shall be deposited in the general fund of the Treasury.

(2) 50 percent shall be disbursed to the State of Alaska.

TITLE III—OIL SHALE

SEC. 301. FINDINGS.

Congress finds that—

(1) the Office of Naval Petroleum and Oil Shale Reserves at the Department of Energy has estimated that oil shale resources located on Federal land hold approximately 2,000,000,000,000 recoverable barrels of oil;

(2) oil shale is a strategically important domestic resource that should be developed to reduce the growing dependence of the United States on politically and economically unstable sources of foreign oil imports;

(3) the development of oil shale for research and commercial development should be conducted—

(A) in an environmentally sound manner;

(B) using practices that minimize the impacts of the development;

(C) with an emphasis on sustainability; and

(D) in a manner that benefits the United States while taking into account affected States and communities;

(4) oil shale is 1 of the best resources available for advancing technology and creating jobs in the United States; and

(5) oil shale will be a critically important component of the transportation fuel sector by providing a secure domestic source of aviation fuel for commercial and military uses.

SEC. 302. DEFINITION OF SECRETARY.

In this title, the term ''Secretary'' means the Secretary of the Interior.

SEC. 303. EFFECTIVENESS OF OIL SHALE REGULATIONS, AMENDMENTS TO RESOURCE MANAGEMENT PLANS, AND RECORD OF DECISIONS.

(a) REGULATIONS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the final rule entitled ''Oil Shale Management—General'' (73 Fed. Reg. 69414 (November 18, 2008)) shall be considered to satisfy all legal and procedural requirements of applicable law, including—

(A) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

(B) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

(C) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.); and

(D) the Energy Policy Act of 2005 (42 U.S.C. 15801 et seq.) and amendments made by that Act.

(2) IMPLEMENTATION.—The Secretary shall implement the regulations described in paragraph (1) (including the oil shale and oil sands leasing program authorized by the regulations) without regard to any other administrative requirements.

(b) RESOURCE MANAGEMENT PLAN AND RECORD OF DECISION.—

(1) DEFINITION OF COVERED OIL SHALE AND LEASING PROGRAM.—In this subsection, the term ''covered oil shale and leasing program'' means the oil shale and leasing program established by—

(A) the programmatic environmental impact statement for commercial leasing for oil and tar sand development in Colorado, Utah, and Wyoming issued by the Bureau of Land Management during September 2008; and

(B) the Record of Decision that adopted the proposed land use amendments issued by the Bureau of Land Management on November 17, 2008.

(2) REQUIREMENTS.—Notwithstanding any other provision of law, the covered oil shale and leasing program shall be considered to satisfy all legal and procedural requirements

of applicable law, including the provisions of law described in subsection (a)(1).

(3) IMPLEMENTATION.—The Secretary shall implement the covered oil shale and leasing program without regard to any other administrative requirements.

SEC. 304. LEASE SALES.

(a) ADDITIONAL RESEARCH AND DEVELOPMENT LEASE SALES.—Not later than 180 days after the date of enactment of this Act, the Secretary shall hold a lease sale in which the Secretary shall offer an additional 10 parcels for lease for research, development, and demonstration of oil shale resources in accordance with the terms offered in the solicitation of bids for the leases published on January 15, 2009 (74 Fed. Reg. 2611).

(b) COMMERCIAL LEASE SALES.—

(1) IN GENERAL.—Not later than January 1, 2016, the Secretary shall hold not less than 5 separate commercial lease sales in areas considered to have the most potential for oil shale or oil sands development, as determined by the Secretary, in areas nominated through public comment.

(2) ADMINISTRATION.—Each lease sale shall be—

(A) for an area of not less than 25,000 acres; and

(B) in multiple lease blocs.

(c) REDUCED PAYMENTS TO ENSURE PRODUCTION.—If the Secretary determines that the royalties, fees, rentals, bonus bids, or other payments for leases of Federal land for the development and production of oil shale resources authorized by Federal law are hindering production of the oil shale resources, the Secretary may temporarily reduce the royalties, fees, rentals, bonus bids, or other payments to provide incentives for, and encourage the development of, the oil shale resources.

TITLE IV—ENERGY DEVELOPMENT AT MILITARY INSTALLATIONS

SEC. 401. ENERGY DEVELOPMENT AT MILITARY INSTALLATIONS.

Section 35 of the Mineral Leasing Act (30 U.S.C. 191) is amended—

(1) in the first sentence of subsection (a), by striking ''All money received'' and inserting ''Subject to subsection (d), all money received''; and

(2) by adding at the end the following:

''(d) CERTAIN SALES, BONUSES, AND ROYALTIES.—

''(1) IN GENERAL.—Of the amounts received under subsection (a), the Secretary of the Treasury shall transfer to the Secretary of Defense for each military installation that holds title to or occupies land on which oil and gas production is carried out, an amount equal to the total amount received from sales, bonuses, rentals, or royalties (including interest charges) from the production or leasing of shale gas on the land.

''(2) USE OF FUNDS.—Any amounts received by the Secretary of Defense under paragraph (1) shall be used to offset costs of military installations for—

''(A) administrative operations; and

''(B) the maintenance and repair of facilities and infrastructure of military installations.''.

TITLE V—HYDRAULIC FRACTURING

SEC. 501. FINDINGS.

Congress finds that—

(1) hydraulic fracturing is a commercially viable practice that has been used in the United States for more than 60 years in more than 1,000,000 wells;

(2) the Ground Water Protection Council, a national association of State water regulators that is considered to be a leading groundwater protection organization in the United States, released a report finding that the ''current State regulation of oil and gas activities is environmentally proactive and preventive'';

(3) that report also concluded that ''[a]ll oil and gas producing States have regulations which are designed to provide protection for water resources'';

(4) a 2004 study by the Environmental Protection Agency, entitled ''Evaluation of Impacts to Underground Sources of Drinking Water by Hydraulic Fracturing of Coalbed Methane Reservoirs'', found no evidence of drinking water wells contaminated by fracture fluid from the fracked formation;

(5) a 2009 report by the Ground Water Protection Council, entitled ''State Oil and Natural Gas Regulations Designed to Protect Water Resources'', found a ''lack of evidence'' that hydraulic fracturing conducted in both deep and shallow formations presents a risk of endangerment to ground water;

(6) a January 2009 resolution by the Interstate Oil and Gas Compact Commission stated ''The states, who regulated production, have comprehensive laws and regulations to ensure operations are safe and to protect drinking water. States have found no verified cases of groundwater contamination associated with hydraulic fracturing.'';

(7) on May 24, 2011, before the Oversight and Government Reform Committee of the House of Representatives, Lisa Jackson, the Administrator of the Environmental Protection Agency, testified that she was ''not aware of any proven case where the fracking process itself has affected water'';

(8) in 2011, Bureau of Land Management Director Bob Abbey stated, ''We have not seen evidence of any adverse effect as a result of the use of the chemicals that are part of that fracking technology.'';

(9)(A) activities relating to hydraulic fracturing (such as surface discharges, wastewater disposal, and air emissions) are already regulated at the Federal level under a variety of environmental statutes, including portions of—

(i) the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.);

(ii) the Safe Drinking Water Act (42 U.S.C. 300f et seq.); and

(iii) the Clean Air Act (42 U.S.C. 7401 et seq.); but

(B) Congress has continually elected not to include the hydraulic fracturing process in the underground injection control program under the Safe Drinking Water Act (42 U.S.C. 300f et seq.);

(10) in 2011, the Secretary of the Interior announced the intention to promulgate new Federal regulations governing hydraulic fracturing on Federal land; and

(11) a February 2012 study by the Energy Institute at the University of Texas at Austin entitled ''Fact-Based Regulation for Environmental Protection in Shale Gas Development'' found that ''[n]o evidence of chemicals from hydraulic fracturing fluid has been found in aquifers as a result of fracturing operations.''.

SEC. 502. DEFINITION OF FEDERAL LAND.

In this title, the term ''Federal land'' means—

(1) public lands (as defined in section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702));

(2) National Forest System land;

(3) land under the jurisdiction of the Bureau of Reclamation;

(4) land under the jurisdiction of the Corps of Engineers; and

(5) Indian lands (as defined in section 3 of the Native American Business Development, Trade Promotion, and Tourism Act of 2000 (25 U.S.C. 4302)).

SEC. 503. STATE AUTHORITY.

(a) IN GENERAL.—A State shall have the sole authority to promulgate or enforce any regulation, guidance, or permit requirement regarding the underground injection of fluids or propping agents pursuant to the hydraulic fracturing process, or any component of that process, relating to oil, gas, or geothermal production activities on or under any land within the boundaries of the State.

(b) FEDERAL LAND.—The underground injection of fluids or propping agents pursuant to the hydraulic fracturing process, or any components of that process, relating to oil, gas, or geothermal production activities on Federal land shall be subject to the law of the State in which the land is located.

SA 1975. Mr. MERKLEY (for himself, Mr. LEE, Mr. TESTER, Mr. BAUCUS, and Mr. WYDEN) submitted an amendment intended to be proposed by him to the bill S. 1789, to improve, sustain, and transform the United States Postal Service which was ordered to lie on the table; as follows:

At the end of section 204, add the following:

(d) LIMITATION ON CLOSING OF POST OFFICES.—Section 404(d) of title 39, United States Code, as amended by this Act, is amended by adding at the end the following:

''(7)(A) Notwithstanding any other provision of this subsection, in making any determination under subsection (a)(3) as to the necessity for the closing or consolidation of any post office, the Postal Service may not close any post office if the closing would—

''(i) result in more than 10 miles distance (as measured on roads with year-round access) between any 2 post offices; or

''(ii) require a postal customer to travel more than 10 miles to reach a post office that is inaccessible by road.

''(B) Nothing in this paragraph may be construed to encourage the Postal Service to close a post office not described in subparagraph (A).''.

SA 1976. Ms. MURKOWSKI (for herself, Mr. VITTER, Mr. BEGICH, and Mr. BARRASSO) submitted an amendment intended to be proposed by her to the bill S. 2204, to eliminate unnecessary tax subsidies and promote renewable energy and energy conservation; which was ordered to lie on the table; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''No Surface Occupancy Western Arctic Coastal Plain Domestic Energy Security Act''.

SEC. 2. DEFINITIONS.

In this Act:

(1) COASTAL PLAIN.—The term ''Coastal Plain'' means the area identified as the ''1002 Coastal Plain Area'' on the map.

(2) FINAL STATEMENT.—The term ''Final Statement'' means the final legislative environmental impact statement on the Coastal Plain, dated April 1987, and prepared pursuant to—

(A) section 1002 of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3142); and

(B) section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)).

(3) MAP.—The term ''map'' means the map entitled ''Arctic National Wildlife Refuge'', dated September 2005, and prepared by the United States Geological Survey.

(4) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior (or the designee of the Secretary), acting through the Director of the Bureau of Land Management, in consultation with the Director of

the United States Fish and Wildlife Service and in coordination with a State coordinator appointed by the Governor of the State of Alaska.

(5) WESTERN COASTAL PLAIN.—The term ''Western Coastal Plain'' means that area of the Coastal Plain—

(A) that borders the land of the State of Alaska to the west and State of Alaska offshore waters of the Beaufort Sea on the north; and

(B) from which the Secretary, in the sole discretion of the Secretary, finds oil and gas can be produced through the use of horizontal drilling or other subsurface technology from sites outside or underneath the surface of the Coastal Plain.

SEC. 3. LEASING PROGRAM FOR LAND WITHIN THE WESTERN COASTAL PLAIN.

(a) IN GENERAL.—

(1) AUTHORIZATION.—There is authorized the exploration, leasing, development, and production of oil and gas from the Western Coastal Plain.

(2) ACTIONS.—The Secretary shall take such actions as are necessary—

(A) to establish and implement, in accordance with this Act, a competitive oil and gas leasing program that will result in an environmentally sound program for the exploration, development, and production of the oil and gas resources of the Western Coastal Plain; and

(B) to administer this Act through regulations, lease terms, conditions, restrictions, prohibitions, stipulations, and other provisions that—

(i) ensure the oil and gas exploration, development, and production activities on the Western Coastal Plain will result in no significant adverse effect on fish and wildlife, fish and wildlife habitat, subsistence resources, and the environment;

(ii) prohibit surface occupancy of the Western Coastal Plain during oil and gas development and production; and

(iii) require the application of the best commercially available technology for oil and gas exploration, development, and production to all exploration, development, and production operations under this Act in a manner that ensures the receipt of fair market value by the public for the mineral resources to be leased.

(b) COMPLIANCE WITH REQUIREMENTS UNDER CERTAIN OTHER LAWS.—

(1) COMPATIBILITY.—For purposes of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd et seq.)—

(A) the oil and gas leasing program and activities authorized by this section in the Western Coastal Plain shall be considered to be compatible with the purposes for which the Arctic National Wildlife Refuge was established; and

(B) no further findings or decisions shall be required to implement that program and those activities.

(2) ADEQUACY OF DOI LEGISLATIVE ENVIRONMENTAL IMPACT STATEMENT.—The Final Statement shall be considered to satisfy the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) that apply with respect to prelease activities, including actions authorized to be taken by the Secretary to develop and promulgate the regulations for the establishment of a leasing program authorized by this Act before the conduct of the first lease sale.

(c) RELATIONSHIP TO STATE AND LOCAL AUTHORITY.—Nothing in this Act expands or limits any State or local regulatory authority.

(d) REGULATIONS.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall promulgate such regulations as are necessary to carry out this Act.

(2) REVISION OF REGULATIONS.—The Secretary shall periodically review and, as appropriate, revise the rules and regulations promulgated under paragraph (1) to reflect any significant biological, environmental, or engineering data that come to the attention of the Secretary.

SEC. 4. LEASE SALES.

(a) QUALIFIED LESSEES.—

(1) IN GENERAL.—Except as provided in paragraph (2), land may be leased under this Act to any person qualified to obtain a lease for deposits of oil and gas under the Mineral Leasing Act (30 U.S.C. 181 et seq.).

(2) EXCLUSION.—Land may not be leased under this Act to any person prohibited from participation in a lease sale under section 1002(e)(2)(C) of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3142(e)(2)(C)).

(b) PROCEDURES.—The Secretary shall, by regulation, establish procedures for—

(1) receipt and consideration of sealed nominations for any area in the Western Coastal Plain for inclusion in, or exclusion from, a lease sale;

(2) the holding of lease sales after the nomination process described in paragraph (1); and

(3) public notice of, and comment on, designation of areas to be included in, or excluded from, a lease sale.

(c) LEASE SALE BIDS.—Bidding for leases under this Act shall be by sealed competitive cash bonus bids.

(d) ACREAGE MINIMUM IN FIRST SALE.—For the first lease sale under this Act, the Secretary shall offer for lease those tracts the Secretary considers to have the greatest potential for the discovery of hydrocarbons, taking into consideration nominations received pursuant to subsection (b)(1), but in no case less than 200,000 acres.

(e) TIMING OF LEASE SALES.—The Secretary shall—

(1) not later than 18 months after the date of enactment of this Act, conduct the first lease sale under this Act;

(2) not later than 2 years after the first lease sale, conduct a second lease sale under this Act; and

(3) conduct additional sales at appropriate intervals if, as determined by the Secretary, sufficient interest in development exists to warrant the conduct of the additional sales.

SEC. 5. GRANT OF LEASES BY THE SECRETARY.

(a) IN GENERAL.—On payment by a lessee of such bonus as may be accepted by the Secretary, the Secretary may grant to the highest responsible qualified bidder in a lease sale conducted pursuant to section 4 a lease for any land on the Western Coastal Plain.

(b) SUBSEQUENT TRANSFERS.—

(1) IN GENERAL.—No lease issued under this Act may be sold, exchanged, assigned, sublet, or otherwise transferred except with the approval of the Secretary.

(2) CONDITION FOR APPROVAL.—Before granting any approval under paragraph (1), the Secretary shall consult with, and give due consideration to the opinion of, the Attorney General.

SEC. 6. LEASE TERMS AND CONDITIONS.

(a) IN GENERAL.—An oil or gas lease issued pursuant to this Act shall—

(1) provide for the payment of a royalty of not less than 12½ percent of the quantity or value of the production removed or sold from the lease, as determined by the Secretary in accordance with regulations applicable to other Federal oil and gas leases;

(2) provide that the Secretary may close, on a seasonal basis, such portions of the Western Coastal Plain to exploratory drilling activities as are necessary to protect caribou calving areas and other species of fish and wildlife;

(3) require that each lessee of land within the Western Coastal Plain shall be fully responsible and liable for the reclamation of land within the Western Coastal Plain and any other Federal land that is adversely affected in connection with exploration activities conducted under the lease and within the Western Coastal Plain by the lessee or by any of the subcontractors or agents of the lessee;

(4) provide that the lessee may not delegate or convey, by contract or otherwise, the reclamation responsibility and liability described in paragraph (3) to another person without the express written approval of the Secretary;

(5) contain terms and conditions relating to protection of fish and wildlife, fish and wildlife habitat, subsistence resources, and the environment as required under section 3(a)(2);

(6) provide that each lessee, and each agent and contractor of a lessee, shall use the best efforts of the lessee to provide a fair share of employment and contracting for Alaska Natives and Alaska Native Corporations from throughout the State, as determined by the level of obligation previously agreed to in the Federal Agreement; and

(7) contain such other provisions as the Secretary determines to be necessary to ensure compliance with this Act, including regulations promulgated under this Act.

(b) PROJECT LABOR AGREEMENTS.—The Secretary, as a term and condition of each lease under this Act, and in recognizing the proprietary interest of the Federal Government in labor stability and in the ability of construction labor and management to meet the particular needs and conditions of projects to be developed under the leases issued pursuant to this Act (including the special concerns of the parties to those leases), shall require that each lessee, and each agent and contractor of a lessee, under this Act negotiate to obtain a project labor agreement for the employment of laborers and mechanics on production, maintenance, and construction under the lease.

SEC. 7. EXPEDITED JUDICIAL REVIEW.

(a) FILING OF COMPLAINTS.—

(1) DEADLINE.—A complaint seeking judicial review of a provision of this Act or an action of the Secretary under this Act shall be filed—

(A) except as provided in subparagraph (B), during the 90-day period beginning on the date on which the action being challenged was carried out; or

(B) in the case of a complaint based solely on grounds arising after the 90-day period described in subparagraph (A), by not later than 90 days after the date on which the complainant knew or reasonably should have known about the grounds for the complaint.

(2) VENUE.—A complaint seeking judicial review of a provision of this Act or an action of the Secretary under this Act shall be filed in the United States Court of Appeals for the District of Columbia Circuit.

(3) SCOPE.—

(A) IN GENERAL.—Judicial review of a decision of the Secretary relating to a lease sale under this Act (including an environmental analysis of such a lease sale) shall be—

(i) limited to a review of whether the decision is in accordance with this Act; and

(ii) based on the administrative record of the decision.

(B) PRESUMPTIONS.—Any identification by the Secretary of a preferred course of action relating to a lease sale, and any analysis by the Secretary of environmental effects, under this Act shall be presumed to be correct unless proven otherwise by clear and convincing evidence.

(b) LIMITATION ON OTHER REVIEW.—Any action of the Secretary that is subject to judicial review under this section shall not be subject to judicial review in any civil or criminal proceeding for enforcement.

SEC. 8. LOCAL GOVERNMENT IMPACT AID AND COMMUNITY SERVICE ASSISTANCE.

(a) ESTABLISHMENT OF FUND.—

(1) IN GENERAL.—The Secretary shall establish in the Treasury a fund to be known as the ''Coastal Plain Local Government Impact Aid Assistance Fund'' (referred to in this section as the ''Fund'') to offset any planning, land use-related, or service-related impacts of offshore development caused by this Act.

(2) DEPOSITS.—The Secretary of the Treasury shall deposit into the Fund, $15,000,000 each year from the amount available under section 9(1).

(b) ASSISTANCE.—The Governor of Alaska, in cooperation with the Mayor of the North Slope Borough, shall use amounts in the Fund to provide assistance to the North Slope Borough, Alaska, the City of Kaktovik, Alaska, and any other borough, municipal subdivision, village, or other community in the State of Alaska that is directly impacted by exploration for, or the production of, oil or gas on or near the Coastal Plain under this Act, or any Alaska Native Regional Corporation acting on behalf of the villages and communities within its region whose land lies along the right of way of the Trans Alaska Pipeline System, as determined by the Governor.

(c) APPLICATION.—

(1) IN GENERAL.—To receive assistance under subsection (b), a community or Regional Corporation described in that subsection shall submit to the Governor, or to the Mayor of the North Slope Borough, an application in such time, in such manner, and containing such information as the Governor may require.

(2) ACTION BY NORTH SLOPE BOROUGH.—The Mayor of the North Slope Borough shall submit to the Governor each application received under paragraph (1) as soon as practicable after the date on which the application is received.

(3) ASSISTANCE OF GOVERNOR.—The Governor shall assist communities in submitting applications under this subsection to the maximum extent practicable.

(d) USE OF FUNDS.—A community or Regional Corporation that receives funds under subsection (b) may use the funds—

(1) to plan for mitigation, implement a mitigation plan, or maintain a mitigation project to address the potential effects of oil and gas exploration and development on environmental, social, cultural, recreational, and subsistence resources of the community;

(2) to develop, carry out, and maintain—

(A) a project to provide new or expanded public facilities; or

(B) services to address the needs and problems associated with the effects described in paragraph (1), including firefighting, police, water and waste treatment, first responder, rescue, and other medical services;

(3) to compensate residents of the Coastal Plain or nearby waters for significant damage to environmental, social, cultural, recreation, or subsistence resources; and

(4) in the City of Kaktovik, Alaska—

(A) to develop a mechanism for providing members of the Kaktovikmiut Inupiat community an opportunity—

(i) to monitor development in or near the Coastal Plain; and

(ii) to provide information and recommendations based on traditional knowledge; and

(B) to establish a local coordination office, to be managed by the Mayor of the North Slope Borough, in coordination with the City of Kaktovik, Alaska—

(i) to coordinate with and advise developers on local conditions and the history of areas affected by development;

(ii) to collect from residents of the Coastal Plain information regarding the impacts of development on fish, wildlife, whales, other marine mammals, habitats, subsistence resources, and the environment of the Coastal Plain; and

(iii) to ensure that the information collected under clause (ii) is submitted to any appropriate Federal agency.

SEC. 9. ALLOCATION OF REVENUES.

(a) IN GENERAL.—Notwithstanding any other provision of law, of the amount of adjusted bonus, rental, and royalty revenues from Federal oil and gas leasing and operations authorized under this Act—

(1) 50 percent shall be paid semiannually to the State of Alaska; and

(2) 50 percent shall be allocated in accordance with subsection (b).

(b) ALLOCATION OF FEDERAL FUNDS.—Any amounts made available under subsection (a)(2), plus an appropriated amount equal to the amount of Federal income tax attributable to sales of oil and gas produced from operations described in subsection (a), shall be deposited in an account in the Treasury which shall be available, without further appropriation or fiscal year limitation, each fiscal year as follows:

(1) $15,000,000 shall be deposited by the Secretary of the Treasury into the Fund created under section 8(a)(1).

(2) The remainder shall be available as follows:

(A) Twenty-five percent shall be available to the Department of Energy to carry out alternative energy programs established under the Energy Policy Act of 2005 (42 U.S.C. 15801 et seq.), the Energy Independence and Security Act of 2007 (42 U.S.C. 17001 et seq.), or an amendment made by either of those Acts, as determined by the Secretary of Energy.

(B) Ten percent shall be available to the Department of Health and Human Services to provide low-income home energy assistance under title XXVI of the Omnibus Budget Reconciliation Act of 1981 (42 U.S.C. 8621 et seq.).

(C) Ten percent shall be available to the Department of Energy to carry out the Weatherization Assistance Program for Low-Income Persons established under part A of title IV of the Energy Conservation and Production Act (42 U.S.C. 6861 et seq.).

(D) Ten percent shall be available to the Department of the Interior for award to wildlife habitat and fish and game programs authorized by the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669 et seq.) and the Dingell-Johnson Sport Fish Restoration Act) (commonly known as the ''Wallop-Breaux Act'') (16 U.S.C. 777 et seq.).

(E) The balance shall be deposited into the Treasury as miscellaneous receipts.

NOTICE OF HEARING

COMMITTEE ON RULES AND ADMINISTRATION

Mr. SCHUMER. Mr. President, I wish to announce that the Committee on Rules and Administration will meet on Thursday, March 29, 2012, at 10 a.m., to hear testimony on ''S. 2219, the ''Democracy Is Strengthened by Casting Light on Spending in Elections Act of 2012 (DISCLOSE Act of 2012).''

For further information regarding this meeting, please contact Lynden Armstrong at the Rules and Administration Committee on (202) 224–6352.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on March 27, 2012, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on March 27, 2012, at 2:45 p.m., in room SD–215 of the Dirksen Senate Office Building, to conduct a hearing entitled ''Renewable Energy Tax Incentives: How have the recent and pending expirations of key incentives affected the renewable energy industry in the United States?''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on March 27, 2012.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. REID. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on March 27, 2012, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON AIRLAND

Mr. REID. Mr. President, I ask unanimous consent that the Subcommittee on Airland of the Committee on Armed Services be authorized to meet during the session of the Senate on March 27, 2012, at 3:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON EMERGING THREATS AND CAPABILITIES

Mr. REID. Mr. President, I ask unanimous consent that the Subcommittee on Emerging Threats and Capabilities of the Committee on Armed Services be authorized to meet during the session of the Senate on March 27, 2012, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON HOUSING, TRANSPORTATION, AND COMMUNITY DEVELOPMENT

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs' Subcommittee on Housing, Transportation, and Community Development be authorized to meet during the session of the Senate on March 27, 2012, at 10:30 a.m., to conduct a hearing entitled ''The Choice Neighborhoods Initiative: A New Community Development Model.''

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON IMMIGRATION, REFUGEES, AND BORDER SECURITY

Mr. REID. Mr. President, I ask unanimous consent that the Committee on

the Judiciary, Subcommittee on Immigration, Refugees, and Border Security, be authorized to meet during the session of the Senate, on March 27, 2012, at 10 a.m., in room SD–226 of the Dirksen Senate Office Building, to conduct a hearing entitled ''The Economic Imperative for Promoting International Travel to the United States.''

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON GREEN JOBS AND THE NEW ECONOMY AND THE SUBCOMMITTEE ON OVERSIGHT OF THE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. REID. Mr. President, I ask unanimous consent that the Subcommittee on Green Jobs and the New Economy and the Subcommittee on Oversight of the Committee on Environment and Public Works be authorized to meet during the session of the Senate on March 27, 2012, at 10 a.m., in Dirksen 406 to conduct a joint hearing entitled, ''Oversight Hearing on EPA's Work With Other Federal Entities to Reduce Pollution and Improve Environmental Performance.''

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Ms. LANDRIEU. Mr. President, I ask unanimous consent that on Wednesday, March 28, at 5 p.m., the Senate proceed to executive session to consider the following nominations en bloc: Calendar Nos. 464 and 497; that there be 60 minutes for debate, equally divided in the usual form; that upon the use or yielding back of time, the Senate proceed to vote without intervening action or debate on Calendar Nos. 464 and 497 in that order; the motions to reconsider be considered made and laid upon the table, with no intervening action or debate; that no further motions be in order; that any related statements be printed in the RECORD; that the President be immediately notified of the Senate's action and the Senate then resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

REGARDING MF GLOBAL BONUS AWARDS

Ms. LANDRIEU. Mr. President, I ask unanimous consent the Senate proceed to consideration of S. Res. 407, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 407) expressing the sense of the Senate that executives of the bankrupt firm MF Global should not be rewarded with bonuses while customer money is still missing.

There being no objection, the Senate proceeded to consider the resolution.

Ms. LANDRIEU. Mr. President, I ask unanimous consent the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table, with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 407) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 407

Whereas on October 31, 2011, MF Global Holdings, Ltd., filed for Chapter 11 bankruptcy protection in the United States Bankruptcy Court for the Southern District of New York after reporting that as much as $900,000,000 in customer money had gone missing;

Whereas MF Global Holdings, Ltd. is the parent company of MF Global, Inc., formerly a futures commission merchant and broker-dealer for thousands of commodities and securities customers;

Whereas following the bankruptcy filing, Judge Louis Freeh, the court-appointed trustee for the liquidation of MF Global Holdings, retained certain employees of the MF Global entities at the time of the bankruptcy, including the chief operating officer, the chief financial officer, the general counsel, and other individuals, in order to assist the liquidation process;

Whereas on March 8, 2012, the Wall Street Journal reported that Mr. Freeh may ask the bankruptcy court judge to approve performance-related bonuses for the chief operating officer, chief financial officer, the general counsel, and the other employees;

Whereas according to the court-appointed trustee for the liquidation of MF Global, Inc. under the Securities Investor Protection Act of 1970 (15 U.S.C. 78aaa et seq.), Mr. James Giddens, the total amount of customer funds still missing could be as much as $1,600,000,000;

Whereas on March 15, 2012, all of the members of the Committee on Agriculture, Nutrition, and Forestry of the Senate sent a letter to Mr. Freeh urging him not to reward senior executives of the bankrupt MF Global entities with performance-related bonuses while customer money is still missing;

Whereas on March 16, 2012, Mr. Freeh responded to the members of the Committee on Agriculture, Nutrition, and Forestry of the Senate, stating that he has not made any decisions regarding the payment of bonuses to former senior executives of the firm;

Whereas the Commodity Futures Trading Commission, the court-appointed trustee for the liquidation of MF Global, Inc. under the Securities Investor Protection Act of 1970 (15 U.S.C. 78aaa et seq.), and other Federal authorities are investigating the events leading up to the bankruptcy in an effort to return customer money and prosecute any wrongdoing; and

Whereas as of the date of agreement to this resolution, none of the investigators have stated public conclusions regarding the exact location of the missing money or whether criminal wrongdoing was involved: Now, therefore, be it

Resolved, That it is the sense of the Senate that bonuses should not be paid to the executives and employees who were responsible for the day-to-day management and operations of MF Global until its customers' segregated account funds are repaid in full and investigations by Federal authorities have revealed both the cause of, and parties responsible for, the loss of millions of dollars of customer money.

MEASURES READ THE FIRST TIME—H.R. 2682, H.R. 2779, AND H.R. 4014 EN BLOC

Ms. LANDRIEU. Mr. President, I understand there are three bills at the desk. I ask for their reading en bloc.

The PRESIDING OFFICER. The clerk will read the bills by title en bloc for the first time.

The assistant legislative clerk read as follows:

A bill (H.R. 2682) to provide end user exemptions from certain provisions of the Commodity Exchange Act and the Securities Exchange Act of 1934, and for other purposes.

A bill (H.R. 2779) to exempt inter-affiliate swaps from certain regulatory requirements put in place by the Dodd-Frank Wall Street Reform and Consumer Protection Act.

A bill (H.R. 4014) to amend the Federal Deposit Insurance Act with respect to information provided to the Bureau of Consumer Financial Protection.

Ms. LANDRIEU. I now ask for a second reading, and I object to my own request, all en bloc.

The PRESIDING OFFICER. Objection having been heard, the bills will receive their second reading on the next legislative day.

UNANIMOUS CONSENT AGREEMENT—H.R. 5

Ms. LANDRIEU. Mr. President, I ask unanimous consent the Senate agree to the House request to return the papers on H.R. 5, the HEALTH Act, and authorize the Secretary of the Senate to return the papers on H.R. 5 to the House of Representatives.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR WEDNESDAY, MARCH 28, 2012

Ms. LANDRIEU. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until Wednesday, March 28, at 10 a.m.; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day; that following any leader remarks, the Senate resume consideration of the motion to proceed to S. 2230, the Paying A Fair Share Act, with the first hour equally divided and controlled between the two leaders or their designees, with Republicans controlling the first 30 minutes and the majority controlling the second 30 minutes; and that at 5 p.m., the Senate proceed to executive session under the previous order; further, that the filing deadline for the first-degree amendments to S. 2204, the Repeal Big Oil Tax Subsidies Act, be 11 a.m. on Wednesday.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Ms. LANDRIEU. There will be two votes around 6 p.m. tomorrow on judicial nominations. Additionally, cloture

was filed today on the Repeal Big Oil Tax Subsidies Act. If no agreement is reached, that vote will occur on Thursday.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Ms. LANDRIEU. If there is no further business to come before the Senate, I ask unanimous consent it adjourn under the previous order.

There being no objection, the Senate, at 8:01 p.m., adjourned until Wednesday, March 28, 2012, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF TRANSPORTATION

MICHAEL PETER HUERTA, OF THE DISTRICT OF COLUMBIA, TO BE ADMINISTRATOR OF THE FEDERAL AVIATION ADMINISTRATION FOR THE TERM OF FIVE YEARS, VICE J. RANDOLPH BABBITT.

DEPARTMENT OF STATE

BRETT H. MCGURK, OF CONNECTICUT, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF IRAQ.

MICHELE JEANNE SISON, OF MARYLAND, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE DEMOCRATIC SOCIALIST REPUBLIC OF SRI LANKA, AND TO SERVE CONCURRENTLY AND WITHOUT ADDITIONAL COMPENSATION AS AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF MALDIVES.

UNITED STATES POSTAL SERVICE

JAMES C. MILLER, III, OF VIRGINIA, TO BE A GOVERNOR OF THE UNITED STATES POSTAL SERVICE FOR THE TERM EXPIRING DECEMBER 8, 2017. (REAPPOINTMENT)

EXTENSIONS OF REMARKS

PAYING TRIBUTE TO MS. PAULINE OLIVEROS ON THE OCCASION OF HER 80TH BIRTHDAY

HON. MAURICE D. HINCHEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 2012

Mr. HINCHEY. Mr. Speaker, I rise today to honor the lifetime achievements of my friend and constituent, Pauline Oliveros on the occasion of her 80th birthday. Ms. Oliveros is an internationally recognized visionary composer, performer, professor and humanitarian. She is also the Founder and Executive Director of the Deep Listening Institute in the City of Kingston, NY. Her career spans more than five decades of revolutionary music-making and her lifetime contribution to the arts has influenced the way in which we understand music and the many facets of sound. I am proud to honor Ms. Oliveros for her 50 years of inspiring dedication to musical innovation.

Ms. Oliveros began her career in the 1950s where she was part of a circle of iconoclastic composers, artists and poets gathered together in San Francisco. She represented the United States at the 1970 World's Fair in Osaka Japan and was honored in 1985 with a retrospective at the Kennedy Center for Performing Arts in Washington, D.C. She is also a Distinguished Research Professor of Music at Rensselaer Polytechnic Institute and a Darius Milhaud Composer-in-Residence at Mills College in Oakland, California. Ms. Oliveros relocated to Ulster County in the early 1980s in order to become an independent composer, performer and consultant. She has written several books, formulated new theories of music and investigated new ways to focus attention on music including her concepts of ''Deep Listening'' and ''Sonic Awareness.'' Since the 1960s, Ms. Oliveros has deeply influenced American music through her work with improvisation, meditation, and electronic music.

Most notably, Ms. Oliveros is the founder of the Deep Listening Institute, aimed at fostering a unique approach to music, literature, art, and meditation. The Institute promotes innovation among artists and audiences in creating, performing, recording and educating with a global perspective. The Deep Listening Institute has received several grants to bring the innovative Adaptive Use Musical Instruments program to children with disabilities in Ulster County. The Adaptive Use Musical Instruments program is a software application allowing people with limited mobility to create music.

In addition to these notable endeavors, Ms. Oliveros was awarded the prestigious John Cage award from the Foundation of Contemporary Arts for her outstanding achievement in the arts. Mr. Speaker, it is with great pleasure that I join the Foundation of Contemporary Arts in honoring and celebrating Pauline Oliveros on the occasion of her 80th birthday and formally recognizing her profound lifetime contribution to American music and the power of sound.

RECOGNIZING THE OUTSTANDING SERVICE OF COLONEL NICHOLAS F. MARANO ON THE OCCASION OF HIS RETIREMENT

HON. DARRELL E. ISSA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 2012

Mr. ISSA. Mr. Speaker, I rise today to recognize the military service of Colonel Nicholas F. Marano on the occasion of his retirement from the United States Marine Corps. I commend Colonel Marano's career and offer my sincerest thanks for his 32 years of dedicated service in protecting our nation.

Colonel Marano enlisted in the Marine Corps Reserve in March of 1980 and served as a rifleman in the 2nd Battalion, the 25th Marines prior to graduation from St. Joseph's University. In January 1985, he was commissioned a Second Lieutenant and designated an infantry officer assigned to 3d Battalion, 9th Marines on board Camp Pendleton, California. There he served as a Platoon Commander, Company Executive Officer, and Company Commander. In September 1988, he transferred to 1st Reconnaissance (Recon) Battalion where he served as a Reconnaissance Marine and graduated as an Officer Honor Graduate at the U.S. Army Ranger School (Class 10–89). Throughout his career he has been deployed to Germany, Republic of Georgia, Kosovo, Albania, Italy, and several times to Iraq in support of combat operations.

Colonel Marano retires from his post of Commanding Officer of Marine Corps Base (MCB) Camp Pendleton California. As Commanding Officer of MCB CamPen, Colonel Marano was in charge of overseeing the operational and logistical responsibility of supporting more than 72,067 scheduled training events in the mobilization and deployment of numerous Camp Pendleton based operating force units to include the 1st Marine Division, the 1st Marine Logistics Group, and the 3rd Marine Air Wing occupying over 125,000 acres of land. Colonel Marano's hard work and dedication aided the Corps in providing continuous, uninterrupted support, in a time of war, to Marines and Sailors of the First Marine Expeditionary Force (I MEF).

The legacy that Colonel Marano has left behind is a true testament to his commitment to the United States Marine Corps and to our country and will have lasting impact on MCB CamPen.

I offer Colonel Marano my warmest congratulations and hope that he enjoys a rich and rewarding retirement knowing that his years of service will not be forgotten by those he led.

RECOGNIZING APRIL AS PARKINSON'S AWARENESS MONTH

HON. PETER T. KING

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 2012

Mr. KING of New York. Mr. Speaker, I rise today in recognition of April as Parkinson's Awareness Month. It is essential to take this time to promote awareness, share information on the disease, and continue to work towards a cure.

Parkinson's disease is the second most common neurodegenerative disease in the United States. It is a chronic, progressive neurological disease for which there is no therapy or drug to halt its progression, let alone a cure.

According to the National Institutes of Health, the four primary symptoms of Parkinson's are tremor or trembling, rigidity the limbs and trunk, slowness of movement, and impaired balance and coordination. As these symptoms become more pronounced, it may become more difficult for one to walk, talk or perform other tasks. Parkinson's disease usually affects people over the age of 50 and symptoms may progress more rapidly in some cases than in others. Diagnosis is generally based on medical history and a neurological examination.

It is estimated that there are between 500,000–1,500,000 Americans living with Parkinson's. Furthermore, the aging baby boomer population will likely increase that number. Although significant research advancements have been made, additional research is required to understand the underlying causes and to discover improved treatments.

As a co-chair of the Congressional Caucus on Parkinson's disease, it is my privilege to work with the tireless advocates in the Parkinson's community. I thank them for their hard work and dedication to understanding and eradicating this disease.

RECOGNIZING RUTH GURUSAMY ON BEING NAMED THE U.S. SMALL BUSINESS ADMINISTRATION'S WOMEN IN BUSINESS CHAMPION OF THE YEAR FOR 2012

HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 2012

Ms. BORDALLO. Mr. Speaker, I rise today to recognize Ms. Ruth Gurusamy for receiving the U.S. Small Business Administration's 2012 Women in Business Champion of the Year award. Ruth is the owner of Gurusamy, Inc., or Health Services of the Pacific (HSP), and has many years of outstanding business leadership and community involvement on Guam.

With more than 20 years of experience working as a nurse, Ruth founded HSP in

2004 to provide home healthcare services to patients on Guam. HSP quickly earned accreditation from the Joint Commission on the Accreditation of Healthcare Organizations. HSP also received Medicare's home healthcare certification and became a certified Hospice Agency in 2007. With her leadership, HSP has expanded the amount of critically-needed services it provides and has grown its staff to more than 80 employees. Further, as a former faculty member of the University of Guam School of Nursing, Ruth formed a partnership with the University to help train nursing students in various projects with HSP.

Ruth is also actively involved in a variety of community organizations on Guam. She has participated in numerous health conferences and workshops, and has sponsored events with the Guam Department of Public Health and Social Services. Ruth has held leadership roles on various committees and boards, including the Guam Legal Counsel for the Elderly advisory board, the UOG Union Board, the Guam Community College Nursing Advisory Board for the Licensed Practical Nurse program, and the Guam Hospital Healthcare Development Foundation board. In addition, she was part of the transition team for Governor Calvo, serving a board member for his Taskforce on Healthcare.

I commend Ms. Ruth Gurusamy for her work in improving the delivery of healthcare services on Guam, and for being named the SBA's Women in Business Champion of the Year for 2012. I join the people of Guam in thanking her for her many contributions, and I wish her continued success.

FDIA AMENDMENTS REGARDING DISCLOSURES TO THE BUREAU OF CONSUMER FINANCIAL PROTECTION

SPEECH OF

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 26, 2012

Mrs. MALONEY. Mr. Speaker, I rise in support of H.R. 4014 to clarify that privileged information that the Consumer Financial Protection Bureau receives remains privileged throughout the supervision process.

I would like to commend my colleague from Michigan, Mr. HUIZENGA for bringing this bill forward. This issue has come up now in several congressional hearings, in the Oversight Committee, in the Senate Banking Committee and also in the Financial Institutions Subcommittee on which I sit.

Many institutions have expressed concern that there is no statutory protection of the attorney-client privilege for sensitive material that they turn over to the CFPB during the supervision process.

Director Cordray has testified that he would support a statutory extension of the attorney-client privilege to documents that the CFPB receives. This is standard for all of the banking regulators and it should be true for the CFPB as well.

It is critical that the process be an open exchange between the bureau and the entities it regulates. And that can only happen if the entities can trust that they aren't inadvertently waiving the privilege simply by turning documents over.

I would note that the CFPB office of the General Counsel has indicated in a recent memo that it would ensure that the privilege was not waived, but I know that the entities involved in the CFPB's regulator process would prefer that to be codified, and I would agree.

As it is currently drafted, the bill is identical to a bill introduced on a bipartisan basis in the other body. Both bills ensure that privilege is not waived when the CFPB receives sensitive information and when it shares that information with other agencies.

I support this bill and urge my colleagues to support it as well.

HONORING JIM SCHUG OF STILLWATER, MINNESOTA FOR HIS SERVICE TO THE WASHINGTON COUNTY GOVERNMENT

HON. MICHELE BACHMANN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 2012

Mrs. BACHMANN. Mr. Speaker, I rise today to honor a great public servant on his retirement. Jim Schug of Stillwater, Minnesota, has served more than 25 years in Washington County Government and spent 17 years as the County Administrator.

Jim leaves a legacy of dedicated service to his employees and county residents. He faithfully worked as the Chief Administrator to the five member County Board to keep county services running in light of growing demands and dwindling resources. The same County Board, named January 26 as "Jim R. Schug Day" as a way to honor and remember his contributions. Of course, Jim would have never asked for this honor, but accepted it with grace and humility.

Jim's work with county employees was focused and dedicated. He earned a reputation as a kind man with a personal touch. Personally, I consider Jim a steadfast public servant who will remain a fixture in the community. Even though he hails from the western suburbs, he will always have a home in Washington County.

Mr. Speaker, I ask this body to recognize Jim Schug's 25 years of service to Washington County and congratulate him upon his retirement. Jim has set a new standard in county services and administration; we can all look forward to the bright future he has entrusted to the Board and staff of Washington County.

PERSONAL EXPLANATION

HON. CAROLYN McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 2012

Mrs. MCCARTHY of New York. Mr. Speaker, I was unavoidably absent on March 26, 2012. If I were present, I would have voted on the following:

H.R. 2779—To exempt inter-affiliate swaps from certain regulatory requirements put in place by Dodd-Frank Wall Street Reform and Consumer Protection Act, rollcall No. 127: "yea."

H.R. 2682—Business Risk mitigation and Price Stabilization Act of 2011, rollcall No. 128: "yea."

On Approving the Journal, rollcall No. 129: "aye."

RECOGNIZING RICHARD K. LAI ON RECEIVING THE U.S. SMALL BUSINESS ADMINISTRATION 2012 SMALL BUSINESS PERSON OF THE YEAR AWARD

HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 2012

Ms. BORDALLO. Mr. Speaker, I rise today to commend and congratulate Mr. Richard K. Lai for receiving the U.S. Small Business Administration 2012 Small Business Person of the Year Award. Richard is the Chief Executive Officer of Wing On Corporation, a family-owned company operating five restaurants in Guam and the Commonwealth of the Northern Mariana Islands.

Richard migrated to Guam from Hong Kong at the age of 16. He received his Bachelor of Science degree in Mechanical Engineering from the University of Washington, where he graduated with honors. In 1987, Richard returned to Guam to help his mother, Shirley Lai, run her coffee shop in Guam's capital of Hagatna. As the Chief Executive Officer of Wing On Corporation, Richard oversaw the expansion of Shirley's Coffee Shop from a single 28-seat coffee shop with four employees to a franchise with 212 employees operating four restaurants in Guam and one in the CNMI. He also opened Samurai Teppenyaki Japanese Restaurant in 2006 to expand Wing On Corporation's product offerings. Samurai offers Japanese-fusion cuisine to many residents and tourists in the heart of Guam's tourism center, and currently has a staff of 62 employees.

Richard is also an active member of our community, and he contributes to many charitable organizations. As an advocate of sports on Guam, Richard serves as the president of the Guam Football Association (GFA). Under his leadership, the organization has expanded significantly to become the largest sports development organization on Guam. Richard's leadership has substantially raised the bar for athletes, from amateurs to professionals, to harness their talents and love for sports. In the last 10 years, his tireless efforts have garnered international recognition of Guam athletes for competitive titles, and this momentum grows each year.

Richard is a proven business leader in our community, and he continues to set the example for the next generation of small business leaders on Guam. On behalf of the people of Guam, I congratulate Richard Lai and his family on receiving this national recognition as the 2012 Small Business Person of the Year. I wish him many years of continued success.

IN RECOGNITION OF THE LOUISVILLE METRO HUMAN RELATIONS COMMISSION'S 50TH ANNIVERSARY

HON. JOHN A. YARMUTH

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 2012

Mr. YARMUTH. Mr. Speaker, I rise todry in honor of the Louisville Metro Human Relations Commission, which celebrates its 50th anniversary today.

More than two years before the passage of the Civil Rights Act of 1964, the city of Louisville asserted itself as a voice of compassion and reason in the face of hate, building on a recent history of social progress by passing an ordinance to formally condemn racial and religious discrimination.

The ordinance referred to elements that are ''contrary to public policy and detrimental to the peace, progress, and welfare of the city,'' and in doing so created a city agency to monitor and adjudicate discrimination in public accommodations at a time when Louisville—and much of the country—was working to fully integrate schools, housing, neighborhoods, and public employment.

Over the past 50 years, the Commission has helped preserve and advance that history of progress, serving as a conscience for our community and protecting our citizens from discrimination because of race, color, religion, national origin, familial status, age, disability, sex, gender identity, or sexual orientation.

It has been a primary force in building a safe and supportive community where diversity is not only accepted, but embraced.

Mr. Speaker, I congratulate the Louisville Metro Human Relations Commission on 50 years of important work, and I look forward to another 50.

RECOGNIZING THE NATIONAL CHERRY BLOSSOM FESTIVAL AND THE CENTENNIAL CELEBRATION

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 2012

Ms. NORTON. Mr. Speaker, I rise to ask the House of Representatives to join me in recognizing the National Cherry Blossom Festival and the Centennial Celebration, commemorating the 100-year anniversary of the gift of trees and the enduring friendship between the United States and Japan.

Each year, the National Cherry Blossom Festival heralds the coming of spring and produces diverse and creative programming promoting traditional and contemporary arts and culture, natural beauty, and community spirit, showcasing the best of Washington, DC to the world.

More than one hundred years ago, the combined vision of unlikely partners led to the world-renowned majestic cherry trees that line the Tidal Basin in our nation's capital. Eliza Scidmore, the National Geographic Society's first female board member, Dr. David Fairchild of the U.S. Department of Agriculture, First Lady Helen Herron Taft, Mayor Yukio Ozaki of Tokyo, and Dr. Jokichi Takamine, goodwill ambassador, world-famous chemist, and the founder of Sankyo Co., Ltd. (today known as Daiichi Sankyo), all worked together to bestow Washington, DC with more than 3,000 cherry trees in 1912. This gesture of goodwill was honored in a simple ceremony on March 27, 1912, when First Lady Taft and Viscountess Chinda, wife of the Japanese ambassador, planted the first two trees at the Tidal Basin. Today, the trees are a national treasure enjoyed by millions, and, as First Lady Taft envisioned, a wonderful backdrop for cultural and community events of all kinds.

Today, the National Cherry Blossom Festival unites the region for over one million visitors each spring, who look forward to signature events like the National Cherry Blossom Festival Parade, world-class entertainment, cultural performances and more, primarily free and open to the public. Our Nation's greatest cultural institutions participate, including the National Gallery of Art, The Kennedy Center, and Smithsonian, with over 50 area organizations participating in total.

The National Cherry Blossom Festival greatly benefits the nation's capital. The Festival generates over $126 million annually for Washington, DC, and has received many accolades and international recognition.

Among the many special commemorative initiatives to mark the historic Centennial Celebration, the Government of Japan has designated the Centennial Celebration an official anniversary event. The United States Postal Service has issued Cherry Blossom Centennial Forever stamps, and the American Bus Association has named the Centennial Celebration the top event for group travel in 2012. Millions of people have enjoyed the National Cherry Blossom Festival, and millions will continue to create cherished memories here in the years to come.

Mr. Speaker, I ask the House of Representatives to join me in recognizing the work of the National Cherry Blossom Festival and the message of peace, friendship, and international understanding it carries on each year during the Nation's greatest springtime celebration.

RECOGNIZING THE IMPORTANCE OF NATIONAL PRESCRIPTION DRUG AWARENESS MONTH

HON. JERRY McNERNEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 2012

Mr. McNERNEY. Mr. Speaker, I ask my colleagues to join me in recognizing the importance of National Prescription Drug Awareness Month.

Throughout California, March is recognized as National Prescription Drug Awareness Month. The purpose of this initiative is to increase community awareness about the dangers that many medications may pose if not used properly.

Recently, the Centers for Disease Control and Prevention declared prescription drug abuse to be a national epidemic. In 2008, approximately 20,000 people died from prescription drug overdoses. In 2009, 1.2 million emergency department visits were related to misuse or abuse of pharmaceuticals. These numbers are tragic and unacceptable, and we must make every effort to address the issue.

Fortunately, the National Coalition Against Prescription Drug Abuse, NCAPDA, is leading the effort to combat this epidemic. NCPDA is hosting a variety of events in California this month to help raise awareness and public engagement in the battle against prescription drug abuse. Education plays a critical role helping children, young adults, and their parents to avoid prescription drug abuse, and education serves an important first step to combating this serious problem.

I ask my colleagues to join me in recognizing the important work of the NCAPDA and the role National Prescription Drug Awareness Month can play in preventing the loss of loved ones across the country.

HONORING JEFFERY L. KLEIN CEO OF THE JEWISH FEDERATION OF PALM BEACH COUNTY

HON. THEODORE E. DEUTCH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 2012

Mr. DEUTCH. Mr. Speaker, I rise today in celebration of Jeffrey L. Klein, on the occasion of his 25th Anniversary as CEO of the Jewish Federation of Palm Beach County. His years of dedicated service have been instrumental in building a vibrant, diverse Jewish community in Palm Beach County and throughout South Florida. It is truly an honor to represent him in the United States Congress.

The Jewish Federation of Palm Beach County would not be what it is today without Mr. Klein's visionary leadership. During his tenure, the organization grew dramatically to include two state-of-the-art campuses in West Palm Beach and in Boynton Beach. In addition, the Federation was able to unveil many new programs to promote leadership, assist seniors, and educate teens about their Jewish heritage. Perhaps most importantly, Mr. Klein's efforts have led to the creation of programs that go beyond South Florida to strengthen ties to the global Jewish community in Israel, Ethiopia, and the former Soviet Union.

It is a privilege to represent an individual who has done so much to promote the welfare of the Jewish community across the world. I applaud his efforts, and I look forward to his and the Federation's good work for years to come.

Congratulations to Jeffrey Klein, together with his wife Carla, his children, and his grandchildren, as they celebrate this well deserved honor.

RECOGNIZING ELVIN YU-LING DUNCAN CHIANG ON BEING NAMED THE 2012 U.S. SMALL BUSINESS ADMINISTRATION'S FINANCIAL SERVICES CHAMPION OF THE YEAR

HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 2012

Ms. BORDALLO. Mr. Speaker, I rise today to recognize Mr. Elvin Yu-Ling Duncan Chiang

for his years of outstanding business leadership and community involvement on Guam. Mr. Chiang is the senior advisor and immediate past country managing partner of Ernst & Young LLP, Guam and Micronesia. He was recently named the Guam Financial Services Champion of the Year for 2012 by the U.S. Small Business Administration.

Mr. Chiang graduated from Sophia University in Tokyo, Japan in 1977 with a Bachelor of Science degree in Economics and Business Administration. While attending college in Japan, he served as the controller and director of Shintoyo Enterprises, Ltd's Tokyo, Japan and Guam offices. In 1978, he enrolled at the University of Puget Sound in Puget Sound, Washington, and received his Bachelor of Applied Science degree in Account in 1980. He went on to receive a Masters of Business Administration with an emphasis in Business Administration in 1982.

Following graduation, Mr. Chiang relocated to Guam and joined KPMG as an auditor until 1984. From 1985 to 1987, he taught at the University of Guam as an assistant professor of accounting. He served as the chief financial officer of Sigallo Pac. Ltd., Guam from 1987 to 1989. He then went on to work for Ernst & Young, LLP where he currently serves as the Senior Advisor and immediate past Country Managing Partner for Guam and Micronesia.

In addition to his extensive business career, Mr. Chiang is actively involved in numerous community organizations on Guam. He has served as President of the Rotary Club of Guam, Vice President and Treasurer of the Chinese Chamber of Commerce of Guam, and Chairman and member of the Advisory Council of the University of Guam School of Business and Public Administration. Further, he has been a member of the Advisory Council of the Guam Community College, a member and former Treasurer of the Board of Trustees for St. John's School, and has been a board member of the Chinese School Foundation.

I congratulate Elvin Yu-Ling Duncan Chiang on being named the 2012 U.S. Small Business Administration's Financial Services Champion of the Year for Guam. I join the people of Guam in commending him on this award and his many contributions to our community.

PERSONAL EXPLANATION

HON. W. TODD AKIN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 2012

Mr. AKIN. Mr. Speaker, on rollcall No. 127, 128 and 129, I was delayed and unable to vote. Had I been present I would have voted ''aye'' on all three.

RECOGNIZING COMMUNITY POWERED REVITALIZATION

HON. KENNY MARCHANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 2012

Mr. MARCHANT. Mr. Speaker, it is with great pride that I recognize 6 Stones Mission Network and the cities of Hurst, Euless and Bedford for their philanthropic project, Community Powered Revitalization (CPR).

In the midst of celebrating its 100th anniversary, First Baptist Church of Euless found itself on the brink of insolvency and without a leader. The massive debt and red ink on day-to-day expenses left little hope for repayment. Instead of closing its doors, the church began reverently praying for a miracle.

Within 27 months, six million dollars of debt was paid off and all other IOUs fulfilled—a miracle indeed. Overcoming this significant internal trial shifted the church's financial perspective towards helping others. Their newfound surplus of resources allowed the church to readily respond when the City of Euless needed assistance with a home revitalization project in 2008. After finishing their first home renovation, the church gained vision for a new non-profit, 6 Stones Mission Network. Launched in January 2009, 6 Stones is a coalition of cities, local churches and businesses collaborating to meet the needs of those throughout Tarrant County.

CPR actually began in 2008 when Gary McKamie, City Manager of Euless, presented two churches the opportunity to help two families that required substantial assistance in maintaining their homes. They both were in great need, but just did not have the resources, expertise or wherewithal to keep the homes up to code. The City of Euless had established a Leadership Team of employees representing every department of the city to not just lead, but to create and develop the program. This was done in partnership with area churches, businesses and other organizations that wanted to impact the community. That program was called Euless Revitalization. The First Baptist Church of Euless, realizing the many other growing needs in the community, launched a non-profit called 6 Stones Mission Network. Its purpose was to renovate homes, as well as try to help meet needs throughout Hurst, Euless and Bedford.

Then in the summer of 2010, the invitation was extended to Bedford and Hurst to partner with 6 Stones and the City of Euless, to help homeowners in their cities as well. That was the birth of CPR.

The CPR project uses effective partnerships with the cities of Euless, Bedford and Hurst to help struggling homeowners with costly, necessary improvements. In the spring of 2011, the project surpassed the benchmark of assisting 100 homeowners in despair. While their services are offered year-round, two CPR ''Blitz'' events take place annually, which involve a large volunteer base working together to impact several homes within two days. The product of one community's victory over financial woes is now breathing life into struggling communities across the 24th Congressional District of Texas.

Mr. Speaker, on behalf of the 24th Congressional District of Texas, I ask all my distinguished colleagues to join me in thanking 6 Stones Mission Network and the cities of Hurst, Euless, and Bedford for their selfless service to our communities. I am honored to represent these great cities and to share their story with my colleagues in Congress.

RECOGNIZING PETER R. SGRO ON RECEIVING THE 2012 U.S. SMALL BUSINESS ADMINISTRATION'S ENTREPRENEURIAL SUCCESS AWARD FOR GUAM

HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 2012

Ms. BORDALLO. Mr. Speaker, I rise today to commend and congratulate Mr. Peter R. Sgro on being awarded the 2012 U.S. Small Business Administration's Entrepreneurial Success Award for Guam. Mr. Sgro is the President and Chairman of the Board of International Group, Inc., the President and Chairman of the Board of Pacific Rim Brokers, Inc., and the Principal Broker of International Realty.

As the President and Chairman of the Board of International Group, Inc., a consulting firm that provides business development services for clients in the financial services, real estate, energy, and information technology industries, Mr. Sgro has built important relationships between Guam businesses and organizations throughout the United States and the Philippines. Under his leadership, International Group has assisted clients in securing more than $20 million in business development loans.

Mr. Sgro also serves as the President and Chairman of the Board for Pacific Rim Brokers, Inc., a wholesale food distribution company that provides more than 200 product lines to local businesses on Guam. Since his election to this position in January of 2011, Pacific Rim Brokers has increased sales by 12 percent and hired 35 percent more employees, despite difficult economic environments.

In 2006, Peter Sgro established the Guam Hospital Development Forum, which was comprised of cross-section of local experts and stakeholders, to develop a business plan to construct a privately owned and managed hospital on Guam. One year later, in 2007, Mr. Sgro and his wife Kathy, founded the Guam Healthcare and Development Foundation to implement this business plan. As the Foundation's President and Chairman, Mr. Sgro has secured full funding from national and international investors, and a ground breaking ceremony on this private hospital was held in February of 2012. This new, state of the art facility will provide more than 300 hospital beds for local patients and is expected to open in 2014.

Mr. Sgro is also an active member in our community. He has served on the University of Guam Board of Regents, the Guam Chamber of Commerce Board of Directors, and the Guam Visitors Bureau Board of Directors. During his tenure as the Chairman of the Guam Chamber of Commerce Board of Directors, Mr. Sgro established the Guam Business Hall of Fame to recognize local business leaders who have made outstanding contributions to their profession and to Guam's community. This recognition ceremony continues to be an annual tradition of the Chamber of Commerce.

Mr. Sgro is married to Katherine Calvo Sgro and they have four children: Christopher, Matthew, Katarina, and Maria. He is a 1981 graduate of the University of Portland, where he received a Bachelor of Business Administration degree in management and marketing. In

1984, Mr. Sgro received his Juris Doctorate degree from the University of Notre Dame. He is also a licensed real estate broker on Guam.

I congratulate Peter R. Sgro, Jr. on receiving the 2012 U.S. Small Business Administration's Entrepreneurial Success Award for Guam. I join the people of Guam in commending him for his award and thanking him for his contributions to our community.

13TH DISTRICT CONGRESSIONAL LAW ENFORCEMENT AWARDS (CLEA)

HON. VERN BUCHANAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 2012

Mr. BUCHANAN. Mr. Speaker, I rise today to pay tribute to law enforcement men and women who have provided distinctive service to the people of Florida's 13th Congressional District.

Law enforcement is a demanding profession that requires sacrifice, courage and a dedication to serve others. Every day, brave men and women put themselves in harm's way to enforce the laws of our society and protect public safety. They deserve our gratitude and respect.

This year, I established the 13th District Congressional Law Enforcement Awards, CLEA, to give special recognition to law enforcement officers, departments, or units for exceptional achievement.

On behalf of the people of Florida's 13th District, I congratulate the following winners chosen by an independent panel comprised of current and retired law enforcement personnel representing a cross-section of the district's law enforcement community.

Patrolman 1st Class Justin Wyatt of the Wauchula, Florida Police Department received the Above and Beyond the Call of Duty and the Congressional Law Enforcement Officer of the Year Awards.

Deputy Steve Aherns of the Hardee County Sheriff's Office received the Above and Beyond the Call of Duty and the Congressional Law Enforcement Officer of the Year Awards.

Detective Salvatore Levita of the Manatee County Sheriff's Office received the Above and Beyond the Call of Duty Award.

Trooper John B. McGrede of the Florida Highway Patrol received the Above and Beyond the Call of Duty Award.

Detective Michael A. Dumer of the Sarasota County Sheriff's Office received the Dedication and Professionalism Award.

Detective Michael Page of the Bradenton Police Department received the Dedication and Professionalism Award.

Special Agent Steve Lieberman of the Florida Department of Law Enforcement received the Dedication and Professionalism Award.

Special Agent Jim Vogt of the Florida Department of Law Enforcement received the Career Service Award.

The Venice Florida Police Department received the Unit Citation Award.

Government Analyst Kelly Andriano of the Florida Department of Law Enforcement received the Associate Service Award.

I offer my sincere appreciation for the service and dedication of these outstanding law enforcement officers. I appreciate the law enforcement agencies that made such outstanding nominations and panel that judged them.

I believe these awards are a fitting tribute to our officers and a reminder of the important role they play in our communities.

HONORING THE POLICE UNITY TOUR'S FIFTEENTH ANNIVERSARY

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 2012

Mr. FRELINGHUYSEN. Mr. Speaker, I rise today to honor the Police Unity Tour and its riders as they mark their Fifteenth Anniversary.

In May of 1997, the Police Unity Tour was organized to raise awareness of law enforcement officers who have died in the line of duty and to honor their sacrifices. The Tour, the inspiration of Florham Park, New Jersey Police Officer Patrick P. Montuore, currently Florham Park Police Chief, has grown significantly since its first year. New chapters have formed in many states, including New York, Florida, Delaware and California.

During National Police Week, participants in the Police Unity Tour travel 300 miles by bicycle from New Jersey to the National Law Enforcement Officer's Memorial in Washington DC. The tour culminates in a candlelight vigil held in Washington DC at the Memorial where the names of newly added officers are read aloud and officially dedicated on the monument. This ceremony reminds the participants that their important work is never done.

To honor fallen officers who have fallen in the line of duty, the ride helps raise funds for the National Law Enforcement Officer's Memorial Fund. Since 1997, the Police Unity Tour has raised $10 million for the Fund, going towards the task of adding officers' names to the Memorial's Hall of Remembrance and providing for renovations to the facility.

From 18 participants raising $18,000 for the Fund in its first year, the Police Unity Tour has grown to over 1,200 riders who raised $1.325 million in 2011 alone. Inspired by its motto, "We Ride for Those Who Died", participants come from over 40 states as well as a number of countries such as Australia, Israel and India. However different the backgrounds of these officers may be, they all share in the common purpose of honoring and remembering their fellow fallen officers.

The National Law Enforcement Officer's Memorial contains the names of 19,000 officers who have sacrificed their lives to keep our communities safe and the contributions of the Police Unity Tour have helped preserve their memory. In 2006, The Police Unity Tour pledged to raise $5 million to restore the Memorial and in 2009 the restoration was completed, ensuring that the names and legacies of these officers will never be forgotten.

Mr. Speaker, I ask you and my colleagues to join me in congratulating the Police Unity Tour and the law enforcement officers who participate in it, as they mark 15 years of devotion to the law enforcement community.

RECOGNIZING MARK ZHAO ON BEING NAMED THE U.S. SMALL BUSINESS ADMINISTRATION'S MINORITY SMALL BUSINESS CHAMPION OF YEAR FOR 2012

HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 2012

Ms. BORDALLO. Mr. Speaker, I rise today to recognize Mr. Mark M. Y. Zhao for receiving the U.S. Small Business Administration's 2012 Minority Small Business Champion of the Year Award. Mark is the Executive Director of the Westpac Institute of Management on Guam, and has a strong background in banking and finance.

Mark graduated from the University of Guam in 1986 and soon became a banking officer for the Bank of Hawaii. In this capacity, he worked hard to develop and grow Guam's access to the Chinese market. Mark worked to meet the needs of small business owners by eliminating language and cultural barriers that existed between the bank and its customers of Chinese descent. These efforts earned him the position of Vice President for Corporate Lending at the Bank of Hawaii, which he held until 2001.

Following his banking career, Mark used his financial and entrepreneurial expertise to establish the Westpac Institute on Guam. This institute has helped hundreds of entrepreneurs in the local community, especially the minority segments on Guam, by providing them with the education and resources needed to develop their skills.

Further, Mark is an active member of the Chinese Chamber of Commerce on Guam, where he serves as the Chairman of the Real Estate and Education Committees. He also uses his expertise to promote programs that support the education of our young people and the development of Guam's economy. Additionally, Mark is a member of the Governor's Council of Economic Advisers and a Life Member of the Navy League of the United States.

I commend Mr. Mark M. Y. Zhao for his work in addressing the needs of Guam's small business community, and for being named the SBA's Minority Small Business Champion of the Year for 2012. I join our island in thanking him for his contributions to our community, and I wish him continued success with the Westpac Institute.

PAYING TRIBUTE TO COMMAND SERGEANT MAJOR RICKY YATES

HON. MIKE ROGERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 2012

Mr. ROGERS of Michigan. Mr. Speaker, I rise to honor the accomplishments of Command Sergeant Major Ricky Yates. His service to our Nation is the standard by which all U.S. Army Aviation Command Sergeant Major careers are measured. His ability to develop solutions to complex and inter-related problems coupled with his unequalled leadership, technical expertise and devotion to duty set him

apart from his peers. From his time as a helicopter repairman in an Aviation Battalion serving in peacetime and in combat, to his capstone assignment as the Command Sergeant Major of the U.S. Army Aviation and Missile Command, Command Sergeant Major Yates was recognized with the same superlative by every Commander—the best maintenance Non-Commissioned Officer with whom they have ever served.

Command Sergeant Major Yates served our Nation for over 3 decades, at all levels of leadership which allowed him to capitalize on his talents and abilities to serve Soldiers, his unit, the Army and his country at every opportunity. He is truly a selfless servant, caring only about the welfare of others and never seeking accolades for himself. He demonstrated the capacity to be a transformative leader in an organization even when he was new to the unit and the mission. In the execution of his duties, he was recognized for his unequalled ability to diagnose maintenance problems and determine repair requirements.

Command Sergeant Major Yates first demonstrated his ability to lead an organization in combat while assigned as First Sergeant in Task Force 118, a ground-breaking special operations aviation unit, during Operation Prime Chance. Operation Prime Chance was a United States Special Operations Command operation intended to protect U.S. flagged oil tankers from Iranian attack during the Iran-Iraq War. This operation pioneered the first use of 0H58D Helicopters in ship board based combat operations.

During his Divisional assignments, he was noted by all levels within his chain of command as the single best Aviation Maintenance NCO with whom they had ever worked and as the ''epitome of commitment to maintenance excellence.'' One outstanding feature of CSM Yates' career is his constant service in the toughest units in the Army. During his career, CSM Yates served in the 1st Armored Division, 1st Cavalry Division, 24th Infantry Division, 25th Infantry Division, and the 82d Airborne Division. He served for 21 total years at Fort Bragg, earning Jumpmaster Wings and the Combat Action Badge while deploying in support of Operations Prime Chance, Desert Shield & Desert Storm, Enduring Freedom, and Iraqi Freedom.

Because of his proven record in solving strategic level problems and his unparalleled expertise in Aviation Maintenance, Command Sergeant Major Yates was selected by the Commanding General of the U.S. Army Aviation and Missile Command (AMCOM) to be the AMCOM Command Sergeant Major, the senior Aviation Maintenance NCO in the Army. He immediately became an invaluable member of the AMCOM team, and his leadership in Aviation Maintenance was crucial in the organization's support to Operation Iraqi Freedom, Operation Enduring Freedom, and Operations over the Horizon (OTH).

During his tenure as AMCOM CSM, he personally worked multiple initiatives that proved crucial to supporting Warfighters. When AMCOM was tasked to assume the supply and maintenance management mission at Fort Rucker, CSM Yates assisted in identifying the necessary green suit structure needed to properly supervise the large force of contractor personnel. Stated simply, if any portion of AMCOM required senior leadership attention, CSM Yates provided it, and always provided sound, timely, and well researched advice to the three Commanding Generals he served.

In support to the Global War on Terrorism, Command Sergeant Major Yates made multiple visits to the CENTCOM Area of Operations to assist the Combat Aviation Brigades and the Aviation Logistics hubs. He spent months in Iraq and Afghanistan, operating independently and by his own initiative to provide direct support from AMCOM to the Aviation Brigades. He was the eyes and ears of the commander to the field, gathering information on how best AMCOM could support units in the fight. Likewise, he was the voice of the Commanding General, ensuring standardization to maintenance and logistics practices across the Army, focused on the areas that most significantly affected the Aviation Soldier.

From the individual Soldier to the highest echelons of Army Aviation, Command Sergeant Major Ricky Yates demonstrated a technical prowess, unyielding devotion to the Army's mission, transformational leadership, and unwavering support to the Soldier. He reached the pinnacle of his profession, and was truly the best Command Sergeant Major to have ever done his job.

Therefore Mr. Speaker, I ask our colleagues to join me in honoring Command Sergeant Major Ricky Yates' exceptional service, dedication and devotion to duty, leadership, and professional competency. He exemplifies the fine tradition of military service and reflects great credit upon himself, the Department of the Army, and the United States of America. May he know that his Nation is greatly appreciative of his dedication, and wishes him the best in all his future endeavors.

90TH ANNIVERSARY OF THE MODESTO LIONS CLUB

HON. JEFF DENHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 2012

Mr. DENHAM. Mr. Speaker, I rise today to recognize and applaud the Modesto Lions Club on their 90th Anniversary. This dedicated service club should be commended for their leadership.

In the early 1920's, there were few community service clubs; however, 43 prominent business owners in Modesto joined to establish the first Lions Club in Stanislaus County on March 29, 1922. This core of movers & shakers became the 'Booster Club' of their fair city, Modesto.

This hardy band supported the Salvation Army, the Red Cross, the Boy Scouts and the YMCA in a way never before accomplished. The club's membership dwindled during WWII, but the Modesto Lions Club maintained its stature and continued its good deeds for the community.

The economic growth of the post-war period allowed the Modesto Lions Club to grow and facilitate bigger projects, such as the Modesto High School Swimming Pool and the Mancini Bowl Band Shell.

In 1987, the Modesto Lions Club broke social barriers by welcoming female members, and a new era dawned as many ladies joined the ranks.

Recently, the Modesto Lions Club completed the Modesto Lions Junction Park along the Virginia Trail providing shade for all who use the trail.

Mr. Speaker, please join me in praising and congratulating the Modesto Lions for 90 years of community service and success.

RECOGNIZING JOSEPH ROBERTO ON BEING NAMED THE U.S. SMALL BUSINESS ADMINISTRATION'S JEFFREY BUTLAND FAMILY-OWNED SMALL BUSINESS OF YEAR FOR 2012

HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 2012

Ms. BORDALLO. Mr. Speaker, I rise today to recognize Mr. Joseph Roberto for receiving the U.S. Small Business Administration's 2012 Jeffrey Butland Family-Owned Small Business of the Year award for Guam. Joe is a founder and manager of the family-owned East Island Tinting, and has many years of leadership in our island community.

In 1990, Joe and his brothers founded Island Tinting to provide the people of Guam with low-cost services for tinting vehicles as well as residential and commercial properties. This company served Guam for almost 20 years, and became the basis for the family's new venture, East Island Tinting, which was established in 2008. Over the years, the company has increased their service to their customers by providing more staffing and a convenient location to serve them. East Island Tinting has expanded to two locations and its services have grown from one line of automotive tint film to an array of films that cater to a diverse customer base on Guam. The company also recently opened its newly renovated facility in East Agana, Guam, which includes custom detailing services. Further, in 2010, the company was recognized by the Guam Small Business Development Center for their continued success as a small business.

Joe is also an active member in our island's community. He has served as a volunteer soccer coach for the Shipyard Wolverines soccer club, and has helped develop hundreds of players over the years. He also served as Chairman of the Small Business Committee in the Guam Contractors Association, and has volunteered in several parent-teacher organizations on Guam.

I commend Mr. Joseph Roberto for his efforts in growing and expanding his family's business, and for receiving the SBA's 2012 Jeffrey Butland Family-Owned Business of the Year award. I join the people of Guam in thanking him for his many contributions to our community, and I wish him continued success.

PERSONAL EXPLANATION

HON. MIKE McINTYRE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 2012

Mr. McINTYRE. Mr. Speaker, I was unexpectedly unable to make votes on March 26, 2012. Had I been present, I would have voted ''yes'' on rollcall Vote Numbers 127, 128, 129.

HONORING THE HEROES OF THE FORT KENT FIRE

HON. MICHAEL H. MICHAUD

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 2012

Mr. MICHAUD. Mr. Speaker, I rise today to honor the people of Fort Kent, and the surrounding communities, who responded so admirably to the massive fire in downtown Fort Kent.

In the early morning of March 25, 2012, a massive fire erupted in Fort Kent, Maine destroying several downtown buildings and damaging local businesses. Although these buildings contained numerous apartments, there was mercifully no loss of life. That is because of the heroic efforts of eight local fire departments, the Fort Kent Police, and a town employee who first spotted the flames.

Tenants living on the second floor of the Nadeau's House of Furniture building were evacuated with only minutes to spare as the fire quickly spread. The heat was strong enough to damage businesses located across the street and melt nearby street signs. Moreover, it took thousands of gallons of water, pumped from the St. John River, to finally quell the flames.

The heroism of the Fort Kent Volunteer Fire Department and fire crews from St. Agatha, Frenchville, Madawaska, North Lakes, Eagle Lake, St. Francois, New Brunswick and Clair, New Brunswick cannot be overstated. Neither can the bravery of Matt Bard who first alerted authorities, Tony Enerva and Richard Martin of the Fort Kent Police Department who were among the first on the scene, the Fort Kent Ambulance Service, or the scores of others who helped avert an even greater tragedy.

I am grateful to the Pine Tree Chapter of the American Red Cross and the Salvation Army for providing such immediate relief to the displaced families. I am also extremely heartened by the outpouring of support that has come from the Fort Kent community. Local business leaders have already launched a fundraising campaign to further assist those who lost their belongings in the fire. I know that their combined strength will bring the town through this difficult time.

Mr. Speaker, please join me in honoring all the heroes who responded to the Fort Kent fire.

RECOGNIZING BENJAMIN C. PABLO ON BEING NAMED THE U.S. SMALL BUSINESS ADMINISTRATION'S VETERAN SMALL BUSINESS CHAMPION OF THE YEAR FOR 2012

HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 2012

Ms. BORDALLO. Mr. Speaker, I rise today to recognize Mr. Benjamin C. Pablo for receiving the U.S. Small Business Administration's 2012 Veteran Small Business Champion of the Year Award. Ben is a United States Army veteran who served for 22 years, and is currently the Vice President and Community Development Officer at the Bank of Guam, where he is fondly referred to as its "veteran ambassador."

Ben has worked to create educational opportunities for veterans and servicemembers interested in simplifying their finances or opening up a small business. Most notably, in 2010, he helped establish the Guam Veterans Business Outreach Center, which provides resources and training workshops to veterans. Through the outreach center, Ben consults with local veterans on credit and lending criteria and also shares his expertise in creating and developing a successful business plan. Further, Ben helped secure the Bank of Guam's ability to administer SBA Patriot Express Loans to assist veteran clients and members of the military community in creating or expanding their small business.

Additionally, Ben devotes his time to participating in community service activities and civic organizations. He played an instrumental role in helping the Vietnam Veterans of Guam Chapter 668 in obtaining donations from the bank and other organizations to construct the Vietnam Veterans Memorial Walls, to memorialize the servicemembers from Guam killed during the Vietnam War. He also serves as the treasurer for Catholic Social Services (CSS) on Guam, and has been a board member for seven years. CSS is a nonprofit organization that provides numerous services to Guam's most vulnerable residents, including many veterans.

I commend Mr. Benjamin C. Pablo for working to improve veterans' business opportunities on Guam and for being SBA's Veteran Small Business Champion of the Year for 2012. I join our island in thanking him for his service to our country, and for his dedication to sharing his financial expertise with our veteran community on Guam.

RECOGNITION FOR THE PUBLIC SERVICE OF WILLIAM F. BUNTING

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 2012

Mr. BURGESS. Mr. Speaker, I rise today to honor a remarkable individual, admired for his public service and expert contributions to meteorology and weather forecasting, Mr. William F. Bunting.

Mr. Bunting is an esteemed veteran of his field. His more than 25 years of experience has taken him across this land—from New York City to Lansing, MI to Norman, OK, to Kansas City, MO, and for the last decade to Fort Worth, TX. He has painstakingly forecast and monitored a number of major weather events during his time in the weather service, including the chain of 59 tornadoes in Oklahoma and Kansas in 1990, the Kansas City flash flood in the fall of 1998, and the urban tornado in downtown Fort Worth in 2000. Mr. Bunting's judgment and decision-making in weather forecasting and storm damage assessment has been of tremendous value in service to the public.

Mr. Bunting has made significant contributions to research and public understanding of severe storms. He has assembled an extensive website of data to upper air soundings, surface analyses, and weather prediction satellite imagery. He has authored many papers on severe storms and climatic weather, lectured at more than a dozen weather warning workshops and conducted more than 500 presentations to spotter and emergency management groups, civic organizations, businesses and schools. There is no question that Bill Bunting has invested his knowledge and concerns to enhance the safety of hundreds of thousands of people.

As Meteorologist in Charge at the National Weather Service's forecast office in Fort Worth, Mr. Bunting has supervised a staff of more than 25 forecasters, technicians and support personnel and been responsible for all forecasts, weather advisories, watches and warnings for 46 North Texas counties. Now, after 10 years in Fort Worth, Mr. Bunting is called to serve as Operations Branch Chief at the Storm Prediction Center in Oklahoma beginning in early April. We wish him well in this new position.

It is my great privilege to recognize Mr. Bill Bunting, Meteorologist-in-Charge at the National Weather Service, for his commitment to people's safety, his dedication to the study and understanding of meteorology and for his service to the many citizens whose lives have been saved by being forewarned by his forecasts.

HONORING MS. PHILLIS OETERS

HON. MARIO DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 2012

Mr. DIAZ-BALART. Mr. Speaker, in recognition of Women's History month I rise today to honor Ms. Phillis Oeters, an outstanding individual who has continuously supported the South Florida community.

Ms. Oeters currently serves as the Corporate Vice President of Government and Community Relations for Baptist Health South Florida, the largest not-for-profit healthcare organization in the region. As Corporate Vice President, Ms. Oeters is responsible for strategic planning of government and community relations, developing a state and federal legislative agenda consisting of health-care funding, insurance regulation, and general health policy development.

Additionally, Ms. Oeters serves on many community boards including the Greater Miami Chamber of Commerce, where she will assume the position of Chairman in June 2012. She also serves on the boards of Beacon Council, United Way, Nat Moore Foundation, Orange Bowl, among many others. From 2003 to 2008, she was Chairman of the Board of the Neurologically Injured Compensation Fund for the State of Florida, a billion dollar fund responsible for caring for children injured at birth. Ms. Oeters is a founding member and former Chairman of the President's Council of 100 for Florida International University.

Ms. Oeters has been a long-time supporter of the American Red Cross and was Chairman of the Board for Greater Miami and the Keys Chapter for three years. Amongst her countless duties she has chaired the Spectrum Awards for Women since 1997. She was recently recognized for her community service by receiving "The Champion of Fundraising Award" and "Building our Community Humanitarian of the Year Award" from the March of

Dimes. The American Cancer Society awarded her the ''Inner Circle of 12 Distinction,'' which honors 12 outstanding women for their leadership, volunteerism, community involvement and dedication to the ACS mission. In addition to her admirable accomplishments, Ms. Oeters finds the time to be an adventure traveler, avid sailor, and equestrian. In 1988, she was the first woman to win the J/30 North America Sail Championship presented by the American Yacht Club.

Mr. Speaker, I am honored to pay tribute to Ms. Phillis Oeters for her continued service to the South Florida community and I ask my colleagues to join me in recognizing this extraordinary individual.

12TH ANNUAL CONGRESSIONAL CIVIL RIGHTS PILGRIMAGE

HON. JANICE HAHN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 2012

Ms. HAHN. Mr. Speaker. I rise today in honor of the Faith & Politics Institute's 12th Annual Congressional Civil Rights Pilgrimage to Birmingham, Selma and Montgomery, Alabama, which I had the great privilege of joining.

This pilgrimage was about coming together—not as Democrats and Republicans—but as Americans, as men and women who believe somehow and some way that we have a can find a way to create the American community. The non-violent and peaceful Americans who risked so much simply to have the government honor their rights under our Constitution reminds me of what it means to be a patriot. In the face of brutal beatings, fire hoses, cattle prods, trampling by horses and in some cases death, these heroes forced America to face its past and present, and change the way it treated its own citizens.

Our pilgrimage included visits to many historic places in Alabama that changed the course of history for all Americans. In Montgomery, we visited Dexter Avenue King Memorial Baptist Church where Dr. Martin Luther King, Jr. began his ministry and the parsonage where he and his family lived through two bombings. Other visits in Montgomery included First Baptist Church where the Rev. Dr. Ralph Abernathy served as pastor, the Southern Poverty Law Center, the Rosa Parks Museum and the Capitol—the building from which Governor George Wallace declared he would uphold segregation laws and on whose steps the Voting Rights March culminated.

My father, Kenny Hahn, took an enormous risk early in his public career to welcome Martin Luther King Jr. to Los Angeles. He did it because it was the right thing to do. This trip reminded me how important it was to stand up for what you believe, like my father did in 1961, and throughout his career. We must live up to the example set for us by leaders of the Civil Rights era by continuing the fight for social justice and for the rights of all Americans. I would hope that every member of Congress would take this pilgrimage during their career and that each American learns more about a group of men and women who stood up for and changed our nation.

CONVOY OF HOPE: A REAL ''COMMUNITY ORGANIZER''

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 2012

Mr. PAUL. Mr. Speaker, one of the great economic fallacies of our time is that if government doesn't do something, no one will. This disastrous fallacy underlies much of our national debate concerning heath care, education, poverty, housing, and disaster relief, to name just a few issues.

But today I rise to applaud an organization that stands in stark refutation of that fallacy. Convoy of Hope, a private charity in Springfield, Missouri, does so much to help so many communities that the term ''charity'' doesn't begin to describe it. In fact, Convoy of Hope is equal parts grocer, clothier, heath care provider, first responder, educator, and logistics expert. It works with communities in America and around the world bringing together local charities, businesses, churches, and government agencies to alleviate poverty and help people in the wake of disasters.

In other words, it is a real community organizer! The tremendous scope of its activities serves as a reminder that government is neither the sole nor the best provider of goods and services to people in need.

Mr. Speaker, I recently had the privilege of touring Convoy of Hope's headquarters and distribution center. It was a humbling but deeply encouraging experience, as I learned the full extent of its charitable outreach. Frankly I've never seen an organization so focused, efficient, and poised to do tremendous good for so many people.

First, some background: Convoy of Hope was founded by Hal and David Donaldson in 1994, who as young boys suffered the death of their father and subsequent poverty. But both men were struck by the outpouring of support their family received during that time; local churches and the community provided food and shelter. As a result, the two brothers both developed a deep sense of responsibility to help others in need.

In the years since, Convoy of Hope has helped more than 50 million individuals in more than 100 countries—giving away nearly $300 million worth of food and supplies in the process.

Today, Convoy of Hope describes its mission as a global movement focused on four keys:

Children's feeding initiatives: the organization's overriding goal is to alleviate child hunger worldwide, providing food and clean water while also teaching agricultural techniques.

Community outreach: Convoy of Hope coordinates dozens of community events annually with thousands of volunteers and guests. These events involve free groceries; job and health fairs; and activities for children. As always, this outreach is available to all, without regard to age, race, physical appearance, or religion.

Disaster response: from an earthquake in Haiti to a tsunami in Indonesia to tornadoes in the American south, Convoy of Hope is a proven first responder. With its fleet of tractor trailers, 300,000 square foot warehouse, and high-tech mobile command center, it efficiently leverages relationships with private industry to help victims of worldwide disasters.

Partner resourcing: Convoy of Hope supports hundreds of like-minded organizations throughout the world, providing them with the food and supplies needed to help their communities. In this way Convoy of Hope consistently promotes local control, results, and accountability—while demonstrating humility and a willingness to let others shine and take credit in local communities.

Unlike government bureaucracies and many top-heavy private charities, Convoy of Hope applies a uniquely results-oriented approach to serving people. You won't find bloated salaries or patronage jobs at Convoy of Hope, nor will you find tony offices in New York or Los Angeles like so many nonprofits. In fact, the organization regularly spends only about 10 percent of its budget on overhead (a very low ratio in the nonprofit world), while employing a small staff of approximately 85. Watchdog group Charity Navigator consistently gives Convoy of Hope high marks for both its financial acumen and transparency.

Convoy of Hope also stretches its resources by developing strategic partnerships with private sector corporations, many of which provide in-kind donations of goods or services. This allows Convoy of Hope to offer a win-win proposition to prospective corporate donors: companies benefit from donating needed goods or services already in their inventory or area of expertise, while Convoy of Hope benefits from receiving the supplies and services it needs without paying retail prices. Its corporate donors—including Coca Cola; Nestle; Proctor & Gamble; Nestle; Georgia Pacific; Cargill; Del Monte; and FedEx—donate everything from building supplies to bottled water to toiletries. These partnerships with successful private companies demonstrate an entrepreneurial mindset that enables Convoy of Hope to help more people with less overhead.

Its massive distribution center and headquarters are located strategically in Missouri, where its fleet of trucks can dispatch quickly anywhere in America. It also operates six international distribution centers for logistical efficiency. By contrast, many government agencies purposely locate offices and facilities in different states at the clear expense of efficiency, solely to curry funding support from as many members of Congress and Senators as possible.

The next step for Convoy of Hope is an audacious one: a 50 state tour beginning in May designed to address poverty across the United States. The ''Convoy of Hope Tour'' will provide an average of $1 million in goods and services to a community in a single day. Convoy of Hope's fleet of 18 wheel trucks will roll through every state, providing a wide variety of goods and practical services to those in need, including: groceries, job counseling, clothing, dental care, breast cancer screenings, haircuts, family portraits, children's activities, prayer and connections with local churches.

Finally, while Convoy of Hope is a Christian-based organization, it is nondenominational and strongly non-political in its approach, helping those in need without imposing their faith. Convoy of Hope employees simply believe their faith compels them to help their fellow man. This commonsense dictum guides infuses everything that Convoy of Hope does.

Mr. Speaker, in conclusion let me state unequivocally that Convoy of Hope is doing tremendous work on behalf of mankind. I wish

everyone at Convoy of Hope (and their donors) best wishes for great success with their upcoming Tour. It's hard to imagine a government agency operating as efficiently, as nimbly, or even as cheerfully as Convoy of Hope. I truly believe it should serve as a model for private, nongovernmental solutions to poverty and its attendant ills.

HONORING KALEB CANALES

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 2012

Mr. CUELLAR. Mr. Speaker, I rise today to honor and recognize Mr. Kaleb Canales who was named the interim head coach for the Portland Trail Blazers of the National Basketball Association, NBA, on March 15, 2012. Mr. Canales is the youngest active head coach in the NBA and the first Mexican-American to hold this position in the league's history.

Mr. Canales was born on July 7, 1978, in Laredo, Texas, and graduated from Alexander High School in 1996. He then went on to earn his bachelor's degree in Kinesiology from the University of Texas at Arlington and his master's degree in Sports Leadership from Virginia Commonwealth University. Upon completing his education, Mr. Canales moved back to Laredo and coached at Martin High School from 2001 through 2002 and United High School from 2002 through 2003.

Mr. Canales moved on to join the men's basketball coaching staff at the University of Texas at Arlington. He worked on the UT-Arlington staff for a year before moving on to become an unpaid intern for the Portland Trail Blazers from 2004 through 2005. Mr. Canales' career with the Trail Blazers started in 2005 when he was designated as the team's video coordinator, a position he held until 2008. After serving as the video coordinator, Mr. Canales was promoted to assistant coach and held that title until the 15th of this month when he was named interim head coach.

His story is one of passion and persistence; one that is truly admirable that sets an example for our youth today. Mr. Canales has demonstrated that with hard work and goals, accomplishments will follow. This young Laredoan has made us all very proud and we look forward to his work in the NBA.

Mr. Speaker, I am honored to have had the opportunity to recognize Mr. Canales' great background and accomplishments. His hard work and determination has truly had a positive impact on the Laredo and Hispanic community.

HONORING MS. MARY FINLAN

HON. MARIO DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 2012

Mr. DIAZ-BALART. Mr. Speaker, in recognition of Women's History month, I rise today to honor Ms. Mary Finlan, an exceptional individual who has served South Florida for decades.

Ms. Finlan began her work at the Greater Homestead/Florida City Chamber of Commerce in 1998, and was promoted to Executive Director a year later. Throughout her career, she has worked tirelessly for the community, earning the respect and trust of many in South Florida. After Hurricane Andrew, she worked for four years with Habitat for Humanity, Lutheran Disaster Response, and ICARE to rebuild homes and clean up the disaster. During this time, she also worked to gather volunteers and raise funds nationwide.

From 1987 to 1992, Ms. Finlan served as Executive Director of the USO of Dade and Monroe Counties headquartered on Homestead Air Force Base before Hurricane Andrew. The agency provided services to the U.S. and allied military personnel and dependents from Opa-Locka to Key West. During that time she was a member of the Military Affairs Committees of the Greater Homestead/Florida City Chamber of Commerce, the South Dade Chamber of Commerce (now Chamber South) and the Greater Miami Chamber of Commerce.

Ms. Finlan is a charter member of the Miami-Dade Defense Alliance, and works diligently on behalf of Homestead Air Reserve Base and the other military installations to protect them from closure. She currently serves as Chairman of the board of the Everglades Community Association for migrant housing. She also sits on numerous advisory councils including the Miami-Dade Farm Worker Jobs and Education Program, the board of Rural Neighborhoods, Inc., and the Industry Advisory Council of the Homestead Job Corps Center.

Mr. Speaker, I am honored to pay tribute to Ms. Mary Finlan for her continued service to the South Florida community and I ask my colleagues to join me in recognizing a remarkable individual.

HONORING JAMES KIMO CAMPBELL

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 2012

Ms. WOOLSEY. Mr. Speaker, I rise today to honor my friend James Kimo Campbell, who passed away on February 16, 2012. Kimo, as he was known locally, has been recognized for decades as a principled leader on environmental issues, education, and social justice. I admired the values he stood for and appreciated the opportunity to work with him over the years. He was a man of conscience, and his work has benefitted not only Marin County, but the entire Pacific coast.

Campbell was born in 1947 in Los Angeles. He was raised in Ewa Beach, Oahu by his grandmother, Alice Kamokila Campbell, part of a prominent Irish-Hawaiian landowning family. After studying at the venerable Punahou School in Honolulu, Campbell came to northern California in 1966 for a journalism program at College of Marin.

It was at College of Marin that Campbell first earned recognition for his intelligence and insight, winning journalism awards and becoming editor of the college student newspaper by 1968. It was also at College of Marin that Campbell became involved in the earliest activities of the antiwar and environmental movements of the late 1960s. Campbell was an active reporter and demonstrator in Vietnam war events across the San Francisco Bay area, and he served as a public voice for peace and civil liberties on the national stage.

As his work progressed, Campbell was especially effective in translating advocacy and protest into political power and substantive change. He ran four times for a seat on the College of Marin Board of Trustees before finally winning his first, narrow election at the age of 27. From then on, he worked tirelessly to defend the interests of the students, staff, and institution he represented, and to effectively manage College of Marin through a period of modernization.

Campbell brought the same focus to a range of environmental priorities. He served on the Boards of the California League of Conservation Voters, Earthjustice, the Trust for Public Land, and other organizations. He also had a particular interest in projects supporting Hawaiian culture, including the Pohaku Fund and his home-based publishing operation, Pueo Press.

Campbell is survived by his wife, Kerry Tepperman Campbell, and his two children, Mahealani and Kawika Campbell.

Mr. Speaker, I ask you to join me in recognizing a man whose leadership has set an example for all of us—a man whose tireless advocacy and positive spirit teach us all a lesson in the value of 'ohana.

OUR UNCONSCIONABLE NATIONAL DEBT CAPS

HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 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 $15,586,074,570,040.79. We've added $4,959,197,521,227.71 to our debt in 3 years. This is debt our nation, our economy, and our children could have avoided with a balanced budget amendment.

IN REMEMBRANCE OF MRS. CECILIA ARLEEN McINTYRE HARBISON

HON. SANFORD D. BISHOP, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 2012

Mr. BISHOP of Georgia. Mr. Speaker, I rise today to pay tribute to a beloved educator, inspiring role model and gracious woman of faith, Mrs. Cecilia Arleen McIntyre Harbison. Sadly, Mrs. Harbison passed away on Wednesday, March 21, 2012. On Wednesday, March 28, 2012, Mrs. Harbison's funeral will be held in Columbus, Georgia, where her family, friends and colleagues will honor her life and legacy of good deeds.

Mrs. Harbison was born on February 21, 1950, to Jesse and Emma McIntyre in Thomasville, Georgia. Following her birth, the family moved to Montgomery, Alabama, where she attended Booker T. Washington High School and was voted "Miss Sweetheart" of her senior class. After she obtained her high school

diploma she enrolled in Alabama State University in the fall of 1968.

On December 20, 1970, she married Ed Harbison at the historic Dexter Avenue Baptist Church in Montgomery, Alabama where Dr. Martin Luther King, Jr. served as a pastor from 1954 to 1960 and organized the Montgomery Bus Boycott in 1955.

In 1973, Mrs. Harbison and her husband moved to Columbus, Georgia, where she continued her college education and later graduated with a degree in early childhood education from Columbus State University. She would go on to also earn her master's degree in counseling from Troy University. In addition to her undergraduate and graduate degrees, Mrs. Harbison also earned leadership certifications from the Georgia School Counselors Association in Crisis Intervention, Cultural Diversity, Drug and Alcohol Intervention/Prevention, and Family Counseling.

Dr. Maya Angelou once said that: ''I've learned that you shouldn't go through life with a catcher's mitt on both hands; you need to be able to throw something back.'' Cecilia used her life and educational skills to throw something back to her community. She served as an educator/counselor in the Muscogee County School System; public relations official in the Gwinnett County School System; and as job developer for the Georgia Department of Technical and Adult Education. She was involved in many organizations that were dedicated to helping people to reach their full potential.

Cecilia loved her family and she loved her God. She knew that these were two loves that would put you on the path to greatness. Her special relationship with God began as a young teen at Bethany Seventh Day Adventist Church in Montgomery and continued when she moved to Columbus and became affiliated with the Sheppard Drive Seventh Day Adventist Church. In her later years, she continued her relationship with God as a member of Kingdom Metropolitan Worship Center. She was a special woman who supported her husband and children in all of their endeavors.

Cecilia was a fighter. Throughout her illness, she never gave up and kept on fighting the good fight. The Apostle Paul as he neared the end of this life penned the following words: ''For I am ready to be offered and the time of my departure is at hand. I have fought the good fight, I have finished my course, and I have kept the faith: Henceforth, there is laid up for me a crown of righteousness.'' Cecilia fought the good fight, finished her course and always kept the faith. And by the grace of God she has now claimed her crown.

Mr. Speaker, my wife Vivian and I, along with the almost 700,000 people in the Second Congressional District of Georgia, would like to extend our deepest sympathies to her husband, State Senator Ed Harbison, Cecilia's children, and other family members during this difficult time. May they be consoled and comforted by their abiding faith and the Holy Spirit in the days, weeks and months ahead.

HONORING COMMISSIONER REBECA SOSA

HON. MARIO DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 2012

Mr. DIAZ-BALART. Mr. Speaker, in recognition of Women's History month I rise today to honor Commissioner Rebeca Sosa, an admirable individual who has served South Florida with distinction.

Commissioner Sosa was first elected to the Miami-Dade Board of County Commissioners in June 2001 to represent the residents of District 6. She has since been re-elected three times, most recently in 2010 without opposition. Prior to joining Miami-Dade County, Commissioner Sosa served as mayor of the City of West Miami for seven years. During her tenure, the city recovered from a 52 percent budget deficit, thus removing it from the State Governor's Emergency list. She was essential in securing more than $5 million in grants for capital improvement projects for the city, as well as improving its drainage and parks system.

Commissioner Sosa currently serves as Chair of the Miami-Dade County Economic Development and Social Services Committee. As Chair, she is responsible for providing oversight and guidance to several departments and agencies responsible for the economic development and revitalization of the community, by creating an atmosphere that promotes public and private partnerships. She is also a member of the South Florida Regional Planning Council, whose mission is to identify the long-term challenges and opportunities facing Southeast Florida. She also assists the region's leaders in developing and implementing creative strategies that promote a more prosperous and equitable community, a healthier and cleaner environment, and a more vibrant economy.

She devotes her free time to civic activities, which include serving as the first Vice President of the Miami-Dade League of Cities, Chair of the West Miami Financial and Budget Committee, the West Miami Hurricane Preparedness Committee, among many others. Commissioner Sosa has been consistently recognized throughout her careeer and was recently awarded the ''Government & Law'' award during the 21st Annual ''In the Company of Women'' Award Ceremony. The award is a testament to her leadership, creativity, and vision in addressing community issues in Miami-Dade County.

Mr. Speaker, I am honored to pay tribute to Commissioner Rebeca Sosa for her continued service to the South Florida community. I ask my colleagues to join me in recognizing a dear friend and remarkable individual. I wish her continued success in her future endeavors.

RECOGNIZING THE ACCOMPLISHMENTS OF UNIVERSITY LABORATORY HIGH SCHOOL AT THE TOSHIBA/NATIONAL SCIENCE TEACHERS ASSOCIATION EXPLORAVISION PROGRAM

HON. TIMOTHY V. JOHNSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 2012

Mr. JOHNSON of Illinois. Mr. Speaker, I rise to congratulate four exceptional 10th grade students from University Laboratory High School in Urbana, Illinois.

Max Li, Gloria Ha, Roberto Chapa, and Ananth Nandakishore have exemplified amazing success with their project ''MIROR'' (Minimally-Invasive Robotic Orofacial Repair Technology). This is a prenatal technology that would utilize an in-womb robotic technology to repair diagnosed cleft lip or palate defects in the third trimester, effectively eliminating the scarring defect and consequently and future needs for operations or rehabilitation.

These young men and woman were selected as Regional Winning Finalists in the 20th annual Toshiba/National Science Teachers Association ExploraVision Program, the world's largest K–12 student science and technology competition. They were selected from a group of 4,807 entries, representing 14,602 students from the U.S. and Canada.

I want to also thank their teacher, David Stone, for his dedication to encourage the pursuit of excellence in every student at University Laboratory High School. These outstanding students represent the best of this nation's youth and I wish them continued success in their high school careers and beyond.

RECOGNIZING THOM HAUBERT

HON. STEVE STIVERS

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 2012

Mr. STIVERS. Mr. Speaker, today I rise to recognize Mr. Thom Haubert for his distinguished work and accomplishments as Battelle Memorial Institute's Inventor of the Year.

The American innovator has been a cornerstone of this country's culture and a key to our success. It is through these new ideas that our country has been able to prosper in the past, and how our country will work its way out of these challenging economic times. That is why I am happy to recognize Mr. Haubert for this great accomplishment. Thom joined Battelle, the world's largest independent research and development organization, in 1988, and has contributed to and led important research projects. Thom's significant impact on the world, its body of science and engineering, has resulted in numerous real world applications to help people. One of his recent and significant discoveries is in helping to detect and track cancer.

Thom is one of Battelle's ''go-to'' mechanical engineers for ideation aspects of many health and life sciences programs. Over the years, he has been able to quickly identify creative, inventive, practical, and unique solutions to difficult problems. As a result of the ingenuity of his thinking and tenacity of his work,

Thom has 20 issued patents, 21 patent applications pending, and is a Battelle Distinguished Inventor. Five of his patents are for an early screening cancer detection system where rare cancerous cells can be identified through simple blood tests. This simple blood test can also be used for tracking post cancer and remission. Thom's research in this area will hopefully lead to earlier cancer detection and eventually to tests for other diseases.

I extend my heartfelt congratulations to Thom Haubert for his work that has saved lives and made a difference to so many people. He stands as an example to young engineers across the country, and I am very pleased to thank him for all that he has done for Ohio and our country.

IN HONOR OF NEW JERSEY RESTAURANT ASSOCIATION PRESIDENT DEBORAH DOWDELL

HON. LEONARD LANCE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 2012

Mr. LANCE. Mr. Speaker, I rise with great sadness to honor long-time president of the New Jersey Restaurant Association Deborah Dowdell. Deborah Dowdell died March 2nd following a long and courageous battle with cancer.

Deborah's passing is a tremendous loss for New Jersey's small business community and most especially, her family, who loved her dearly.

For those who knew Deborah, she was a strong and influential leader and mentor in Trenton. Deborah Dowdell was an influential policy-maker, an expert on issues important to New Jersey's restaurant and hospitality community. But most important Deborah Dowdell was a great friend and loving daughter and wife.

My wife Heidi and I send our thoughts and prayers to Deborah's entire family during these very trying and difficult times.

RECOGNIZING GREEK INDEPENDENCE DAY

HON. JESSE L. JACKSON, JR.

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 2012

Mr. JACKSON of Illinois. Mr. Speaker, I rise today in recognition of Greek Independence Day, the celebration of Greek freedom from the Ottoman Empire in May of 1832. March 25 is recognized as the official celebration day of this monumental occasion.

From early Greek architecture, theatre and art, to the great philosophers, scientists, and mathematicians of their time, it is impossible to overlook the influence and the impact of Greek history, culture and tradition on the entire world.

Here in the United States, we hold a special place of honor for Greek history. Serving as one of the oldest examples of a successful democratic government, our Nation's Founding Fathers looked to ancient Athenian democracy to lay the foundation for the Constitution of the United States, without which our great Nation would not be what it is today.

With a strong Greek-American community in the Chicago area, the people of the 2nd Congressional district continue to celebrate the historic and cultural heritage of Greek Americans in Chicagoland and across the Nation, in addition to the new, unique, and ever changing ways they contribute to America.

I am honored to recognize and congratulate Greece on 191 years of independence and thank the Greek people for the substantial impact they have made not only in America, but throughout the global community.

Happy Independence Day.

CELEBRATING THE LIFE AND LEGACY OF LOU POULOS

HON. ED PASTOR

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 2012

Mr. PASTOR of Arizona. Mr. Speaker, I ask my colleagues to join me in recognizing the life and achievements of Mr. Lou Poulos, who recently passed away. As a husband and father, as a friend and businessman, as a community trade association and church leader, Lou was an extraordinary man who cared deeply for his country, state and city and the industry that he was instrumental in shaping for half a century.

The sixth of nine children to Greek immigrants, Lou contracted polio at the age of 2. Although he received treatment as a child, Lou never regained full use of his legs and walked with crutches or used a wheelchair for the remainder of his life. Lou's condition did not detract from his steadfast determination to live a life on his terms, not on the terms of the disease that damaged his legs. In 1929, his father and a partner started the wholesale Farmers Produce Company. Later at the end of Prohibition in 1933, the elder Poulos acquired one of the first wholesale liquor licenses in Arizona. Lou got his first taste of the business by helping his father in the Miami, Arizona office by taking orders for liquor over the phone.

Lou was widely recognized and respected in the liquor industry and the Arizona community as a whole from the time he was a young man. But he really came into his own when he developed a chain of drive-through liquor stores, which were launched from his father's business. Farmers Liquors was the first retail liquor chain in the state, with some 15 locations through the Valley of the Sun. Under Lou's management, Farmers Liquors prospered. While he was building his own business, he was mindful of the importance of all the tiers of the industry and the impact of political legislation and the people who made those decisions.

Early on, Lou became active in the Arizona Licensed Beverage Association (ALBA), founded in 1936 to protect liquor licenses against unfair legislation. He was largely responsible for putting teeth into ALBA and working to fulfill the mission of the organization. Serving on the Board of Directors and Executive Committee for decades, Lou was also the association's longest serving treasurer—45 years.

Lou Poulos was a very generous man, not only in financial terms, but also in lending his time, wisdom and expertise to individuals and worthy causes that sought his assistance. Lou was not one to make his contributions known publically. According to Georgia, his wife of 57 years, Lou was especially supportive of organizations that were involved in helping those afflicted with infantile paralysis (polio), the disease he contracted at age two. He was a lifetime contributor to his church in Phoenix, Holy Trinity Greek Orthodox Cathedral and its affiliated organizations, and an active volunteer during the annual Greek Festival, which observed its 51st year in 2011. Lou also donated financially to associations dedicated to cancer and heart disease research, as well as the Wounded Warrior Project, among other veteran's organizations. In every respect, Lou Poulos was a good man and a good citizen who, without seeking fanfare or plaudits, quietly enriched the fabric of our great and unique nation.

In considering all of these achievements, I ask that you join me in recognizing Mr. Lou Poulos for his courageous overcoming of adversity, his many contributions to the progress and growth of Arizona and his prominent and positive influence on the state's liquor industry.

HONORING MRS. JUANITA ADELE FRANKLIN

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 2012

Ms. LEE of California. Mr. Speaker, I rise today with my colleague, the Hon. ED PASTOR, to honor the extraordinary life of my aunt, Mrs. Juanita Franklin. Those who knew her as wife, sister, aunt, great-aunt, great-great aunt, friend and neighbor affectionately called her "Auntie Nita" or "Sister." As a loving partner, a second mother to many generations of nieces and nephews, and as a dedicated community member, Mrs. Franklin was known for her strong personal values and her simple approach to life. With Juanita's passing on March 18, 2012, we are reminded of her life's journey over the last century, and the joyful legacy she inspired.

Mrs. Juanita Adele Franklin was born to Mr. William Calhoun Parish and Mrs. Willie Edith Parish, in El Paso, Texas on July 8, 1911. She was one of three daughters, and enjoyed growing up with her two sisters, Lois Murell and Mildred Massey. Raised in El Paso, where she attended Douglass Elementary and High School, Mrs. Franklin went on to Huston Tillotson College in Austin, Texas, where she received a bachelor's degree in Liberal Arts.

It was there that Mrs. Franklin met the love of her life, the late Albert Franklin. The couple exchanged vows in 1935 in San Antonio, Texas, and were married for over 50 years. Although she never had children of her own, Juanita adored her nieces and nephews and served as a generous mentor and confidant. Throughout her long life, she took great joy in watching her great and great-great nieces and nephews grow and thrive.

Over their five decades of marriage, Mr. and Mrs. Franklin resided in El Paso, TX, Portsmouth, VA, Los Angeles, Pacoima, and Oakland, CA, and Sun City, AZ. Upon the death of her husband, she went to live with her youngest sister, Mildred, and spent the last eight years of her life at The Right Choice Adult Care Home in Glendale, AZ. There she

received excellent care, established close friendships, and kept up on current events as an avid reader until her final days.

Mrs. Franklin will always be remembered for her pleasant disposition, her warm smile and her welcoming spirit. A great lover of good food and rich sweets—especially chocolate candy and donuts—Mrs. Franklin attributed her impressive longevity to following the Golden Rule, having personal integrity and eating right (without sacrificing dessert). She stressed the importance of treating everyone with respect, and some of her favorite pastimes included lively discussions with family and friends about the state of the world, as well as scenic car rides.

One of the great milestones of her life was her 100th birthday, which she celebrated last year surrounded by friends and family—along with special recognition and well wishes from President Barack Obama and First Lady Michelle Obama. Upon her homegoing, we continue the celebration of this incredible woman, who touched others' lives in countless ways.

Today, the 9th Congressional District of California and the 4th Congressional District of Arizona salute and honor an outstanding human being, Mrs. Juanita Adele Franklin. The contributions she made throughout her life are now part of an enduring legacy. She is survived by sisters Lois Murell and Mildred Massey; nieces BARBARA LEE, Mildred Whitfield (Calvin), and Beverly Hardy (Martin); a host of great nieces and nephews, great-great nieces and nephews, and friends. Her loved ones will continue to draw strength and comfort from the memory of her dignity, her decency, and her infinite kindness. May her soul rest in peace.

ILLINOIS WESLEYAN UNIVERSITY WOMEN'S BASKETBALL ARE NCAA DIVISION III NATIONAL CHAMPIONS

HON. TIMOTHY V. JOHNSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 2012

Mr. JOHNSON of Illinois. Mr. Speaker, I rise today to honor Coach Mia Smith and Illinois Wesleyan University's women's basketball team for winning the NCAA Division III national title. The Titans capped their 28–5 season by winning the school's sixth overall national championship and the first in women's basketball.

The Titans were led by tournament MVP Olivia Lett, and Melissa Gardner, who set an IWU single-season record with 94 3-pointers this year.

''There wasn't a moment in the ballgame where I felt we wouldn't be the national champion when the buzzer sounded,'' Titans coach Mia Smith said. ''Even when we were down four, down five, there was not a drop of fear on the bench. That's been that way all season. It's reminiscent of every time we stepped on that floor.''

I'd like to also note that Coach Smith was named the 2012 Schelde North America/Women's DIII News ''Coach of the Year''. She's compiled a 282–108 record at IWU, including a 145–51 record in the CCIW (College Conference of Illinois and Wisconsin), six league championships and seven NCAA Tournament appearances.

I would like to congratulate Mia Smith and the Illinois Wesleyan University Women's Basketball National Champs. Their accomplishments are celebrated by their families, fans, and the entire Titan community.

TRIBUTE TO LOUISE COLLINS JOHNSON ON HER 100TH BIRTHDAY

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 2012

Mr. BONNER. Mr. Speaker, I rise to pay tribute to Louise Collins Johnson a former missionary and devoted servant of the Lord who turns 100 on March 30, 2012.

The year 1912 was a noteworthy one in history. It witnessed the first expeditions to discover the South Pole and the tragedy of the sinking of the HMS Titanic. It was also the year that Louise Collins entered the world to begin her long journey in the service of Christ.

Born in Chilton County, Alabama, Ms. Collins answered the calling of the Lord at the young age of 18 when she began teaching Sunday school. Nine years later she married Roy Johnson, and together they raised one daughter, Ann Johnson Tyrus, and shared 11 wonderful grandchildren.

Louise Johnson followed her faith to lead a life that would take her across Alabama and literally around the world. A devoted Baptist, her career included working for the Alabama Baptist Association before joining the staff of the State Assembly at Shocco Springs, Alabama, as well as working with the Southwide Assemblies at Ridgecrest, North Carolina, and Glorieta, New Mexico.

This was just the beginning, however, of her long journey in the service of the Lord. Soon after, she was called to serve needy Baptist churches in Oregon and Washington states. Her dedication to helping others also led her to serve two terms as a relief missionary in Hawaii. Her world travels then took her to mission points in Hong Kong, Tokyo, Japan, and Manila, Philippines.

In 1968, following the death of her husband, Louise Johnson moved to Gulf Shores, Alabama to live with her sister, Hazel Scruggs. For so many who have traveled to Baldwin County over the last 40 years, Hazel's restaurant in Gulf Shores is a well-known landmark.

During her time in Gulf Shores, Louise Johnson served as secretary of the First Baptist Church for eight years and Sunday school teacher of the Ladies IV Class at First Baptist for 36 years. She eventually moved to Prattville, Alabama where she now lives with her daughter, Ann. Even today, as she prepares to celebrate a century on this good earth, she continues to work and express her faith.

Louise Johnson has been and continues to be a dynamic, dedicated Christian spending her life teaching others about Jesus. On behalf of the people of Alabama, I wish to congratulate Ms. Johnson on her 100th birthday and wish for her many more years of happiness.

CONGRATULATING THE INDIANA BLOOD CENTER ON ITS 60TH ANNIVERSARY

HON. ANDRÉ CARSON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 2012

Mr. CARSON of Indiana. Mr. Speaker, on its sixtieth anniversary, I am proud to honor an organization that has helped save hundreds of thousands of lives through volunteer blood donations and blood component distribution to more than 60 hospitals across the state.

Indiana Blood Center was founded in 1952 and is headquartered in my district in Indianapolis. This esteemed non-profit community service organization delivers more than 700 components of blood each day and provides other vital assistance to modern medicine through specialized blood typing for organ transplants, viral marker testing, transfusion recipients, and the National Marrow Donor Program. The Center also serves as a vital link in the state's life science and healthcare infrastructure in the areas of prostate cancer treatment, pharmaceutical research, stem cell and bone marrow donation. It is the largest independent blood center in the state and ranks among the top 20 nationally. Indiana Blood Center is a member of America's Blood Centers, North America's largest network of community-based, independent and non-profit blood centers—which, coincidentally, is celebrating its 50th anniversary this year.

Every two seconds, someone, somewhere will need a transfusion and one out of every seven patients entering a hospital will need blood. Indiana Blood Center depends on the good people of Indiana and the nearly 4,000 organizations that host blood drives annually to meet the constant demand to serve the citizens of Indiana. I would like to recognize this valuable contribution to our community and congratulate Indiana Blood Center for its 60 years of faithful and dedicated stewardship of Indiana's blood supply.

IN HONOR OF WILLIAM H. SCHNEIDER

HON. RUSS CARNAHAN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 2012

Mr. CARNAHAN. Mr. Speaker, I rise today to recognize William H. Schneider, a World War II veteran and devoted family man.

Born on August 9, 1919 in St. Louis, Missouri, he lived in North St. Louis for his first 50 years until moving to Florissant, MO where he spent the next 30 years of his life.

The son of military parents, Mr. Schneider honorably served our country during World War II. While in the U.S. Army during WWII, Mr. Schneider was in the Philippines on a Navy ship that was present at the Japanese surrender. At the end of his service, he was honorably discharged.

He took his work ethic to Complete Auto Transit, which was later part of Ryder trucking, where he worked for almost 45 years. He worked a variety of jobs over the course of his career, oftentimes working overtime to provide for his family.

And it is his family that will be his greatest legacy. He is known as a devoted and loving husband to his widow, Helen, and his current wife, Nita. His five children, twelve grandchildren, and five great-grandchildren have each known him as a caring and dedicated family man.

It is with great pride that I get to honor the life and legacy of Mr. Schneider today.

A TRIBUTE TO WOODY SMECK, SUPERINTENDENT OF THE SANTA MONICA MOUNTAINS NATIONAL RECREATION AREA

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 2012

Mr. SHERMAN. Mr. Speaker, I rise today to recognize Mr. Woody Smeck for his extraordinary service as Superintendent of the Santa Monica Mountains National Recreation Area. After 21 years of service in the park, Mr. Smeck will depart from his position in order to become the Deputy Superintendent at Yosemite National Park.

The Santa Monica Mountains National Recreation Area, the nation's largest urban national park, consists of 153,750 acres of mixed public open space and private lands surrounded by a metropolitan region of more than 19 million people. Annual visitation to local, state and federal parklands within the national recreation area exceeds 33 million visitors, making it one of the most visited recreation destinations in the country. More than 70 agencies and organizations are involved in partnership efforts to preserve open space resources and provide outdoor recreation opportunities. This level of partnership has served as a national model for other parklands and attracted the attention of key government and non-profit leaders looking to replicate the success of the Santa Monica Mountains National Recreation Area.

As Superintendent, Mr. Smeck serves on a variety of commissions and boards in Los Angeles and Ventura counties dealing with conservation of protected areas and connecting people to nature and places of historical significance. During his tenure as Superintendent, Mr. Smeck has overseen some of the largest and most significant parkland acquisitions, the development of an interagency visitor center, and the completion of the 65-mile Backbone Trail. His steadfast leadership and advocacy has increased the visibility of the Santa Monica Mountains National Recreation Area. Mr. Smeck has also hosted visits from Presidents, cabinet secretaries, Members of Congress, governors, international governments, blue ribbon commissions and environmental leaders.

Mr. Speaker, I wish to extend my heartfelt gratitude to Mr. Woody Smeck for his extraordinary service as Superintendent of the Santa Monica Mountains National Recreation Area. Under his leadership, the National Park Service has helped to promote conservation, protect thousands of acres of parkland, and enhance recreational opportunities for millions of people that visit the Santa Monica Mountains and its renowned beaches.

PAYING TRIBUTE TO MRS. REBA ROGERS

HON. MIKE ROGERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 2012

Mr. ROGERS of Michigan. Mr. Speaker, I rise to honor the accomplishments of Mrs. Reba Rogers who has been an Army spouse for over 26 years. She was an integral partner in her spouse's successful career which included commanding formations from the company level to Army Service Component. Throughout her spouse's service, she remained steadfastly dedicated to serving soldiers and their families in many capacities, particularly as a volunteer leading Family Readiness Groups (FRG), the Army Officer Wife's Clubs and at community thrift shops. During times of peace and conflict, she was a source of strength and inspiration to those whom she served.

Reba's caring spirit, genuine concern and constant willingness to assist soldiers and their families no matter how small or great the need, at all hours of the day and night contributed greatly to the combat readiness and mission focus of each unit she served with. Soldiers always knew the needs of their families would be met.

Reba has actively volunteered thousands of hours to the military community through her invaluable work at community gift and thrift shops. Of special note, she was the chairperson of the Redstone Arsenal thrift shop sponsored by the Redstone Arsenal's Women's Club where soldiers and their families benefit from a variety of needed items. Furthermore, she also held a special seat with Huntsville, Alabama's Crestwood Hospital helping to serve the local community as well as a key member of the Huntsville Botanical Gardens.

Over 26 years of devoted service to soldiers and families, Reba Rogers' substantial contributions greatly enhanced the preparedness and readiness of every unit she served. Reba's dedication and spirit of volunteerism are in keeping with the highest tradition of selfless service and reflect great credit upon herself, the Army Materiel Command, and the Department of the Army.

Therefore Mr. Speaker, I ask our colleagues to join me in honoring Mrs. Reba Rogers for her dedicated service of 26 years. She serves as an inspiration to many and a guiding light to all. Mrs. Rogers' dedication and spirit of volunteerism are in keeping with the highest tradition of selfless service and reflect great credit upon herself, the Department of the Army and the United States of America. May she know that her nation is greatly appreciative of her dedication, and wishes her the best in all here future endeavors.

HONORING ANNETTE GUMM'S SERVICE TO THE SOUTH FLORIDA COMMUNITY

HON. THEODORE E. DEUTCH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 2012

Mr. DEUTCH. Mr. Speaker, I rise today in celebration of Annette Gumm, who has dedicated herself to improving the welfare of the people of south Florida. It is truly an honor to represent Annette in the United States Congress, and it is a privilege to call her my friend.

Annette has a rich history of extraordinary service to our community. After moving to south Florida with her husband Emmett, she began to search for projects where she could help those in need. As a mother of three, Annette was inspired to volunteer at Plumosa Elementary School, as well as the Delray Community Hospital. But she still wanted to do more to serve her community and become civically engaged. In the spring of 1992 she was given the opportunity to join the campaign of Burt Aaronson, and soon became the commissioner's administrative assistant, a position that she held for many years.

But Annette's involvement didn't stop there—she soon became a member of the Atlantic Democratic Club, where her energetic contributions to the community did not go unnoticed. She worked her way up the ranks, becoming treasurer, and then executive vice president of the United South County Democratic Club, an organization that strives to get south Floridians more involved with local, State, and national politics. Finally in 2006, Annette became the first woman to serve as president of the organization, and helped elect many individuals who shared her desire to help the south Florida community.

As Americans, one of our greatest responsibilities is to participate in civic life. Annette has dedicated the last 25 years to that very cause, and is truly an inspiration to all those who wish to become community leaders. I applaud her efforts, and I look forward to her continued good work.

HONORING FROZEN FOOD MONTH

HON. JAIME HERRERA BEUTLER

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 2012

Ms. HERRERA BEUTLER. Mr. Speaker, today I stand in acknowledgement of Frozen Food Month, and to recognize an industry's significant efforts to ensure families and schoolchildren across America have access to healthy, affordable foods.

Few other foods offer consumers the benefits and flexibility of frozen foods. Frozen fruits, vegetables and entrees help busy moms and dads easily prepare quality meals at home, allowing for more family time spent around the dinner table. In school cafeterias, lunch planners rely on frozen foods to help stretch limited budgets and serve healthy meals kids enjoy eating. And frozen fruits and vegetables, with their year-round availability and outstanding nutritional value, make it easy for everyone to eat more fruits and vegetables at home, at school and on the go.

Consumer appreciation for the value frozen foods offer has catapulted sales in this rapidly-growing industry to over $60 billion. With nearly 700 frozen food facilities employing nearly 100,000 Americans nationwide, its economic footprint is significant. Forty of those frozen food operations are located in my home state of Washington.

In recognition of Frozen Food Month, I take this opportunity to honor one of Washington

state's very own, National Frozen Foods Corporation, headquartered in Seattle. National Frozen Foods is celebrating an impressive 100 years as a leader in the frozen food industry this year.

National's history began in 1912 when William McCaffray, Sr. began a small strawberry-freezing operation on a $5,000 loan from a friend. Recognizing the advantages of frozen food production and building on his early success, the company began freezing vegetables in the 1930s. Today, National Frozen Foods has grown to be one of the nation's premiere private-label frozen vegetable producers, employing some 670 workers throughout the year. Their Chehalis, Washington, facility is in the heart of the district I represent.

National's commitment to continuing improvement through innovation—not only at a company level, but as an industry leader—is clear. National Frozen Foods President and CEO Richard H. Grader is a former chairman and longtime member of the board of directors of the American Frozen Food Institute. In his current role as chairman of the Frozen Food Foundation, Mr. Grader guides the foundation's efforts to better educate consumers and the general public about the considerable nutritional and food safety attributes offered by frozen foods.

The impact that National Frozen Foods Corporation has had on the industry and on the economy of Southwest Washington, Washington state, and the positive impact that the industry continues to have on this nation are immeasurable. I applaud the frozen food industry and the management and employees of National Frozen Foods Corporation for your hard work and your contribution to America.

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S2039–S2114

Measures Introduced: Four bills and one resolution were introduced, as follows: S. 2238–2241, and S. Res. 407. **Page S2085**

Measures Passed:

MF Global Bankruptcy: Senate agreed to S. Res. 407, expressing the sense of the Senate that executives of the bankrupt firm MF Global should not be rewarded with bonuses while customer money is still missing. **Page S2113**

Measures Considered:

Oil Tax Subsidies—Agreement: Senate began consideration of S. 2204, to eliminate unnecessary tax subsidies and promote renewable energy and energy conservation, after agreeing to the motion to proceed, and taking action on the following amendments and motions proposed thereto:

Pages S2048–54, S2055

Pending:

Reid Amendment No. 1968, to change the enactment date. **Page S2055**

Reid Amendment No. 1969 (to Amendment No. 1968), of a perfecting nature. **Page S2055**

Reid motion to commit the bill to the Committee on Finance with instructions, Reid Amendment No. 1970, to change the enactment date. **Page S2055**

Reid Amendment No. 1971 (to (the instructions) Amendment No. 1970), of a perfecting nature.

Page S2055

Reid Amendment No. 1972 (to Amendment No. 1971), of a perfecting nature. **Page S2055**

A motion was entered to close further debate on the bill, and, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, a vote will occur on Thursday, March 29, 2012.

Page S2055

A unanimous-consent agreement was reached providing that the filing deadline for first-degree amendments to the bill be at 11 a.m., on Wednesday, March 28, 2012. **Page S2113**

21st Century Postal Service Act—Cloture: Senate resumed consideration of the motion to proceed to consideration of S. 1789, to improve, sustain, and transform the United States Postal Service.

Page S2054

During consideration of this measure today, Senate also took the following action:

By 51 yeas to 46 nays (Vote No. 60), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion to close further debate on the motion to proceed to consideration of the bill. **Pages S2054–55**

Subsequently, Senator Reid entered a motion to reconsider the vote by which cloture was not invoked on the motion to proceed to consideration of the bill. **Page S2055**

Paying a Fair Share Act—Agreement: Senate began consideration of the motion to proceed to consideration of S. 2230, to reduce the deficit by imposing a minimum effective tax rate for high-income taxpayers. **Pages S2055–65, S2065–68**

A unanimous-consent agreement was reached providing for further consideration of the motion to proceed to consideration of the bill, at approximately 10 a.m., on Wednesday, March 28, 2012, with the first hour equally divided and controlled between the two Leaders or their designees with Republicans controlling the first 30 minutes and the Majority controlling the second 30 minutes. **Page S2113**

Help Efficient, Accessible, Low-Cost, Timely Healthcare (HEALTH) Act Return of Papers—Agreement: A unanimous-consent agreement was reached providing that the Senate agree to the House of Representatives request to return the papers on H.R. 5, to improve patient access to health care services and provide improved medical care by reducing the excessive burden the liability system places on the health care delivery system, and authorize the Secretary of the Senate to return the papers on H.R. 5 to the House of Representatives.

Page S2113

Du and Morgan Nominations—Agreement: A unanimous-consent-time agreement was reached providing that at 5 p.m., on Wednesday, March 28, 2012, Senate resume consideration of the nominations of Miranda Du, of Nevada, to be United States District Judge for the District of Nevada, and Susie

Morgan, of Louisiana, to be United States District Judge for the Eastern District of Louisiana; that there be 60 minutes for debate equally divided in the usual form; that upon the use or yielding back of time, Senate vote, without intervening action or debate, on confirmation of the nominations of Miranda Du, of Nevada, to be United States District Judge for the District of Nevada, and Susie Morgan, of Louisiana, to be United States District Judge for the Eastern District of Louisiana, in that order; and that no further motions be in order. **Page S2113**

Nominations Received: Senate received the following nominations:

Michael Peter Huerta, of the District of Columbia, to be Administrator of the Federal Aviation Administration for the term of five years.

Brett H. McGurk, of Connecticut, to be Ambassador to the Republic of Iraq.

Michele Jeanne Sison, of Maryland, to be Ambassador to the Democratic Socialist Republic of Sri Lanka, and to serve concurrently and without additional compensation as Ambassador to the Republic of Maldives.

James C. Miller III, of Virginia, to be a Governor of the United States Postal Service for the term expiring December 8, 2017. **Page S2114**

Messages from the House: **Pages S2082–83**

Measures Placed on the Calendar: **Page S2083**

Measures Read the First Time: **Page S2083**

Executive Communications: **Pages S2083–84**

Executive Reports of Committees: **Pages S2084–85**

Additional Cosponsors: **Pages S2085–87**

Statements on Introduced Bills/Resolutions: **Pages S2087–92**

Additional Statements: **Pages S2081–82**

Amendments Submitted: **Pages S2092–S2112**

Notices of Hearings/Meetings: **Page S2112**

Authorities for Committees to Meet: **Pages S2112–13**

Record Votes: One record vote was taken today. (Total—60) **Page S2055**

Adjournment: Senate convened at 10 a.m. and adjourned at 8:01 p.m., until 10 a.m. on Wednesday, March 28, 2012. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on pages S2113–14.)

Committee Meetings

(Committees not listed did not meet)

APPROPRIATIONS: DEPARTMENT OF DEFENSE AND THE DEPARTMENT OF THE ARMY

Committee on Appropriations: Subcommittee on Military Construction and Veterans Affairs, and Related Agencies concluded a hearing to examine proposed budget estimates for fiscal year 2013 for the Department of Defense and the Department of the Army, after receiving testimony from Robert F. Hale, Under Secretary (Comptroller), Dorothy Robyn, Deputy Under Secretary for Installations and Environment, Peter R. Lavoy, Principal Deputy Assistant Secretary for Asian and Pacific Security Affairs, Katherine G. Hammack, Assistant Secretary of the Army for Installations, Energy, and Environment, Lieutenant General Michael Ferriter, Assistant Chief of Staff for Installation Management, Major General Timothy J. Kadavy, Deputy Director of the Army National Guard, and Addison D. Davis IV, Chief Executive Officer, Army Reserve Command, all of the Department of Defense.

DEFENSE AUTHORIZATION REQUEST AND FUTURE YEARS DEFENSE PROGRAM

Committee on Armed Services: Committee concluded a hearing to examine United States Strategic Command and United States Cyber Command in review of the Defense Authorization request for fiscal year 2013 and the Future Years Defense Program, after receiving testimony from General C. Robert Kehler, USAF, Commander, United States Strategic Command, and General Keith B. Alexander, USA, Commander, United States Cyber Command, Director, National Security Agency, and Chief, Central Security Service, both of the Department of Defense.

DEFENSE AUTHORIZATION REQUEST AND FUTURE YEARS DEFENSE PROGRAM

Committee on Armed Services: Subcommittee on Emerging Threats and Capabilities concluded a hearing to examine the Department of Defense's role in implementation of the National Strategy for Counterterrorism and the National Strategy to Combat Transnational Organized Crime in review of the Defense Authorization request for fiscal year 2013 and the Future Years Defense Program, after receiving testimony from Michael A. Sheehan, Assistant Secretary for Special Operations, Low-Intensity Conflict, Garry Reid, Deputy Assistant Secretary for Special Operations and Combating Terrorism, and William

F. Wechsler, Deputy Assistant Secretary for Counter-narcotics and Global Threats, all of the Department of Defense.

DEFENSE AUTHORIZATION REQUEST AND FUTURE YEARS DEFENSE PROGRAM

Committee on Armed Services: Subcommittee on Airland concluded a hearing to examine Army modernization in review of the Defense Authorization request for fiscal year 2013 and the Future Years Defense Program, after receiving testimony from Lieutenant General Robert P. Lennox, Deputy Chief of Staff of the Army, G–8, Lieutenant General William N. Phillips, Principal Military Deputy to the Assistant Secretary of the Army for Acquisition, Logistics and Technology and Director, Acquisition Career Management, Lieutenant General John F. Campbell, Deputy Chief of Staff of the Army, G–3/5/7, and Lieutenant General Keith C. Walker, Deputy Commanding General, Futures, Director, ARCIC, United States Army Training and Doctrine Command, all of the Department of Defense.

CHOICE NEIGHBORHOODS INITIATIVE

Committee on Banking, Housing, and Urban Affairs: Subcommittee on Housing, Transportation and Community Development concluded a hearing to examine the choice neighborhoods initiative, focusing on a new community development model, after receiving testimony from Sandra Henriquez, Assistant Secretary of Housing and Urban Development for Public and Indian Housing; Maria Maio, Jersey City Housing Authority, Jersey City, New Jersey; Susan J. Popkin, Urban Institute, Washington, D.C., Paul N. Weech, Housing Partnership Network, Boston, Massachusetts; Anthony B. Sanders, George Mason University, Fairfax, Virginia; and Egbert L. J. Perry, Integral Group LLC, Atlanta, Georgia.

REDUCING POLLUTION AND IMPROVING ENVIRONMENTAL PERFORMANCE

Committee on Environment and Public Works: Subcommittee on Green Jobs and the New Economy with the Subcommittee on Oversight concluded a joint oversight hearing to examine the Environmental Protection Agency's (EPA) work with other Federal entities to reduce pollution and improve environmental performance, after receiving testimony from Leslie Gillespie-Marthaler, Senior Advisor, Office of Research and Development, Environmental Protection Agency; and Richard G. Kidd, Deputy Assistant Secretary of the Army for Installations, Energy, and Environment, Energy and Sustainability, Tom Hicks, Deputy Assistant Secretary of the Navy for Energy, and Kevin Geiss, Deputy Assistant Secretary of the Air Force for Energy, all of the Department of Defense.

RENEWABLE ENERGY TAX INCENTIVES

Committee on Finance: Subcommittee on Energy, Natural Resources, and Infrastructure concluded a hearing to examine renewable energy tax incentives, focusing on how the recent and pending expirations of key incentives have affected the renewable energy industry in the United States, after receiving testimony from Ethan Zindler, Bloomberg New Energy Finance, and Benjamin Zycher, American Enterprise Institute for Public Policy Research, both of Washington, D.C.; John Purcell, Leeco Steel, Lisle, Illinois; and John P. Ragan, TPI Composites, Inc., Scottsdale, Arizona.

BUSINESS MEETING

Committee on Foreign Relations: Committee ordered favorably reported the following business items:

S. Res. 356, expressing support for the people of Tibet, with an amendment;

S. Res. 395, expressing the sense of the Senate in support of the North Atlantic Treaty Organization and the NATO summit to be held in Chicago, Illinois from May 20 through 21, 2012, with an amendment;

S. Res. 397, promoting peace and stability in Sudan, with an amendment in the nature of a substitute;

S. Res. 80, condemning the Government of Iran for its state-sponsored persecution of its Baha'i minority and its continued violation of the International Covenants on Human Rights;

S. Res. 391, condemning violence by the Government of Syria against journalists, and expressing the sense of the Senate on freedom of the press in Syria, with an amendment;

S. Res. 344, supporting the democratic aspirations of the Nicaraguan people and calling attention to the deterioration of constitutional order in Nicaragua, with an amendment in the nature of a substitute; and

The nominations of Julissa Reynoso, of New York, to be Ambassador to the Oriental Republic of Uruguay, Gina K. Abercrombie-Winstanley, of Ohio, to be Ambassador to the Republic of Malta, Frederick D. Barton, of Maine, to be Assistant Secretary for Conflict and Stabilization Operations, and to be Coordinator for Reconstruction and Stabilization, William E. Todd, of Virginia, to be Ambassador to the Kingdom of Cambodia, 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, Carlos Pascual, of the District of Columbia, to be Assistant Secretary for Energy Resources, John Christopher Stevens, of California, to be Ambassador to Libya, Jacob Walles, of Delaware, to be Ambassador to the

Tunisian Republic, Tracey Ann Jacobson, of the District of Columbia, to be Ambassador to the Republic of Kosovo, Mark A. Pekala, of Maryland, to be Ambassador to the Republic of Latvia, Richard B. Norland, of Iowa, to be Ambassador to Georgia, Kenneth Merten, of Virginia, to be Ambassador to the Republic of Croatia, and Jeffrey D. Levine, of California, to be Ambassador to the Republic of Estonia, all 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, and lists in the Foreign Service.

PROMOTING INTERNATIONAL TRAVEL TO THE UNITED STATES

Committee on the Judiciary: Subcommittee on Immigration, Refugees and Border Security concluded a hearing to examine the economic imperative for promoting international travel to the United States, including S. 2233, to amend the Immigration and Nationality Act to stimulate international tourism to the United States, after receiving testimony from Senator Mikulski; Rebecca Gambler, Acting Director, Homeland Security and Justice, Government Accountability Office; and Thomas J. Donohue, U.S. Chamber of Commerce, and Roger Dow, U.S. Travel Association, both of Washington, D.C.

INTELLIGENCE

Select Committee on Intelligence: Committee held closed hearings on intelligence matters, receiving testimony from officials of the intelligence community.

Committee recessed subject to the call.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 10 public bills, H.R. 4263–4272; and 3 resolutions, H. Res. 596, 598, 599, were introduced. **Page H1641**

Additional Cosponsors: **Pages H1641–42**

Report Filed: A report was filed today as follows:

H. Res. 597, providing for consideration of the concurrent resolution (H. Con. Res. 112) establishing the budget for the United States Government for fiscal year 2013 and setting forth appropriate budgetary levels for fiscal years 2014 through 2022, and providing for consideration of motions to suspend the rules (H. Rept. 112–423). **Page H1641**

Speaker: Read a letter from the Speaker wherein he appointed Representative Paulsen to act as Speaker pro tempore for today. **Page H1577**

Recess: The House recessed at 10:54 a.m. and reconvened at 12 noon. **Page H1582**

Suspensions: The House agreed to suspend the rules and pass the following measure:

Jumpstart Our Business Startups Act: Concur in the Senate amendment to H.R. 3606, to increase American job creation and economic growth by improving access to the public capital markets for emerging growth companies, by a ⅔ yea-and-nay vote of 380 yeas to 41 nays, Roll No. 132.

Pages H1586–93, H1597–98

Privileged Resolution: The House agreed to H. Res. 596, requesting return of official papers on H.R. 5. **Page H1593**

Moment of Silence: The House observed a moment of silence in honor of the men and women in uniform who have given their lives in the service of our Nation in Iraq and Afghanistan and their families, and of all who serve in the armed forces and their families. **Page H1597**

Suspension—Proceedings Resumed: The House agreed to suspend the rules and pass the following measure which was debated yesterday, March 26th:

Homes for Heroes Act: H.R. 3298, to establish the position of Special Assistant for Veterans Affairs in the Department of Housing and Urban Development, by a ⅔ recorded vote of 414 ayes to 5 noes, Roll No. 133. **Pages H1598–99**

Point of Personal Privilege: Representative Maloney rose to a point of personal privilege and was recognized to proceed for one hour. **Page H1599**

Suspension—Proceedings Postponed: The House debated the following measure under suspension of the rules. Further proceedings were postponed:

Surface Transportation Extension Act of 2012: H.R. 4239, amended, 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.

Pages H1600–09

Federal Communications Commission Process Reform Act of 2012: The House passed H.R. 3309, to amend the Communications Act of 1934 to provide for greater transparency and efficiency in the procedures followed by the Federal Communications Commission, by a recorded vote of 247 ayes to 174 noes, Roll No. 138. **Pages H1609–24, H1624–29**

Rejected the Perlmutter motion to recommit the bill to the Committee on Energy and Commerce with instructions to report the same back to the House forthwith with an amendment, by a recorded vote of 184 ayes to 236 noes, Roll No. 137.

Pages H1626–28

Pursuant to the rule, the amendment in the nature of a substitute recommended by the Committee on Energy and Commerce now printed in the bill shall be considered as an original bill for the purpose of amendment under the five-minute rule.

Page H1617

Agreed to:

Walden amendment (No. 6 printed in H. Rept. 112–422) that makes the FCC's handling of FOIA requests more open and transparent; **Pages H1621–22**

Al Green (TX) amendment (No. 8 printed in H. Rept. 112–422) that clarifies that the Act would not impede the FCC's ability to provide, in times of an emergency, for effective and efficient communication systems to alert the public of dangerous weather conditions; and **Page H1623**

Eshoo amendment (No. 10 printed in H. Rept. 112–422), as modified, that expresses that nothing in this Act shall impede the FCC from providing efficient and effective communication systems for state and local first responders. **Page H1624**

Rejected:

Speier amendment (No. 9 printed in H. Rept. 112–422) that sought to prevent this Act from taking effect until the FCC provides a report on the impact of the changes of this Act on the FCC's mandate to promote competition and innovation;

Pages H1623–24

Crowley amendment (No. 1 printed in H. Rept. 112–422) that sought to require, in the event that the FCC creates or amends a rule relating to baby monitors, the FCC to require the packaging of a new baby monitor to display a warning label so that families are informed that video and sounds captured by an analog baby monitor may be easily viewed or heard by potential intruders outside a consumer's home (by a recorded vote of 196 ayes to 219 noes, Roll No. 134); **Pages H1619–20, H1624–25**

Eshoo amendment (No. 5 printed in H. Rept. 112–422) that sought to require entities sponsoring political programming to disclose the identity of any donor that has contributed $10,000 or more to such entity in an election reporting cycle (by a recorded vote of 179 ayes to 238 noes, Roll No. 135); and

Pages H1620–21, H1625–26

Owens amendment (No. 7 printed in H. Rept. 112–422) that sought to express that nothing in this Act shall impede the FCC from implementing rules to ensure broadband access in rural areas (by a recorded vote of 194 ayes to 222 noes, Roll No. 136).

Pages H1622–23, H1626

H. Res. 595, the rule providing for consideration of the bill, was agreed to by a recorded vote of 242 ayes to 177 noes, Roll No. 131, after the previous question was ordered by a yea-and-nay vote of 236 yeas to 182 nays, Roll No. 130.

Pages H1593–97, H1597

Senate Messages: Message received from the Senate by the Clerk and subsequently presented to the House today and a message received from the Senate today appear on pages H1582 and H1586.

Quorum Calls—Votes: Two yea-and-nay votes and seven recorded votes developed during the proceedings of today and appear on pages H1596–97, H1597, H1598, H1598–99, H1624–25, H1625, H1626, H1627–28, and H1628–29. There were no quorum calls.

Adjournment: The House met at 10 a.m. and adjourned at 8:18 p.m.

Committee Meetings

CHALLENGES AND OPPORTUNITIES FOR ACHIEVING HEALTHIER NATIONAL FORESTS

Committee on Agriculture: Subcommittee on Conservation, Energy, and Forestry held a hearing entitled "U.S. Forest Service Land Management: Challenges and Opportunities for Achieving Healthier National Forests". Testimony was heard from Tom Tidwell, Chief, Forest Service, Department of Agriculture; Gary Barth, Director, Business and Community Services, Clackamas County, Oregon; and public witnesses.

APPROPRIATIONS—AMERICAN INDIAN AND ALASKA NATIVE PUBLIC WITNESS DAY

Committee on Appropriations: Subcommittee on Interior, Environment, and Related Agencies held a hearing for American Indian and Alaska Native Public Witnesses. Testimony was heard from public witnesses.

APPROPRIATIONS—GENERAL SERVICES ADMINISTRATION

Committee on Appropriations: Subcommittee on Financial Services and General Government held a hearing on FY 2013 Budget Request for the General Services Administration. Testimony was heard from Martha N. Johnson, Administrator, General Services Administration; Robert Peck, Public Building Commissioner, General Services Administration; and Steven Kempf, Federal Acquisition Service Commissioner, General Services Administration.

APPROPRIATIONS—ENERGY EFFICIENCY AND RENEWABLE ENERGY

Committee on Appropriations: Subcommittee on Energy and Water Development, and Related Agencies held a hearing on FY for Energy Efficiency and Renewable Energy, Fossil Energy, Electricity Delivery and Energy Reliability. Testimony was heard from Henry Kelly, Acting Assistant Secretary for Energy Efficiency and Renewable Energy; Patricia Hoffman, Assistant Secretary for Electricity Delivery and Energy Reliability; and Charles McConnell, Acting Assistant Secretary for Fossil Energy.

APPROPRIATIONS—HOUSE OFFICERS

Committee on Appropriations: Subcommittee on Legislative Branch held a hearing on FY 2013 Budget Request for U.S. House of Representatives Officers. Testimony was heard from Daniel J. Strodel, Chief Administrative Officer; Karen L. Haas, Clerk; and Paul D. Irving, Sergeant At Arms.

APPROPRIATIONS—DEPARTMENT OF THE TREASURY

Committee on Appropriations: Subcommittee on State, Foreign Operations, and Related Programs held a hearing on FY 2013 Budget Request for the Department of the Treasury. Testimony was heard from Timothy Geithner, Secretary of the Treasury.

APPROPRIATIONS—DEPARTMENT OF EDUCATION

Committee on Appropriations: Subcommittee on Labor, Health and Human Services, Education, and Related Agencies held a hearing on the FY 2013 Budget for the Department of Education, K–12. Testimony was heard from public witnesses.

APPROPRIATIONS—AMERICAN INDIAN AND ALASKA NATIVE PUBLIC WITNESS DAY

Committee on Appropriations: Subcommittee on Interior, Environment, and Related Agencies held a hearing for American Indian and Alaska Native Public Witnesses. Testimony was heard from public witnesses.

APPROPRIATIONS—NATIONAL DRUG CONTROL POLICY

Committee on Appropriations: Subcommittee on Financial Services and General Government held a hearing on FY 2013 Budget Request National Drug Policy. Testimony was heard from R. Gil Kerlikowske, Director, National Drug Control Policy.

UNDERSTANDING FUTURE IRREGULAR WARFARE CHALLENGES

Committee on Armed Services: Subcommittee on Emerging Threats and Capabilities held a hearing on understanding future irregular warfare challenges. Testimony was heard from public witnesses.

ROTOCRAFT MODERNIZATION PROGRAMS

Committee on Armed Services: Subcommittee on Tactical Air and Land Forces held a hearing on Fiscal Year 2013 DOD Rotocraft Modernization Programs. Testimony was heard from Lieutenant General Terry G. Robling, USMC, Deputy Commandant for Aviation, U.S. Marine Corps; Rear Admiral William F. Moran, USN, Director, Air Warfare Division, U.S. Navy; Richard Gilpin, Deputy Assistant Secretary of the Navy, Air Programs Office; Major General William T. Crosby, USA, PEO Aviation Headquarters, U.S. Army; Major General Noel T. Jones, USAF, Director, Operational Capability Requirements, U.S. Air Force; and Major General Robert C. Kane, USAF, Director, Global Reach Programs, U.S. Air Force.

LEARNING FROM THE UPPER BIG BRANCH TRAGEDY

Committee on Education and the Workforce: Full Committee held a hearing entitled ''Learning from the Upper Big Branch Tragedy''. Testimony was heard from Joseph A. Main, Assistant Secretary, Mine Safety and Health Administration, Department of Labor; Jeffery Kohler, Director, Office of Mine Safety and Health Research, National Institute for Occupational Safety and Health; Howard L. Shapiro, Counsel to the Inspector General, Office of Inspector General, Department of Labor; and public witness.

IT SUPPLY CHAIN SECURITY

Committee on Energy and Commerce: Subcommittee on Oversight and Investigations held a hearing entitled ''IT Supply Chain Security: Review of Government an Industry Efforts''. Testimony was heard from Gregory C. Wilshusen, Director of Information Security Issues, Government Accountability Office; Mitchell Komaroff, Director, Trusted Mission Systems Networks, Department of Defense; Gil Vega, Associate CIO for Cybersecurity and Chief Information Security Officer, Department of Energy; and public witnesses.

CURRENT STATE OF COSMETICS

Committee on Energy and Commerce: Subcommittee on Health held a hearing entitled ''Examining the Current State of Cosmetics''. Testimony was heard from Michael M. Landa, Director, Center for Food Safety and Applied Nutrition, Food and Drug Administration; Michael J. DiBartolomeis, Chief Occupational Lead Poisoning Prevention Program and California, Safe Cosmetics Program California Department of Public Health; and public witnesses.

FEDERAL RESERVE AID TO THE EUROZONE

Committee on Financial Services: Subcommittee on Domestic Monetary Policy and Technology held a hearing entitled ''Federal Reserve Aid to the Eurozone: Its Impact on the U.S. and the Dollar''. Testimony was heard from William C. Dudley, President and Chief Executive Officer, Federal Reserve Bank of New York; and Steven B. Kamin, Director, Division of International Finance, Board of Governors, Federal Reserve System.

MISCELLANEOUS MEASURES

Committee on Financial Services: Full Committee held a markup of H.R. 4264, the ''FHA Emergency Fiscal Solvency Act of 2012''; H.R. 2446, the ''RESPA Home Warranty Clarification Act of 2011''; H.R. 3283, the ''Swap Jurisdiction Certainty Act''; and H.R. 4235, the ''Swap Data Repository and Clearinghouse Indemnification Correction Act of 2012''. The following bills were ordered reported, as amended: H.R. 2446; H.R. 3283; and H.R. 4235. The following bill was ordered reported, without amendment: H.R. 4264.

MISCELLANEOUS MEASURES

Committee on Foreign Affairs: Subcommittee on Africa, Global Health, and Human Services held a markup of H.R. 1940, the ''International Child Abduction Prevention and Return Act of 2011''; H.R. 3605, the Global Online Freedom Act of 2011''; and H.R. 4141 the ''International Food Assistance Improvement Act of 2012''. The following bills were ordered reported, as amended: H.R. 1940; H.R. 3605; and H.R. 4141.

ECONOMIC OPPORTUNITIES IN EUROPE AND EURASIA

Committee on Foreign Affairs: Subcommittee on Europe and Eurasia held a hearing entitled ''Creating Jobs: Economic Opportunities in Europe and Eurasia''. Testimony was heard from Robert D. Hormats, Under Secretary, Economic Growth, Energy, and the Environment, Department of State; and public witnesses.

MISCELLANEOUS MEASURES

Committee on Homeland Security: Subcommittee on Border and Maritime Security held a markup of H.R. 4251, the ''SMART Port Security Act''. The bill was ordered reported, as amended.

MISCELLANEOUS MEASURES

Committee on the Judiciary: Full Committee held a markup of H.R. 3862, the ''Sunshine for Regulatory Decrees and Settlements Act of 2012''; and H.R. 2299, the ''Child Interstate Abortion Notification Act''. H.R. 3862 was ordered reported, as amended; and H.R. 2299 was ordered reported, without amendment.

HARNESSING AMERICAN RESOURCES TO CREATE JOBS AND ADDRESS RISING GASOLINE PRICES

Committee on Natural Resources: Full Committee held a hearing entitled ''Harnessing American Resources to Create Jobs and Address Rising Gasoline Prices: Family Vacations and U.S. Tourism Industry''. Testimony was heard from public witnesses.

CAN A USPS-RUN HEALTH PLAN SOLVE ITS FINANCIAL CRISIS?

Committee on Oversight and Government Reform: Subcommittee on Federal Workforce, U.S. Postal Service and Labor Policy held a hearing entitled ''Can a USPS-Run Health Plan Solve its Financial Crisis?''. Testimony was heard from Patrick Donahoe, Postmaster General and CEO, United States Postal Service; and public witness.

LABOR ABUSES, HUMAN TRAFFICKING, AND GOVERNMENT CONTRACTS

Committee on Oversight and Government Reform: Subcommittee on Technology, Information Policy, Intergovernmental Relations and Procurement Reform held a hearing entitled ''Labor Abuses, Human Trafficking, and Government Contracts: Is the Government Doing Enough to Protect Vulnerable Workers?''. Testimony was heard from Senators Blumenthal and Portman; Luis C. deBaca, Ambassador at Large, Department of State; Cathy J. Read, Director, Office of Acquisitions Management, Department of State; Evelyn R. Klemstine, Assistant Inspector General for Audits, Department of State; Richard T. Ginman, Director, Defense Procurement and Acquisition Policy, Department of Defense; Sharon Cooper, Director, Defense Human Resources Activity, Department of Defense; and Kenneth P. Moorefield, Deputy Inspector General for Special Plans & Operations, Department of Defense.

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2013; AND SUSPENSION AUTHORITY

Committee on Rules: Full Committee held a hearing on H. Con. Res. 112, the ''Concurrent Resolution on the Budget for Fiscal Year 2013''. The Committee, granted, by voice vote, a structured rule providing four hours of general debate, with three hours confined to the congressional budget equally divided and controlled by the chair and ranking minority member of the Committee on the Budget and one hour on the subject of economic goals and policies equally divided and controlled by Rep. Brady of Texas and Rep. Hinchey of New York or their designees. The rule waives all points of order against consideration of the concurrent resolution. The rule makes in order only those amendments printed in the Rules Committee report. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, and shall not be subject to amendment. The rule waives all points of order against the amendments printed in the report except that the adoption of an amendment in the nature of a substitute shall constitute the conclusion of consideration of the concurrent resolution for amendment. The rule provides, upon the conclusion of consideration of the concurrent resolution for amendment, a final period of general debate, which shall not exceed 20 minutes equally divided and controlled by the chair and ranking minority member of the Committee on the Budget. The rule permits the chair of the Committee on the Budget to offer amendments in the House pursuant to section 305(a)(5) of the Congressional Budget Act of 1974 to achieve mathematical consistency. The rule provides that the concurrent resolution shall not be subject to a demand for division of the question. Finally, the rule provides that it shall be in order at any time on the legislative day of March 29, 2012, for the Speaker to entertain motions that the House suspend the rules, as though under clause 1 of rule XV, relating to a measure extending expiring surface transportation authority. Testimony was heard from the following Representatives: Chairman Ryan (WI); Van Hollen; Mulvaney; Honda; Scott (VA); and Ellison.

FOSTERING THE U.S. COMPETITIVE EDGE

Committee on Science, Space, and Technology: Subcommittee on Technology and Innovation held a hearing entitled ''Fostering the U.S. Competitive Edge: Examining the Effects of Federal Policies on Competition, Innovation, and Job Growth''. Testimony was heard from public witnesses.

PRESIDENT'S FISCAL YEAR 2013 BUDGET REQUEST FOR THE ARMY CORPS OF ENGINEERS

Committee on Transportation and Infrastructure: Subcommittee on Water Resources and Environment held a hearing entitled ''A Review of the President's Fiscal Year 2013 Budget Request for the Army Corps of Engineers''. Testimony was heard from Major General Meredith ''Bo'' Temple, Acting Chief of Engineers, United States Army Corps of Engineers.

FROM THE GROUND UP: ASSESSING ONGOING DELAYS IN VA MAJOR CONSTRUCTION

Committee on Veterans' Affairs: Full Committee held a hearing entitled ''From the Ground Up: Assessing Ongoing Delays in VA Major Construction''. Testimony was heard from Robert A. Petzel, Under Secretary for Health Veterans Health Administration, Department of Veterans Affairs; Glenn D. Haggstrom, Executive Director, Office of Acquisitions, Logistics, and Construction, Department of Veterans Affairs; and public witnesses.

ONGOING INTELLIGENCE ACTIVITIES

House Permanent Select Committee on Intelligence: Full Committee held a hearing on ongoing intelligence activities. This was a closed hearing.

Joint Meetings

MONETARY POLICY

Joint Economic Committee: Committee concluded a hearing to examine monetary policy going forward, focusing on why a sound dollar boosts growth and employment, after receiving testimony from John B. Taylor, Stanford University, Stanford, California; and Laurence H. Meyer, Macroeconomic Advisers, and William Poole, University of Delaware, both of Washington, D.C.

COMMITTEE MEETINGS FOR WEDNESDAY, MARCH 28, 2012

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Appropriations: Subcommittee on Departments of Labor, Health and Human Services, and Education, and Related Agencies, to hold hearings to examine proposed budget estimates for fiscal year 2013 for the National Institutes of Health, 10 a.m., SD–124.

Subcommittee on Department of Defense, to hold hearings to examine Department of Defense health programs, 10 a.m., SD–192.

Subcommittee on Military Construction and Veterans Affairs, and Related Agencies, to hold hearings to examine proposed budget estimates for fiscal year 2013 for the Department of the Navy and the Department of the Air Force, 10 a.m., SD–138.

Subcommittee on Commerce, Justice, Science, and Related Agencies, to hold hearings to examine proposed budget estimates for fiscal year 2013 for the National Aeronautics and Space Administration, 2 p.m., SD–124.

Subcommittee on Financial Services and General Government, to hold hearings to examine enhancing economic growth, focusing on the Department of the Treasury's responses to the foreclosure crisis and mounting student loan debt, 2:30 p.m., SD–138.

Subcommittee on Energy and Water Development, to hold hearings to examine proposed budget estimates for fiscal year 2013 for the Army Corps of Engineers and Bureau of Reclamation, 2:30 p.m., SD–192.

Committee on Armed Services: Subcommittee on SeaPower, 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, 9:30 a.m., SVC–217.

Subcommittee on Strategic Forces, to hold hearings to examine Department of Defense nuclear forces and policies 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, 2:30 p.m., SR–222.

Committee on Banking, Housing, and Urban Affairs: Subcommittee on Economic Policy, to hold hearings to examine retirement, focusing on examining the retirement savings deficit, 2:30 p.m., SD–538.

Committee on Commerce, Science, and Transportation: To hold hearings to examine the science and standards of forensics, 2:30 p.m., SR–253.

Committee on Foreign Relations: To hold hearings to examine United States policy on Iran, 10 a.m., SD–419.

Committee on Homeland Security and Governmental Affairs: Subcommittee on Federal Financial Management, Government Information, Federal Services, and International Security, to hold hearings to examine assessing efforts to combat waste and fraud in Federal programs, 2:30 p.m., SD–342.

Committee on the Judiciary: To hold hearings to examine the Special Counsel's report on the prosecution of Senator Ted Stevens, 10 a.m., SD–226.

Full Committee, to hold hearings to examine the nominations of Michael P. Shea, to be United States District Judge for the District of Connecticut, Gonzalo P. Curiel, to be United States District Judge for the Southern District of California, and Robert J. Shelby, to be United States District Judge for the District of Utah, 3 p.m., SD–226.

Committee on 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, 9:45 a.m., SR–418.

House

Committee on Agriculture, Subcommittee on General Farm Commodities and Risk Management, hearing on H.R. 3283, the "Swap Jurisdiction Certainty Act"; H.R. 1838, to repeal a provision of the Dodd-Frank Wall Street Reform and Consumer Protection Act prohibiting any Federal bailout of swap dealers or participants; and the Swap Data Repository and Clearinghouse Indemnification Correction Act of 2012, 10:30 a.m., 1300 Longworth.

Committee on Appropriations, Subcommittee on Commerce, Justice, Science, and Related Agencies, hearing on American Manufacturing and Job Repatriation, 9 a.m., 2362–A Rayburn.

Subcommittee on Interior, Environment, and Related Agencies, hearing for American Indian and Alaska Native Public Witnesses, 9:30 a.m., B–308 Rayburn.

Subcommittee on Financial Services and General Government, hearing on FY 2013 Budget Request for Treasury, 10 a.m., 2359 Rayburn.

Subcommittee on Labor, Health and Human Services, Education, and Related Agencies, hearing on FY 2013 Budget Request for Department of Labor, 10 a.m., 2358–C Rayburn.

Subcommittee on Energy and Water Development, and Related Agencies, hearing on FY 2013 Budget Request for Bureau of Reclamation, 10 a.m., 2362–B Rayburn.

Subcommittee on Defense, hearing on FY 2013 Budget Request for National Guard and U.S. Army Reserve, 10 a.m., H–140 Capitol.

Subcommittee on Financial Services and General Government, hearing on FY 2013 Budget Request for U.S. Judicial Conference and U.S. Courts, 2 p.m., 2359 Rayburn.

Subcommittee on Energy and Water Development, and Related Agencies, hearing on FY 2013 Budget Request for Loan Guarantee Program and Advanced Research Projects—Agency Energy, 2 p.m., 2362–B Rayburn.

Subcommittee on Defense, hearing on FY 2013 Budget Request for U.S. Pacific Command and U.S. Forces—Korea, 2 p.m., H–140 Capitol. This is a closed hearing.

Committee on Armed Services, Full Committee, hearing on the security situation on the Korean Peninsula, 10 a.m., 2118 Rayburn.

Subcommittee on Readiness, hearing on the Army and Marine Corps Materiel Reset, 2 p.m., 2212 Rayburn.

Committee on Education and the Workforce, Full Committee, hearing entitled "Reviewing the President's Fiscal Year 2013 Budget Proposal for the U.S. Department of Education", 10 a.m., 2175 Rayburn.

Committee on Energy and Commerce, Subcommittee on Energy and Power, hearing entitled "The American Energy Initiative: A Focus on Legislative Responses to Rising Gasoline Prices", 9:45 a.m., 2123 Rayburn.

Subcommittee on Communications and Technology, hearing entitled "Cybersecurity: Threats to Communications Networks and Public-Sector Responses", 10 a.m., 2322 Rayburn.

Committee on Financial Services, Subcommittee on Capital Markets and Government Sponsored Enterprises, hearing entitled ''Accounting and Auditing Oversight: Pending Proposals and Emerging Issues Confronting Regulators, Standard Setters and the Economy'', 10 a.m., 2128 Rayburn.

Subcommittee on Oversight and Investigations, hearing entitled ''The Collapse of MF Global: Part 3'', 2 p.m., 2128 Rayburn.

Committee on Foreign Affairs, Full Committee, markup of H.R. 4240, to reauthorize the North Korean Human Rights Act of 2004, and for other purposes, 10 a.m., 2172 Rayburn.

Full Committee, hearing entitled ''Investigating the Chinese Threat, Part One: Military and Economic Aggression'', 10 a.m., 2172 Rayburn.

Subcommittee on Oversight and Investigations, hearing entitled ''The Price of Public Diplomacy with China'', 2:30 p.m., 2172 Rayburn.

Committee on Homeland Security, Full Committee, 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 Organizations, Incorporated, and for other purposes; H.R. 2764, the ''WMD Intelligence and Information Sharing Act of 2011''; H.R. 3140, the ''Mass Transit Intelligence Prioritization Act''; and H.R. 3563, the ''Alert and Warning System Modernization Act of 2011'', 10 a.m., 311 Cannon.

Subcommittee on Transportation Security, hearing entitled ''Rightsizing TSA Bureaucracy and Workforce Without Compromising Security'', 2 p.m., 311 Cannon.

Committee on the Judiciary, Subcommittee on Crime, Terrorism and Homeland Security, hearing entitled H.R. 4223, the ''Safe Doses Act''; H.R. 3668, the ''Counterfeit Drug Penalty Enhancement Act of 2011''; and H.R. 4216, the ''Foreign Counterfeit Prevention Act'', 10 a.m., 2141 Rayburn.

Subcommittee on Immigration Policy and Enforcement, hearing entitled ''Holiday on ICE: The U.S. Department of Homeland Security's New Immigration Detention Standards'', 1:30 p.m., 2141 Rayburn.

Committee on Natural Resources, Full Committee, business meeting on a motion to authorize the Chairman to issue duces tecum subpoenas for the production of documents relating to investigations regarding: the Secretary of the Interior's decision and the process to rewrite the 2008 Stream Buffer Zone Rule under the Surface Mining Reclamation and Control Act; and the process used in the preparation of a Department of the Interior report on offshore oil and natural gas operations under the Outer Continental Shelf Lands Act that implied that peer reviewers from the National Academy of Engineers had endorsed an offshore oil and natural gas drilling moratorium in the Gulf of Mexico, 10 a.m., 1324 Longworth.

Committee on Science, Space, and Technology, Full Committee, hearing entitled ''Securing the Promise of the International Space Station: Challenges and Opportunities'', 9:30 a.m., 2318 Rayburn.

Subcommittee on Energy and Environment, hearing entitled ''To Observe and Protect: How NOAA Procures Data for Weather Forecasting'', 2 p.m., 2318 Rayburn.

Committee on Small Business, Full Committee, hearing entitled ''Large and Small Businesses: How Partnerships Can Promote Job Growth'', 1 p.m., 2360 Rayburn.

Committee on Transportation and Infrastructure, Subcommittee on Water Resources and Environment, hearing entitled ''A Review of the President's Fiscal Year 2013 Budget Request for the Environmental Protection Agency'', 10 a.m., 2167 Rayburn.

Committee on Veterans' Affairs, Subcommittee on Disability and Memorial Affairs, hearing entitled ''Reevaluating the Transition from Service Member to Veteran: Honoring a Shared Commitment to Care for Those Who Defend Our Freedom'', 10 a.m., 334 Cannon.

Subcommittee on Economic Opportunity, markup of H.R. 3670, to require the Transportation Security Administration to comply with the Uniformed Services Employment and Reemployment Rights 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''; and H.R. 4072, the ''Consolidating Veteran Employment Services for Improved Performance Act of 2012'', 2 p.m., 334 Cannon.

Committee on Ways and Means, Full Committee, markup of H.R. 9, the ''Small Business Tax Cut Act'', 10 a.m., 1100 Longworth.

Joint Meetings

Joint Congressional Committee on Inaugural Ceremonies—2012: Organizational business meeting to consider an original resolution authorizing expenditures for committee operations and committee's rules and procedure for the 112th Congress, 10:30 a.m., S–216, Capitol.

Next Meeting of the SENATE

10 a.m., Wednesday, March 28

Senate Chamber

Program for Wednesday: Senate will continue consideration of the motion to proceed to consideration of S. 2230, Paying a Fair Share Act.

At 5 p.m., Senate will resume consideration of the nominations of Miranda Du, of Nevada, to be United States District Judge for the District of Nevada, and Susie Morgan, of Louisiana, to be United States District Judge for the Eastern District of Louisiana, with votes on confirmation of the nominations, at approximately 6 p.m.

Next Meeting of the HOUSE OF REPRESENTATIVES

10 a.m., Wednesday, March 28

House Chamber

Program for Wednesday: Begin consideration of H. Con. Res. 112—Establishing the budget for the United States Government for fiscal year 2013 and setting forth appropriate budgetary levels for fiscal years 2014 through 2022 (Subject to a Rule).

Extensions of Remarks, as inserted in this issue

HOUSE

Akin, W. Todd, Mo., E450
Bachmann, Michele, Minn., E448
Bishop, Sanford D., Jr., Ga., E455
Bonner, Jo, Ala., E458
Bordallo, Madeleine Z., Guam, E447, E448, E449, E450, E451, E452, E453
Buchanan, Vern, Fla., E451
Burgess, Michael C., Tex., E453
Carnahan, Russ, Mo., E458
Carson, André, Ind., E458
Coffman, Mike, Colo., E455
Cuellar, Henry, Tex., E455
Denham, Jeff, Calif., E452
Deutch, Theodore E., Fla., E449, E459
Diaz-Balart, Mario, Fla., E453, E455, E456
Frelinghuysen, Rodney P., N.J., E451
Hahn, Janice, Calif., E454
Herrera Beutler, Jaime, Wash., E459
Hinchey, Maurice D., N.Y., E447
Issa, Darrell E., Calif., E447
Jackson, Jesse L., Jr., Ill., E457
Johnson, Timothy V., Ill., E456, E458
King, Peter T., N.Y., E447
Lance, Leonard, N.J., E457
Lee, Barbara, Calif., E457
McCarthy, Carolyn, N.Y., E448
McIntyre, Mike, N.C., E452
McNerney, Jerry, Calif., E449
Maloney, Carolyn B., N.Y., E448
Marchant, Kenny, Tex., E450
Michaud, Michael H., Me., E453
Norton, Eleanor Holmes, D.C., E449
Pastor, Ed, Ariz., E457
Paul, Ron, Tex., E454
Rogers, Mike, Ala., E451, E459
Sherman, Brad, Calif., E459
Stivers, Steve, Ohio, E456
Woolsey, Lynn C., Calif., E455
Yarmuth, John A., Ky., E449

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